Using Drones On Your Construction Project – Are You Ready?

There are many potential uses for drones in the construction industry, such as for site selection, surveying, and real-time work inspections. If you are thinking about using a drone in your construction operations, there are several important issues to consider.

**FAA Proposed Regulations and Current Exemption Requirement**

The Federal Aviation Administration (FAA) regulates the commercial use of drones and does not permit their use unless you have an exemption to fly from the agency. This exemption is required under Section 333 of the FAA Modernization and Reform Act of 2012. Interestingly, FAA approval is not required if you are flying a drone for recreational purposes. Thus, while you can fly a drone legally at a neighborhood park for fun, you cannot currently fly the same piece of equipment at a project site for work without an exemption from the FAA.

The FAA, however, recently released proposed regulations for the commercial use of drones. The regulations, if finalized, will apply to drones that weigh less than 55 pounds. This weight limit includes anything carried on a drone, like video or imaging equipment. Drones will not be allowed to fly more than 500 feet above ground level. Additionally, drones will not be allowed to fly over any person who is not directly participating in the drone flight, unless that person is underneath a covered structure that can provide reasonable protection in the event of a crash. Operators will be required to see their drones at all times without the aid of any devices like binoculars.

The proposed regulations also require drones to be registered with the FAA, and any operator (pilot) must obtain an unmanned aircraft operator certificate. To get this certificate, the operator must pass an initial aeronautical knowledge test. Operators then must pass

*Continued On Page 28*
For more than a century, Warfel Construction Company has successfully managed long-term, complicated and multi-phased projects. We survived the great depression, World War II, and the never ending rollercoaster ride of this industry because of our commitment to honesty, integrity and fairness. In 1911, our founder David S. Warfel, called it practical business sense. Today, this reputation sets us apart from the competition. Maintaining the principles of our founder, we strive to make ourselves the most knowledgeable and ethical within our industry. We don’t just build buildings. We build Clients for Life.
How The Labor Market Can Impact Your Insurance Program

Finding quality labor is a challenge for many contractors in the Baltimore/DC corridor. It seems like every few months there is another report or article about projections of a shortage of skilled trade professionals or the competition to keep employees.

With margins so tight, the cost of attracting and keeping good employees is even more challenging. In addition, dealing with the ebbs and flow of work add another element of uncertainty.

Labor market issues can impact your insurance programs in many ways. Some of the major issues include:

**Workers’ Compensation Claims**

When you have to go deeper into a pool of potential workers’ there is always a risk that you will get the random “bad apple”. Many contractors have had at least one experience with a hire that ends up as a questionable workers’ compensation case or an employee that gets injured because they are following the safety training or wearing the personal protective equipment provided to them.

The risk in hiring versus the labor needed to complete a job must be weighed. A marginally profitable job may be done in a few months, but a claim will stay in your experience modification calculation for three years.

**Use Of Temporary Labor**

We have some great and reputable labor staffing companies in our region. They can supply quality employees and bear the risk of workers’ compensation coverage. It is important to make sure you have a contract in place with the labor company and that they provide you with proof of insurance before using their services. If they do not have adequate coverage, you will assume the risk.

**Use Of Subcontract Labor**

You must have a strong subcontract agreement with adequate indemnification wording. You must also have proof of insurance and the appropriate additional insured language as well. From a risk perspective, any sub contractor you use is under your responsibility. If they don't have workers’ compensation coverage and one of their employees or sub contractors gets injured, the claim could come back to you.

**General Liability Claims**

Going outside of your comfort zone in hiring employees can increase your risk in having an injury to a third party or damage to someone's property. Many companies use key employees as recruiters to bring in friends and family who they know to be good hires. As the labor market becomes more competitive you may have to bring in people who you don't know anything about. They may have been someone else's problem last month and now they are yours.

**Automobile Claims**

Company vehicles with logos are traveling billboards. Having a strict driver screening policy is important to protect your reputation. It becomes more difficult to monitor driving records and the way they operate your vehicles, when you have an employee base that is in flux.

As the labor market constricts, contractors need to maintain their hiring and safety standards as best as they can. Claims can negatively impact future premiums and that cuts into already thin margins.

Richard Shaw is a Senior Client Executive with RCM&D with over 25 years of experience working with clients to help them manage their risk. You can contact Richard at rshaw@rcmd.com.
The Nuts And Bolts Of Asset Allocation

Asset allocation is a process of diversifying investments to reduce risk and volatility and help you achieve comfortable returns over time. The most basic asset classes can be broken down into stocks, bonds and cash. Stocks include U.S. Large and Small Cap., International, Emerging Markets, Real Estate and Commodities. Bonds include Short-term, Intermediate and Multisector, to name a few. Similarly to starting a construction project where different tools are required to execute building tasks in a safe and efficient way, diverse investments are required to reduce risk and execute efficient portfolio objectives and goals. When looking at various asset classes, each has a unique purpose in a well-planned and diversified portfolio, similarly to how each tool on your tool belt has a specific and unique function. In starting a new construction project, like when approaching investing, it is important to have the proper tools in your tool box. Considering that each tool is an individual class of investments and has a unique purpose, it is vital to keep the proper tools on your belt to achieve your portfolio goals successfully. When thinking about asset allocations, how much you have in each area depends on your level of risk, as every asset class has a different degree of volatility. While nothing can guarantee that portfolio volatility will be avoided during market declines, asset allocation reduces the risk of not having the proper tools to achieve expected results and allows you to finish your project efficiently.

When embarking on a construction project, you would bring the full set of tools and equipment that you may need as you progress on your work. This is precisely why you don't show up with just a hammer. During 2014, if you were not diversified and held the majority of your investments in U.S. large company stocks, your portfolio would have done well as U.S. stocks greatly outperformed International stocks and most other asset classes. However, this reversed the first quarter of 2015 when International stocks far outperformed the U.S. market. There is no guarantee that all of the asset classes you’ve invested in will do well in any given period, however proper asset allocation and diversification allows you to better guard yourself against volatility. Looking at the current economic environment, we are forecasting a period of rising interest rates and anticipate a period of increased volatility in the market. An interest rate hike can create opportunities for long-term growth or cause a decline depending on what’s in your portfolio. While it’s important to have diverse investments, you may find it favorable to be overweight or underweight in some asset classes at certain periods. Bonds are an important asset class that need to be monitored carefully in a pending interest rate hike environment. When rates increase, the value of bonds may be reduced. Looking at the stock market's behavior, the average return of U.S. stocks during the 12 months following the beginning of a Federal Reserve Rate hike has historically been at 10%. When comparing the U.S. and International markets, we can look at the Price-Earnings (P/E) ratio, which is one way to measure valuation of companies’ share prices. The P/E ratios in International and Emerging Market stocks are more favorable and are a better value at this time and U.S. market P/E ranges are at the high end of historical averages. This suggests that International stocks are more attractively valued than U.S. stocks. However, if U.S. company earnings are strong, the P/E ratios in the U.S. will become more reasonable.

Even though these returns cannot be guaranteed, a full set of tools will help achieve long term growth. If you need a team of qualified financial advisors to make sure you have all the tools on your belt, we are always here to help.

Donald N. Hoffman, MS, CPA
President
The Prosperity Consulting Group, LLC
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Securities offered through Triad Advisors Member FINRA, SIPC. Advisory Services offered through The Prosperity Consulting Group, LLC. The Prosperity Consulting Group, LLC is not affiliated with Triad Advisors.
How To Attract Top Candidates To Your Company

There has been a lot of talk recently about the challenges of recruiting and hiring good people. In the construction industry, that challenge is felt more than ever.

In many ways, this is a good problem to have! It means your company is growing. It means that you’re not comfortable settling for average employees. It also means that the challenge of finding the most qualified candidates will push you to become a better company.

The challenge of finding the most qualified candidates will push you to become a better company.

Why is that? It’s a new age, my friends. And job hunters currently have the advantage. With more companies hiring, candidates are able to shop around to see which company suits them best. How will your company stand apart from the rest?

Attracting Talent

The key to getting talented individuals in the door is to attract them to your company. Most simply, your company needs to be a place where people want to work.

Your company needs to be a place where people want to work.

And not just because you cut the checks on time; but because the work is rewarding, there are opportunities to learn new skills, it’s a fun place to work and the team is engaged.

Are your employees engaged? How do you know? What kinds of things can you be doing to increase satisfaction among your team?

Work-Life Balance

Identifying ways to improve employee engagement is not as difficult as it sounds. Just ask your employees! Many times, the answer is something as easy or as simple as no calls or emails off the clock; or earlier shift-end times during the summer.

CareerBliss (an online career community) regularly polls companies to gauge happiness. They have found, in companies with the largest jump in employee happiness, that work-life balance is often a key factor in determining employee happiness. “Having programs that allow managers to offer employees flexibility can be a key component in creating a happy work environment,” say CareerBliss CEO Heidi Golledge.*

Have I gotten you thinking about what kinds of simple changes you can make operationally that would make an enormous impact? Let’s keep going.

Growth

In my years as an HR and recruiting professional, I see so many companies miss the mark in this area.

Growth is all about learning and development. Are you providing opportunities for your employees to build on their skills, learn new things and develop themselves professionally? How will you ensure that your staff is satisfied if you’re not doing anything to acknowledge their desire to grow and aiding in their growth?

Talk to your employees about their career goals and begin to scope out how you can provide them with the resources to get there. Job shadow programs, additional training and allowances (either money or time) toward receiving new certifications are all ways that you can help to grow your staff. And their work product will improve as a result!

Recognition

Think about a really stand-out person on your team.

*Continued On Page 30
Meet & Greet

SKILLED LABOR SOLUTIONS, INC.
is a full-service skilled labor leasing provider serving the entire Baltimore Washington metro area. We specialize in residential, industrial, and commercial construction fields. SLS provides unparalleled client service and high-caliber skilled tradesmen to contractors as needed to meet their ever-fluctuating labor demand. SLS connects construction contractors to improved workforce productivity while reducing their labor costs by consistently maintaining a balance of work-to-workers.

OUR SERVICES
SLS is your partner for skilled tradesmen for all aspects of the construction industry. Our experienced team of recruiting and placement specialists work tirelessly to find experienced and qualified tradesmen in all construction trades.

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Working On The Business

In our profession we’re looking for ways to make business connections that also benefit the larger community. Years of attending networking events, leadership seminars, and outreach programs, we’ve all heard our fair share of business catch phrases. Some fade out as soon as they gain popularity only to be replaced by the next, latest, greatest buzz word. Others stick with you. For me, it’s been … to be successful, you have to work “on” the business not just “in” the business.

It took me a while to fully grasp what that meant. We all have our to-do list of tasks that need to be accomplished every day, working “in” the business. However, to be assured that we have a steady flow of work we must get out from behind our desks, put ourselves out there to form connections and spread the word about our products, services, and companies. Many follow the typical routes to accomplish this – joining associations, attending college career fairs, and networking. Personally, one of the most rewarding things I’ve done that has helped my networking quest and allowed me to give back to the future of our industry was to join the Frederick ACE Mentor group.

ACE stands for Architecture, Construction, and Engineering and is a nationwide organization with the stated mission “to engage, excite, and enlighten high school students to pursue careers in architecture, engineering and construction”. The bimonthly meetings, spanning the school year, are led by volunteer mentors from all aspects of the construction industry. The sessions provide students an opportunity to learn through lectures, hands-on experiences, jobsite visits and team time. The lessons learned create the groundwork for understanding the basic principles of the design and construction process. As I finish my fourth year as a mentor I’ve seen the benefits to both the students and my professional network.

At the beginning of the year, students form project teams, assign roles, and select a project that they will work on through the year allowing them the opportunity to put what they’ve learned into a real life application. The project consists of deliverables such as budget, schedule, LEED Scorecards, project drawings, and integration of at least 5 green technologies. This year the projects included a solar farm, a sportsplex, a mass transit system, and memorial playground park. At the end of the year, all of the teams come together for final presentations which allow the students to showcase what they’ve learned – it’s really exciting to see their hard work come to fruition. The team project experience gives them exposure to the challenges faced in the real world and peaks their interest in the construction industry.

After the first year, many students come back to ACE to build upon their skills and take the project design to the next level. These projects are more complex and require commitment to reaching the goal of presenting at ACE Nationals. The teams must submit their project story boards for review and judges narrow the field down to just 3 teams. Over the years, teams from the Frederick ACE group has won 4 first place and 2 second place awards in the competition, a testament to not only the students but also the wide range of mentors across industries who have shared their expertise and given of their own personal time.

Participating in ACE has given me the opportunity to network and be exposed to a wide range of professionals who I might not otherwise have met. Volunteering just a few hours a month, we have the opportunity to share our real-world perspective of the industry. In collectively sharing our expertise with the students, we’re not only “growing” the future of our industry, we’re also growing ourselves. It’s a win-win proposition!

ACE has 9 affiliates in the Maryland, Virginia, Pennsylvania, DC area. If you’re interested in participating information can be found at http://www.acementor.org/.
Are You Still In Compliance With The IRS?

In addition to compliance requirements and specific rules directly aimed at the construction industry, the ever-changing tax rules and regulations can make it difficult to recognize exactly where your contracting business could be vulnerable or exposed to penalties from the IRS. The implications of how you report revenue or account for your labor force can vary from year-to-year and also change when certain financial milestones are achieved. A Certified Public Accountant (CPA) specializing in the construction industry should keep you informed and help you plan ahead to ensure you are in compliance and take advantage of the benefits available to your construction business. The following are some of the most common tax reporting issues that can impact construction contractors.

1. Methods of Accounting. Just like there are various types of contractors, there are multiple methods of tax accounting at a contractor's disposal. Methods include: Cash, Accrual (with variations), Completed Contract, Percentage of Completion (with variations) and a Hybrid of these methods. Upon reaching certain revenue thresholds determines what method you will be permitted or required to use from one year to the next. It’s likely that you will use at least two methods of accounting, one for your overall method and one for your long-term contracts. Once a contractor reaches or exceeds revenue over $10 million in average gross receipts for the previous three tax years, long-term contracts are required to be reported using the percentage of completion method under Internal Revenue Code (IRC) Section 460, “Special Rules for Long-term Contracts.” The intricacies of IRC Section 460, along with other rules of the IRC (e.g. whether or not you have inventory), can complicate which method you use for your construction business. Careful consideration should be given as once a method of accounting is adopted, that method must be used as your overall method going forward unless a method change is requested from the IRS Commissioner. You should assess and monitor the status of your business to help you plan for the next tax year to avoid any surprises.

2. Long-term Contract Adjustment (LTCA). This adjustment comes into play with our dear old friend, the Alternative Minimum Tax (AMT). The LTCA is an adjustment that must be computed on contracts that do not use the percentage of completion method of accounting. You must compute the gross profit earned on these contracts as if you were using the percentage of completion method and then compare it to your normal method. The difference between the two gross profits is the LTCA (positive or negative) used to determine your AMT. There are two exceptions that exempt a contractor from computing this adjustment. The first is if the contract qualifies as a home construction contract and the second is if the company is deemed a small corporation. Compliance in this area is often overlooked or, due to their complexities, computations are performed incorrectly. You should determine if you are subject to the LTCA provisions each year considering your method of accounting and revenue threshold.

3. Domestic Production Activities Deduction. This deduction, created by the American Jobs Creation Act of 2004, is a gem! The deduction is equal to 9% of qualified production activities income (QPAI), limited to 50% of qualified W-2 wages paid for the year. Qualified activities include residential and commercial construction, infrastructure improvements, land preparation activities, and architectural and engineering services. To calculate the deduction allowed, 9% is applied to the lesser of QPAI or taxable income for the tax year after the utilization of any Net Operating Loss (NOL) carryforwards. There are strict rules as to what is considered QPAI versus non-eligible activities; however, the IRS has permitted a de minimus calculation that can be beneficial to many contractors allowing 100% of their activities to qualify for the deduction. Not a C Corporation? Don’t worry. The deduction flows through to the stockholders and members of pass-through entities. We have found many situations where contractors have not taken advantage of this very valuable deduction. Be sure you have.

Continued On Page 29
Product Profile

Smart pumping now begins with the SelfSensing Series with ProBalance™ variable speed pumping from Taco®. At the heart of this product line is the patent pending SelfSensing ProBalance™ technology. The VFD’s SelfSensing capabilities make fast, accurate do-it-yourself system balancing easy with reduced balancing contractor costs, no expensive wiring, and no additional sensors required. Apply to ALL your pumping needs: both constant flow chiller/boiler pumps and secondary variable flow pumps!

**DIY Pump Balancing**

Every HVAC pump needs to be balanced, whether constant or variable speed, at commissioning and startup. Now you can zero in on the true system resistance without inducing false head and balance the pump yourself with Taco’s SelfSensing ProBalance™ technology.

Here are the benefits of DIY balancing:

- You’ll have control over your construction schedule and subcontractors
- Reduced installation costs
- You can help a LEED team get a job into their budget

**Constant Flow SelfSensing Pumps Benefits**

- Balancing through reduced speed – not false head
- Reduced speed increases equipment life
- Auto-adjust over the life and fouling of the system
- SelfSensing ProBalance™ reduces balancing contractor expenses and hassles

**Variable Flow SelfSensing Pumps Benefits**

- Lower install costs – no sensors or wiring
- No error in setpoint
- Improved system efficiency and performance
- Reduced coordination and construction schedule with SelfSensing ProBalance™

**Savings with Flow SelfSensing Pumps**

Balancing a constant flow system with Taco drives saves energy and increases pump life dramatically. For example, a pump that would have run at 1750 rpm @ 60hz is balanced with Self-Sensing technology to run at 1458 rpm @50hz. Now the pump consumes 57% of the horsepower and runs 291 fewer revolutions per minute. The savings translate to 419,000 cycles per day or 150M fewer cycles very year. As a result, the pump lasts longer, requires less maintenance, and uses less energy. To illustrate, using best practices and balancing with drives saved a Tennessee hospital $3,000 in yearly electrical costs on 100 hp chiller pumps running at 47hz instead of 60hz.

**The Ultimate in Pump Protection and Electrical Safety**

The SelfSensing Series also features automatic alerts with optional shutdown for no-flow, dry-run, and end-of-curve operation. That means the seal is safe should someone forget to open a valve or to run the pump without water. What’s more, the unit is electronically protected for overload and locked rotor conditions per UL 778 and CSA C22.2 No. 108, so the motor is protected – a real crowd pleaser for insurance companies.
First Annual NAWIC MBE EXHIBIT

TUESDAY, JUNE 23 11:00 AM – 2:00 PM

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3-Steps to MBE Success: Certify, Prequalify and Partner

Agenda:
11:00 – 12:00  Registration, Networking and Lunch
12:00 – 1:00  Panel Discussions on the following groups:
  MBE Certifications: MDOT, Baltimore City and GOMA
  Subcontracting 101: Whiting-Turner and Grunley
  Prime Contracting 101: JHH, UMB and Morgan State
  Joint Ventures & Beyond: Cain and RAM Contracting
1:00 – 2:00  Meet and Greet

Cost:
Attendees: $10 a person, includes lunch
Booth:  free for NAWIC members
         $50 for non-NAWIC firms, includes lunch for two attendees

To purchase tickets or reserve a booth, go to: http://www.nawicbaltimore.org/event-1944935

Any questions, please contact Jennifer Sproul at jsproul@jvschafer.com
Q uestion: Unless I need to file a lawsuit, why should I spend money on a lawyer?

A nswer: Here is the short answer: “An ounce of prevention is worth a pound of cure.” This principal is truer in construction than any other industry. Seeking legal guidance before a dispute arises is critical to your construction firm’s long-term success and will ultimately reduce your overall fees.

You probably get regular tax planning advice from your accountant so that there are no big surprises on April 15th. Construction disputes are inevitable, and having an attorney that knows your business from tip to tail is as critical as the advice coming from your other trusted advisors. An attorney that already knows your business will spend fewer hours (read: less money) on a litigation matter than a brand new lawyer that you have newly engaged. You need a relationship with a lawyer now.

As a subcontractor, are you signing the other party’s contract documents? Is the contract “pay-if-paid?” Does it allow for you to collect attorneys’ fees if you are not paid accordingly? Does anything you are signing waive your right to file a mechanic’s lien? What are the deadlines for filing a mechanic’s lien? What are the deadlines for filing a bond claim? How much is this going to cost? These are the matters you should be discussing with legal counsel now. Sure, it will cost a fee, but it will be a much smaller fee than the one that you receive for litigation if you forego the counseling.

Aside from having a relationship with an attorney, it is just as critical to your growth and success that you are doing business with people you trust. No contract is going to protect you from someone doing business without integrity. Along the same lines, know that every contract is subject to negotiation. Even the biggest general contractors can negotiate their terms, and if you have successfully won a bid, there is a reason they have chosen you to do their work. Hopefully the reason is not them knowing that you never have counsel review and negotiate your contracts.

As a business owner, there are many other conversations that you should be having with your attorney that do not pertain particularly to construction contracts. For example, do you know how to properly terminate an employee to protect your business in the event of a lawsuit? Are your insurance premiums going to rise if you are sued for an employment issue? You need to have an open line of communication with your attorney so that as soon as issues such as these arise, and even before they arise, you are able to get valuable advice. Some Maryland law firms are now offering service arrangements that allow clients to call without seeing a bill for legal fees. Does yours?

Kate Lawrence is a construction lawyer and owner of Lawrence Law, LLC. Kate represents clients in during contract review and negotiations as well as litigation. For additional information, contact Kate at kate@lawrencelawmd.com.

Whenever an individual or a business decides that success has been attained, progress stops.

~ Thomas J. Watson
Was Your Business Prepared For The Riots? You Can And Should Be Ready For A Crisis.

Early estimates suggest that the damage to Maryland businesses due to the riots is approaching nearly $9 million, not including the impact of lost profits or lost time. Many business owners were left assessing the damages, some without any recourse. If your project was affected by a riot, what can you do? Or, what should you have done? How can you protect your company’s assets and property in order to minimize the impacts of future crises? The best answer involves putting systems in place pre-crisis to maximize protection for your business during and post-crisis.

Pre-Crisis Protections

To prepare your business for a crisis, whether it be fire, flood, accidents at a jobsite, or, as recently experienced, damage to property as a result of rioting, it is essential that key systems are put in place in advance. Some are obvious – such as jobsite security and comprehensive insurance policies for asset protection. But perhaps less obvious is the designation of a crisis management team. This team involves key personnel and owners of the company, insurance professionals, legal counsel, and, if necessary industry experts. While some may not consider including legal counsel on their team, legal counsel can help train and/or designate a company spokesperson to manage the crisis, assist in formulating the public relations message, assess company document retention and storage policies, and evaluate available legal options. The benefits of crisis management training for key personnel cannot be overstated.

Considerations During a Crisis & Post-Crisis Response

During a crisis, the well-being and safety of all employees is of paramount concern. Then, an assessment is necessary of damage to property, including company data, resources, equipment, and inventory. In addition, the company’s public relations response, presented by the company’s designated crisis manager, must be focused and accurate. A company must consider the possible legal impact of public statements and internal memoranda issued by the company to its employees. Legal counsel can assist with the company’s public response and assist with internal and external communications. Legal counsel can also review relevant contracts and relevant insurance policies to address potential remedies for the damages incurred, and advise if there is a the need for industry experts.

Evaluating Remedies

To address the lost time on the job, most contracts have a no fault provision for time extensions called a force majeure clause. This clause provides that a contractor is entitled to a time extension for certain causes beyond the contractor’s control, such as acts of God, acts or threats of terrorism, and often, riots. Check your contract to see if a riot is identified as a basis for additional time. Even if it is not expressly stated, it may be covered by a general catch-all provision (“or other causes beyond the contractor’s control”). If a riot is covered by your force majeure provision, you need to comply with the notice and claim provisions in the contract to assert your right to a time extension.

With regard to recouping damages suffered due to a riot, it is likely that such damages are covered by insurance. On most construction projects, builder’s risk or “all risk” insurance is available for property damage to the project and other defined losses, including damages due to stolen materials and damage to equipment. However, certain exclusions, such as the “war” exclusion, may apply that would prevent coverage. It is important to carefully review your insurance policies with the assistance of counsel to evaluate your available options. Builder’s risk policies typically include a deductible, so you must also consider the cost of the deductible versus the amount of damages for which you are seeking coverage. A construction
project owner could also explore whether there are federal, state, or local funds available for disaster relief, and whether it qualifies for such funds.

Because the facts of each case are different, you should consult an attorney for legal advice regarding your specific crisis situation and potential remedies.

Jennifer M. Horn is a Partner at Cohen Seglias and a member of the Construction Group. She concentrates her practice in the areas of construction litigation and real estate. Jennifer can be reached at jhorn@cohenseglia.com.

Jason C. Tomasulo is Senior Counsel at Cohen Seglias Pallas Greenhall & Furman PC. He focuses his practice on construction law and represents owners, general contractors, subcontractors, suppliers and sureties. Jason can be reached at jtomasulo@cohenseglia.com.
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Exit Planning Strategies For Construction Contractors

5 Tips for Getting Real Value for Your Construction Business

The Maryland Construction Network recently invited me to lead a seminar, “Exit Planning Strategies: How to Get Real Value for Your Construction Business.” My partner, David Lanchak, joined me.

Throughout our presentation, David and I discussed several ways for any construction business owner to structure an exit plan and ensure real value for their company, highlighting the following key tips:

1. Choose the right successor.

In the old days, construction businesses were almost always passed down to the owner’s son or daughter. But with more kids going to college than ever before, along with the trend of smaller families, and children wanting to pursue alternative careers, that pattern has changed, meaning your successor may not necessarily share your last name.

However, third party buyers are generally looking to pay a lower multiple of earnings than most owners expect, making internal succession to key employees a more viable option. Identifying early on one or a group of key employees who can continue your legacy once you retire is an important step in ensuring optimal value for your construction business.

2. Plan ahead.

Exit planning should begin long before you even start heading out the door. Ideally, your succession plan was something you considered when you started your business. You’ll want to allow at least five or six years to build a thorough plan to transition out of your business.

Once you’ve selected a successor, plan to dedicate two years, at minimum, helping him or her with the transition. If you want to get REAL value out of your business, expect a seven to ten year buy-out term. Exit planning doesn’t have to be complicated, but it does require time. To get a realistic look at how prepared you are to leave your business and avoid pitfalls during the planning process, use a business exit planning checklist.

3. Communication is key.

Once you’ve identified your successor, provide them with the training and tools to succeed long after you’ve exited the business. Despite being a strong, capable candidate, even the best successor will need time to relax and open up to the position. Training and education are important parts of the transition process, and exiting your business with a sure, confident new leader will ensure long term value of your business as you move through your own exit process.

4. Be realistic.

Compared to other industries, construction businesses typically have more volatile earnings streams as contracts come and go. The best exit plans are realistic about future cash flow, and consider customer base, management strength, and market exposure. Getting real value for your business means being realistic about future earning potential.

5. Customize your exit plan.

Every business, employee, and exit plan is different. Structure your plan to account for risk, employees, business strength, etc., in order to create the best plan for your company and get the best value. A good exit plan, and one that ensures real value, may include contingencies and back-up options to prepare for the unexpected.

If you missed the seminar, you can download the slides here.

Steve Ball, CPA, CVA, CCFIP, is director of Gross Mendelsohn’s Construction & Real Estate Group. He is passionate about helping contractors succeed in all facets of business. Steve provides audit, review, compilation, tax, business valuation, succession planning and consulting services for contractors. Contact Steve at 410.685.5512 or sball@gma-cpa.com.
3 Sneaky Threats To A Good Estimate

Like many contractors, you may have a set approach to estimates that you’ve been using for years. If it’s working, great! But estimating is still an area fraught with risks, where even minor mistakes can add up to many lost dollars. Here are three threats to a good estimate that can sneak up on even the savviest of estimators:

1. Distracted duties. Our phones follow us everywhere. There are many great productivity benefits to mobile communications but, for an estimator, a ringing phone or bleeping text message can prove costly.

For this reason, many construction companies establish an “emergencies-only” contact policy for estimators on the job. A practice like this can cut down on distractions and allow the estimator to really focus on the task at hand.

Another issue is scheduling. If your construction company is fortunate enough to be busy, make sure tight, “stacked” schedules for estimators aren’t forcing them to make too-quick decisions about project costs. When things get hectic, check in with your managers or dispatchers to ensure they’re allocating adequate time to each estimating call.

2. Escalating expenses. For general contractors, knowing your subcontractors is key. Sometimes an estimator can feel so confident about how much a plumber or flooring installer will charge for a certain job task that he or she will misquote the actual price. This can be a problem when you want to submit your bid in a hurry and don’t want to wait for the subcontractor to actually visit the prospective job site and generate their own estimate.

Make sure your estimators are keeping up with price changes and general workloads of the subcontractors with whom you typically work. Also, use technology — e-mail, digital photography and even video — to give subs the information they need to give you an accurate price.

And, if you’re a subcontractor, don’t think that your suppliers will never surprise you with price hikes, either! To the extent possible, require your estimators to get written quotes on every job cost.

3. Intensive inspectors. How many times has this happened to you? The project is done and the punch list punched. All that remains is the building inspection, which rolls along fine until — an “uh-oh” moment. In many cases, the “uh-oh” will be a relatively minor, low-cost item. But, sometimes, a major problem on inspection can lead to a substantial expense.

Little costs for minor items may not seem like a big deal. But if you go back and add up these amounts over a year or more, how much have you paid? Probably more than you would have liked. And if you’ve lost a lot of money because of an inspector’s eagle eye, you’re no doubt familiar with the possibility.

In any case, among the best ways to guard against unforeseen inspection costs is effective training and continuing education for your estimators. Make sure your new hires are functionally versed in local codes. And, from there, keep estimators up to speed on code changes as well as any issues that have been cropping up on similar jobs.

Rivka Bier, CPA, MST is a Manager at Hertzbach & Company, P.A. in Owings Mills, Maryland, Rockville, Maryland and Arlington, Virginia. She can be reached at (410) 363-3200 or by emailing rbier@hertzbach.com.
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Architect’s Corner

Social Responsibility- Making A Positive Impact

Do architects, and others in the building industry, have a social responsibility? Within our professions, we all work together to improve the built environment, but is there a higher impact and goal to achieve?

Architects generally believe that we can create better spaces and make communities more livable. In light of the recent rioting in Baltimore City, this focus may have become more important than ever. Perhaps creating a sense of hope for our students, teachers, families and communities will help eliminate future unrest, and impact social change in a positive way.

The current focus on 21st Century Schools in Baltimore and Maryland is just one example of how those of us in the building industry make an impact within our professions. A well-designed school that becomes a vibrant center of the neighborhood can provide a safe and healthy environment for effective learning and help improve the lives of so many people. I believe these new community schools will result in a positive change in our communities and provide much-needed hope for the future.

Good design can positively affect the quality of life on a day-to-day basis.

• The additions and renovations at the MD SPCA improved the experience for the animals, staff, volunteers and all public visitors. A more efficient facility makes it easier and more cost-effective for staff, with proper functional space allocations, easier operational flow and maintenance requirements. The facility is more accessible and sustainable, and the health of the animals greatly improved due to improved procedures and HVAC systems.

• The library addition between Loyola and Notre Dame University of Maryland provides a sense of place and connection for the surrounding school and neighborhood communities. Along with the need to expand collection capacity and student growth requirements, special program and design elements promote the library’s role as an active high-tech academic center. The library hosts special events, conferences and other activities and provides an attractive study and recreational destination for students.

• A residential client recently remarked that the design of their new addition and renovations have changed their life - their family relationships and connectivity improved so much when their kitchen truly became the heart of their home.

Such positive responses to design keep us energized and focused on excellence. In addition to improving the built environment, however, I believe we also have an obligation to be a part of positive social change by giving back to our community outside of our workplaces - by being involved in non-profit organizations as leaders and committee members. Architects and Project Managers are educated to develop their critical thinking abilities – and don’t we all love solving problems? Critical thinking in design can have a positive influence on the lives of others.

We are fortunate to have had the opportunity to support The Youth Dreamers, a group of amazing middle school students from The Stadium School in Waverly. Under teacher Kristina Berdan’s energetic leadership, many students (and adults) have learned invaluable real life
lessons in making a positive difference.

During a community service class discussion years ago, the students decided that it could help the community if they could open a youth center, a safe place for positive activities. With support for their vision and helped them determine the steps necessary to realize their dream. They became a non-profit organization, developed the Youth Dreamers Board of students and adults, reached out for support, held fundraisers, wrote many grants, held community work days, developed after school and mentoring programs, etc. They have recently published a book, and are currently traveling and making presentations to other students.

In the early years, the students found a building to renovate, and Penza Bailey Architects was honored to provide guidance and documents needed for permitting and construction. Others supported this group effort: Skarda Associates provided structural engineering and Spears/Votta Associates provided mechanical, electrical and plumbing engineering. Councilman Mary Pat Clarke was instrumental in getting a grant for computers, so a Cyber Café was included. Streuver Bros., Eccles & Rouse became an invaluable Youth Dreamer partner during the construction phase, and partnerships with Shepherd’s Clinic next door, Starbucks, and others add to the community.

The Dream House evolved into a wonderful hub connection between residential, school, non-profit and community green space. Reflecting the Youth Dreamers’ mission and the spirit of community involvement and partnership, the Youth Dreamers Dream House was clearly a central place for the community. The Youth Dreamers Dream House provided a supportive environment for students to express themselves, accomplish goals, learn leadership and mentoring skills, and offers a chance to help change the public’s perspective of youth capabilities. And, no doubt about it, The Dream House has an exciting, dynamic and welcoming presence.

We have learned a lot from the Youth Dreamers, and are encouraged by their achievements. The Youth Dreamers live the life they want to see, and are truly the future leaders of our communities.

Following The Youth Dreamers’ lead, I encourage everyone to consider ways that your own expertise might benefit others, at any level. Even a small commitment of time, energy or funding can make a big impact. If it is something you are passionate about, especially, you will also benefit. I have had the opportunity to do my own small part with some amazing groups, and I have learned so much from them. Not only does helping others expand our horizons and instill a fulfilled sense of purpose, it also can help us to better understand diverse perspectives and even our clients’ needs.

Whatever the reason, working towards positive social change beyond the workplace has the ability to affect many people. I often wonder: if we ALL did our part and gave back – even just a little bit - imagine how AMAZING our communities would be! Giving gives back!

Laura Thul Penza, AIA, LEED AP BD+C
As a Principal in the award-winning firm of Penza Bailey Architects, Laura Thul Penza has been involved in renovations and additions for private, public and non-profit clients for over 30 years. Laura has a strong sense of community, and has been acknowledged for her professional achievements, community service and mentoring.

Some people strengthen the society just by being the kind of people they are.

~ John W. Gardner
Engineer’s Corner

Waters, Waters Everywhere

While walking in the woods near a stream, I notice I am not standing in water – but this field evaluation reveals that the U.S. Environmental Protection Agency (EPA) may have another opinion. Many are familiar with the need to establish limits of open water, streams, and wetlands for potential construction impact compliance. But what is not clear, is whatever that limit may be, it has a greater ripple effect beyond wetland permits. Defined federal waters limits can also affect the outcome of other local, state, and federal water regulatory processes.

How? Current impacts to “waters of the United States” are regulated by the local U.S. Army Corps of Engineers (Corps) District under, primarily, Clean Water Act (CWA) Section 404. In Maryland this is administered concurrently with the state program in a joint federal/state permitting process. The Corps’ definitions include navigable waters, headwaters, and wetlands – and their determinations can also be a basis for the Maryland Department of the Environment (MDE) Nontidal Wetland and Waterway Permit, as well as its Tidal Wetlands Permits and License.

Maryland additionally adds the 100-year nontidal floodplain, 25-foot nontidal wetland buffer, isolated wetlands, and tidally mapped waters to its state regulation. For tidal waters in the Chesapeake Bay Critical Area (CBCA), the CBCA Commission also emplaces their own additional 100-foot buffer. Local county natural resources inventory and forest conservation ordinances frequently add their own water and stream setback buffers of usually 100 feet or more. These are further expanded by steep slopes and erodible soils. Everyone following along? And now you know why existing site plan sheets look so cluttered.

But wait – there’s more: and a severe acronym warning and alert. Regardless of how waters are federally defined, they can also cross over to other CWA provisions including the state-issued Section 401 Water Quality Certification (WQC) which accompanies any Section 404 permit, and includes the EPA’s Antidegradation Policy along with MDE’s higher quality Tier II water setback buffers. Certainly not least, is also the Section 402 Natural Pollutant Discharge Elimination System (NPDES) program.

As the basis of the state’s and local jurisdiction’s MS4 permits, as well as the NPDES Construction General Permit Notice of Intent (NOI) process, it can also drive acceptable Erosion and Sediment (E/S) control compliance. Such plans require Best Management Practice (BMP) E/S designs – and for subsequent stormwater management (SWM) plans, Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) per the MDE SWM law. Lest we forget, in the end BMPs need to control flows prior to release into waters – wherever they are defined to be.

While physical limits of waters of the U.S. may be subjective, uniform rule making in concept is not a bad thing. Other states beyond Maryland are struggling even more with differing local and state water and buffer definitions. Last year Andrew T. Der and Associates, LLC represented the Rhode Island Building Industry Association providing expert testimony to the Rhode Island Legislative Task Force on Wetland and Onsite Waste Water Treatment Systems Setbacks regarding the establishment of new stream buffer legislation. With Rhode Island’s numerous differing municipal ordinances, a key recommendation for uniformity was to reference waters of the U.S as a basis. While not free of its own challenges, it at least provides the same playing field.

The lesson is that a standardized and consistent approach to defining regulated, or jurisdictional, waters including wetlands is a good thing. But not achieving consensus on what those are on the ground is the critical issue. Both the Corps and EPA regulate “discharges”, or impacts, to waters of the U.S. – but what are they? Long debated, this definition is coming to a head after EPA proposed draft federal rules last year intending to achieve consistency and clarity.
But does it? Despite the comment period being over, the jury is out on that, while the rule's merits continue to be deliberated among legislators and stakeholders alike. In the end, any final rules will still need to be interpreted by people in the field based on physical character and the industry needs to continue to proactively work with the legislative process to assure equitable and technically defensible regulations.

In the absence of comprehensive rules, the federal agencies historically have struggled to make practicable determinations of waters of the U.S. limits based on policy, the ordinary high water (OHW) mark, and a 1987 wetland delineation manual, leaving some arguments settled by the U.S. Supreme Court - somewhat reducing the Corp's jurisdiction. Notable rulings include that jurisdiction cannot be based on a connection alone (“Rapanos”), nor can it extend to isolated waters (“SWANCC”).

Opponents assert that, despite the proponents’ view, the draft rules may themselves create new confusion and expand federal jurisdiction beyond what may be viewed as technically substantiated – and even contradict what the Supreme Court intended. New definitions of terms such as tributary, neighboring, floodplain, and riparian area may allow more waters to come under federal authority. These vaguely defined terms may establish the “nexus” for the Corps to impose oversight of more upland activities and projects.

Although certain ditches are non-jurisdictional under the Rapanos decision, the proposed rule’s definition of tributary may include more ditches subject to regulation. Further, the primary scientific analysis effort, used to technically document the basis for the rule changes, is still considered by some to be incomplete and inadequate.

Runoff treatment systems and non-wetland swales, not currently regulated when associated with BMPs and SWM plans, may now be subject to regulation bringing SWM and land use into the purview of a federal water permitting program. If so, more jurisdictional waters may increase activities subject to CWA permitting, including subsequent NEPA analyses and mitigation requirements - increasing the costs of obtaining a Corps (and MDE) permit with the greatest burden on small landowners.

What is unique to Maryland, is its need to consider the effects of any rule making in the context of their Chesapeake Bay Total Maximum Daily Load (TMDL) – an acronym associated with the “Rain Tax” among other things. This portion of Section 303(d) of the CWA puts the Bay on a pollution diet by mandating state and county Watershed Implementation Plans (WIP).

Its modeling assumptions may not adequately account for Maryland’s other progressive and advanced layers of regulation already in place prior to the WIP – so assuming that any new growth will need to be offset, as if no other mitigative criteria exist, may even be redundant as well as an overly intrusive de facto federal land use policy.

The global concern would be that - in light of “pre-TMDL” water quality management and restoration requirements coupled with a robust SWM law of ESD to the MEP - any further regulation of waters of the U.S. under the CWA could be an additional and unwarranted burden further shifting water resource regulation from the state to the federal government.

Legislators and stakeholders continue to clash over the clarity of water rules that may not be so clear, and recent legislative actions to reconsider may offer some relief. A pending April House Bill proposes to withdraw the rules and re-engage the process more meaningfully. A more recent Senate Bill counterpart in May would require the agencies to withdraw their proposal to revise waters of the U.S. parameters after completing further consultation with state and local governments, business stakeholders, and produce an accurate cost-benefit analysis among other things.

Stay tuned.

Andrew T. Der is Principal of Andrew T. Der & Associates, LLC practicing in the consulting industry since 2001, previously completing 18 years of service at the Maryland Department of the Environment. He can be reached at 410 491 2808 or AndrewTDer@comcast.net
Spring Cleaning Tips For Your Business

It’s official, your taxes are filed and your accountant has taken a much deserved vacation. What’s next? If you don’t want your most trusted advisor to stay on vacation, we suggest you give them something to think about so you can get more value out of the relationship. Better yet, if they are close enough to your business operations and proactive, they likely already have great ideas that would add value to your business for the balance of the year.

Here are a few “spring cleaning” essentials you should consider to prepare you for the next quarter:

1. **Toss Expenses That Don’t Deliver Value.** It’s easy to fall into a routine and do things because you’ve always done them. However, when was the last time you evaluated the tools or resources you use on a daily basis? Are they still providing value to your company the way they did when you first acquired and implemented them? This is a great time of the year to work with your CPA to review and evaluate the expenses that are not driving profitability.

2. **Review Your Debt to Equity Ratio.** The debt to equity ratio gives a comparison of how much of your business operation was financed through equity and how much was financed through debt. Too much debt can put your business at risk and may indicate difficulty in meeting interest and principal payments. Too little debt could indicate that you are not taking advantage of opportunities and realizing the full growth potential of your business. Maintaining a debt to equity ratio in the range of 1:1 to 4:1 (i.e. a maximum of $4 debt for every $1 of equity) is a good business practice. Your specific needs will be impacted by individual business dynamics and industry circumstances as well as lender requirements and should be reviewed with your CPA.

3. **Dust off Your Strategic Plan.** A lot of energy goes into making it, so don’t let it sit in the corner and gather dust until everyone gets back from summer vacation. Now is the perfect time to take out your strategic plan and review it to see how you’re doing. In addition to tracking how you measure up against your goals, you may also need to revise a few of those goals based on first quarter business results and marketplace changes. Your accounting firm can help you check off some of these goals in ways you may not have considered in the past. For example: they can help you establish a system for computing internal financial metrics; and they can help you with financial forecasting and projections.

4. **Organize and Prepare Your Growth Opportunities.** Your CPA can provide forward-thinking ideas that generate opportunities to help you with other critical areas of your business. For example: have you had a discussion with your CPA about succession planning recently? Are you in the market to buy or sell equipment, property, or perhaps even your business and do you need help assessing these opportunities? Likewise, do you know how your company is doing compared to industry benchmarks? Benchmarks are a quick and easy way of comparing the performance of your business with industry averages. If your business does not perform as well as you might like, benchmarks may help spotlight areas in your business that may need some tweaking. Your CPA understands your business and can then help you put the resources in place that will enable you to elevate your financial performance and fulfill your dreams.

Think of this focus on these priorities not as a continuation of your time spent on compliance tasks with accountants, but as a way to capture the opportunities that are highlighted during and following those meetings. Doing so can help set the tone for an even better year next April. Happy spring cleaning!

**Kathy Davis, CPA, CGMA**  
**MKS&H Managing Partner.**

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Thinking Of Bringing In A Partner?

Here Is Some Wisdom From Business Owners Who Have Tried And Sometimes Succeeded.

One of the most difficult decisions a sole owner of a business can make is on whether to bring in a partner or not. Ask many sole owners if they want to and the answer is “no.” Some have had the experience of having a bad partner or a once successful partnership that went bad. Others just do not want the interference with their control of the business. But others are thinking about it whether for the isolation they feel at the top, or the need for capital or for the chance to bring in a younger person to whom they can sell or transfer the business later on. First, let’s consider some situations that undermine partnerships.

Divergence of Vision. The partners no longer see or want the same future of the business. They have stopped talking about it and not much progress is made because neither partner wants to do things that support a section of the business with which they do not agree.

Unequal “Skin in the Game.” Success changes everything. In the beginning, it may seem like a great idea to bring in someone who makes no investment other than their enthusiasm and a particular skill. Worse, they are a friend and working together sounds like a great idea. So one puts up the money to get it started and the other comes along. At some point, the enterprise starts to make a lot of money and dividing up the profits causes problems. 50/50 partnerships where one partner has contributed no investment seem to have the greatest potential for problems.

Lack of clear written agreements. They have no agreement or poorly drafted partnership, operating or buy/sell agreements. There is no agreed upon dispute resolution process, such as mediation or arbitration. In the euphoria of starting, no one wants to think of things going wrong in the future. But things can go wrong and they do.

Skills that are not complementary. Partnerships where the partners’ skills are too much alike can be a problem—too many arguments and not enough coverage of the other things that have to be done to manage and grow a business. Here are important conditions that support a successful partnerships.

A shared vision. A business vision is a picture of what the enterprise will become. It is not carved in stone, but it must be regularly reviewed and updated as circumstances dictate. The partners should periodically sit down and talk in detail to make sure they both want the business to get to the same place. They must also be sure that their business visions harmonize with the visions each one has for their lives. Personal situations can change. Partnerships that survive have to adapt to those changes. They must be faced and discussed. One red flag is that the partners stop talking because they assume that the other is on board. Or eyes glaze over or get rolled when one partner brings up something the other wants to avoid. Remember that every vacuum in communications can be filled with negative assumptions, so keep talking and drill down into issues so that agreement can be found.

Skin in the game. Some of the worst partnership outcomes arise from the fact that one partner has contributed money to get things started and the other has not. Or one is working in the business full time and the other is not. Setting up 50/50 partnerships in this condition can make matters worse. Unless the non-money-contributing partner is bringing something so valuable to the business—sold gold contacts, a specialized skill, etc.—and both agree in writing that both are contributing things of equal value-things can really go south when success comes. They can also go south prior to success if the part time partner is not pulling his or her weight. One way for the non-monetary partner to get that skin in the game is to earn bonuses that can be plowed back into the company that yields financial equity according to an agreed upon formula. Another agreement must be maintained by the partners—if either of them ever feels as though the other is not contributing, then they have to talk about it as soon as possible. Those feelings can get
Lyme Disease

Lyme Disease is a multisystem, multistage, inflammatory disease caused by a bacterium called Borrelia burgdorferi, which is transferred to humans by blood-feeding ticks.

Although infection rates vary by region, there have been more than 128,000 cases reported in the United States since 1984. Incidents of Lyme disease are thought to be vastly under reported.

Many of those who develop the disease do not remember seeing ticks or noticing a tick bite. Tick bites often go unnoticed, especially those from small or immature ticks.

More than 25% of Lyme disease victims became infected at their workplace.

**Signs & Symptoms**

Within days or weeks of receiving a bite from an infected tick, about 80% of victims report a red “bull’s-eye” rash accompanied by general tiredness, fever, headache, muscle aches, and joint pain. A milder, general rash may also appear anywhere on the body which fades after several weeks. Some victims never develop a rash, but experience the other symptoms.

If untreated, patients may develop arthritis, including intermittent episodes of swelling and pain in the joints, motor and sensory nerve inflammation, and inflammation of the brain.

Occasionally, more serious problems develop, such as enlarged heart or acute inflammation of the tissues surrounding the heart.

If left untreated, victims can experience serious changes in the nervous system, including loss of feeling in the extremities, and extreme tiredness. Lyme disease is rarely, if ever, fatal.

**Prevention**

Avoid moist, shaded environments, low-lying vegetation, wooded, or overgrown grassy habitat, especially in spring and summer. Employers can investigate the use of tick-toxic chemicals (Damminix, Dursban, Sevin, etc.) to suppress the ticks around the work area.

Pesticides must only be used in accordance with EPA, state, and local regulations, and may be inappropriate in some community settings.

Personal protective measures include:

- Wearing light-colored clothes so ticks can be easily seen.
- Wearing long-sleeved shirts and tucking pant legs into socks or boots.
- Wearing high boots or closed shoes which cover the entire foot.
- Wearing a hat.
- Using insect repellents (with DEET) except on the face.
- Using permethin on clothing to kill ticks.
- Showering and washing clothes after being in tick habitat.
- Checking frequently for ticks and removing them promptly.

**Vaccination**

A vaccination for Lyme disease is available, but is not recommended for everyone. Employees should consult their healthcare professional regarding the need for and appropriateness of this vaccination.

**Tick Removal**

If you find a tick attached to your skin, there’s no need to panic. There are several tick removal devices on the market, but a plain set of fine-tipped tweezers will remove a tick quite effectively.

How To Remove A Tick
1. Use fine-tipped tweezers to grasp the tick as close to the skin’s surface as possible.
2. Pull upward with steady, even
pressure. Don’t twist or jerk the tick; this can cause the mouth-parts to break off and remain in the skin. If this happens, remove the mouth-parts with tweezers. If you are unable to remove the mouth easily with clean tweezers, leave it alone and let the skin heal.

3. After removing the tick, thoroughly clean the bite area and your hands with rubbing alcohol, an iodine scrub, or soap and water.

4. Dispose of a live tick by submersing it in alcohol, placing it in a sealed bag/container, wrapping it tightly in tape, or flushing it down the toilet. Never crush a tick with your fingers.

Follow-Up

If you develop a rash or fever within several weeks of removing a tick, see your doctor. Be sure to tell the doctor about your recent tick bite, when the bite occurred, and where you most likely acquired the tick.

Where To Go For More Information

U. S. DOL Lyme Disease Hazard Information Bulletin 00-4-20 Link below (https://www.osha.gov/dts/hib/hib_data/hib20000420.pdf)

The above article was submitted by Terry Foy, President of Foy Safety. Terry has provided services to the construction community since 2001. Services include site safety & health audits, OSHA construction training, written safety & health manuals, USACE technical writing, and expert witness services. For additional information or safety services, please contact Terry at 410.446.3995 or at foysafety@comcast.net.

If you don’t think every day is a good day, just try missing one.

~ Cavett Robert
Are You Connected?

Over 300 Companies Have Joined MCN In Less Than 2 Years.

Here’s One Reason Why MCN Is Maryland’s Fastest Growing Construction Association!

MCN is an organization that is run very professionally and has attracted very influential people in the construction industry. We applaud their great success in creating an environment in which you can meet some of the best companies in the industry. I highly recommend this organization to anyone with the same desires.

Donald N. Hoffman
Partner, Hertzbach & Company, P.A.

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¹ The Corporate Membership Rewards program is for eligible Commercial Card Clients. Terms, conditions and restrictions apply; for a copy or for more details, call 1-888-530-5554.
² Actual float time will vary based on the date of the charge, the billing cycle cutoff date and the payment date.
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For more information on this effective and efficient member benefit, contact MCN’s Verna Regier at 443-982-7329 or at verna@mdconstructionnet.net.
Developer’s Den
Park Place Homes

Director, Nina Houck, along with her crew, is redeveloping homes in the Patterson Park neighborhood and has plans to revitalize 40-60 homes over the next 3 years. Starting with an empty shell, the team is creating luxury rehabs for home ownership. The concept arose following the acquisition of more than 100 properties in and around Patterson Park. After studying demographics for the area, the idea to brand and market “Park Place Homes” was created.

The company hired Larry Jersild, a creative and talented builder with over 15 years of experience to assist in redesigning these 100 year old living spaces and provide a home experience that is second to none. Each townhome offers unequivocal charm and luxury features. All homes carry stainless steel appliance packages, custom tile work, designer kitchens and baths and creative accents to make your home a place to be admired and enjoyed. We are not just looking to provide homes, but also investments for our buyers. Like the game of Monopoly, we want people to consider their home a source of wealth building. With interest rates at their lowest in years, and the attractive pricing of Baltimore City housing in comparison to other metropolitan cities, the potential exists for increased equity in one’s home.

The secret to our success is an experienced team of dedicated employees and subcontractors, which represent many trades, including demolition, roofing, concrete, drywall, rough carpentry framing, painting, and MEP. As we grow, we will continue to identify new companies who have shown high quality standards and ability to perform, thus enhancing our process of moving each trade along to the finished home, ready for sale.

If you, or a friend, are looking for a place to call home in Baltimore City, you can choose from one of our many properties and have a home renovated specifically for you. We offer 3% closing help to all Maryland Construction Network (MCN) members that purchase a home and a $1,000 referral fee for recommending us to a qualified buyer who closes on a property. Keep an eye out for information about our group tour to be offered in October with special incentives to MCN members only! For more information or to view a home, please contact Nina at ninah@commercial-group.com or call 443-789-9366.
a recurrent aeronautical knowledge test every 24 months to continue flying drones. The FAA also is considering separate, more flexible regulations for “micro” drones that weigh less than 4.4 pounds.

It could take up to two years, though, for the FAA’s proposed regulations to be finalized. In the meantime, the FAA has authority under existing aviation regulations to ban commercial drone operations that do not have exemptions. The FAA has used this authority to impose fines for unapproved drone use. As an example, see the National Transportation Safety Board’s recent decision in Huerta v. Parker, NTSB Docket CP-217 (Nov. 17, 2014). The FAA also has issued subpoenas in other cases involving commercial drones – most notably to realtors who have used drones to take aerial photographs of property.

Insurance Coverage

Do not assume that your commercial general liability (CGL) policy covers commercial drone operations. Most CGL policies exclude coverage for bodily injury or property damage caused by an insured’s use of an aircraft, automobile, or watercraft. The FAA defines a drone as an unmanned aircraft system, and insurers are applying the standard CGL aircraft exclusion broadly to exclude coverage for an insured’s use of a drone.

Many insurers, however, are starting to offer coverage options for commercial drone flights. The coverage is offered through separate unmanned aircraft policies or endorsements to existing CGL policies. David Galbraith of RCM&D, one of the top privately-held insurance advisory firms in the country, recognizes this emerging market. “For our carrier partners,” says Galbraith, “the risks associated with the rapidly increasing use of drones are still relatively new, which is why we have yet to see a solution built into standard CGL policy language. As carriers become more comfortable with drone risks in the coming years, we expect to see formalized policy enhancements designed to protect against this exposure.”

Galbraith adds, “From our perspective today, the best way to handle the risk continues to be the purchase of an aircraft policy that provides separate liability and property coverage, versus a CGL endorsement. Also, drones can be expensive, so an additional benefit to buying a separate aircraft policy is that it allows for property (hull) protection in the event that the drone gets damaged or destroyed.”

Regardless of whether you purchase a CGL endorsement or separate aircraft policy, make sure all individuals in your company who are participating in the drone flights are covered as additional insureds. Also make sure there is no exclusion for an electronic malfunction or equipment failure that may cause your drone to crash.

Minimizing Liability

Commercial drone flights could expose your company and employees to a variety of liabilities and risks. A crash on your job site could cause property damage to your work, property damage to the work of other contractors, or personal injury to anyone on the site. A crash off the job site could cause property damage and personal injury to third-parties. Even if there is not a crash, you could face a claim for trespassing on someone else’s property if your flight goes off course. And there are always privacy concerns because drones can carry video and audio recording equipment.

Having an exemption from the FAA and adequate insurance coverage are two ways to minimize risk. In addition, you should develop specific guidelines for how your company will use drones. The guidelines should address issues such as:

- Defining the intent or purpose of the drone flights (to survey a proposed site, to inspect real-time work, to inspect completed work, etc.);
- Identifying the individuals participating (pilot, spotters, etc.), defining what their roles are, and providing the qualifications that a person must possess to fill each role;
- Identifying where take-offs and landings will occur; and
- Identifying the flight path (exactly where the drone will go, whether it will go over any populated areas, etc.).

These are just some of the issues that you need to consider before using a drone on a construction project.
Stay tuned to see how the FAA, insurers, and the law adjust and respond as commercial drone use increases.

Jackson B. Boyd is an associate with Ober|Kaler’s Construction and Litigation Groups. Jack handles complex civil litigation with a concentration in construction, business and financial matters. In the construction law arena, Jack represents owners, general contractors and subcontractors in contract formation and construction disputes on a variety of private and public projects.

News Of Note

Lauren M. Rebbel, CFP® - A Partner Of The Prosperity Consulting Group

The Prosperity Consulting Group, LLC, an independent wealth management company serving the Mid-Atlantic Region, is pleased to announce that Lauren M. Rebbel, CFP®, has become a Partner of the firm.

Lauren specializes in working closely with successful and affluent women, including those who are going through a life-changing transition, by helping them organize, understand, manage and track progress towards their financial goals. Lauren takes the time to listen and understand her clients’ financial objectives and concerns, before delivering advice and offering solutions in concert with clients’ attorneys, tax advisors, bankers, mediators and other trusted advisors. The core of Lauren’s practice focuses on her passion for helping other women successfully meet life’s financial challenges and opportunities such as divorce, loss of a spouse, compassionate care, inheritance and selling a business.

Donald N. Hoffman, MS, CPA, President and CEO of The Prosperity Consulting Group, LLC, says “Lauren’s vision, passion and devotion to her clients makes her an invaluable Partner of our firm. Lauren is a tremendously talented CFP®; she brings a holistic and comprehensive approach to wealth management with her clients’ best interests always at heart.”

Securities offered through Triad Advisors, Inc., Member FINRA/SIPC. Investment advisory services offered through The Prosperity Consulting Group, LLC. The Prosperity Consulting Group, LLC is not affiliated with Triad Advisors, Inc.

Continued From Page 8

4. Independent Contractor vs. Employee. Hiring a worker as an employee has costs beyond their wages. Such costs include hard costs (e.g. payroll taxes, unemployment taxes, insurance), compliance with the regulatory requirements of having an employee, and the added administrative burdens of payroll and the support of a human resources department. In a perceived cost-savings measure, some business owners continue to be tempted to hire workers and treat them as independent contractors. Nonetheless, the decision to classify someone as an “independent contractor” as opposed to an “employee” demands careful consideration for both federal and state purposes in order to avoid unnecessary and costly consequences. This has been a contentious issue for contractors of all sizes, but particularly for small contractors.

The degree of control the owner has over a worker is one element evaluated to determine proper worker classification. If the worker is subject to strict supervision by the business owner with regard to time, place, and how, the worker is more likely an employee for whom wage withholding, unemployment taxes, insurance, etc., are required. If the worker is only responsible for a completed service or product without strict supervision as to when, where and how the work is performed, the worker is more likely to be considered an independent contractor. This is just one of many factors that are evaluated when determining proper worker classification. In addition, workers themselves are often aware of the classification issue. It only takes one former “independent contractor” to file for unemployment or classification determination to wreak havoc on your construction business. If you have any doubt about worker classification, now is the time to determine if you have properly classified your workers.

For more information on these common tax reporting issues, or to discuss how they may impact your construction business, please reach out to Chavon Wilcox, CPA, CCIFP, partner in Aronson LLC’s Construction and Real Estate Group at cwilcox@aronsonllc.com or at 301.231.6288.
How can you provide the recognition that you know that they deserve? Positive feedback can go a long way, so tell them that they’re doing a great job!

Some people enjoy public recognition. Consider highlighting their accomplishments during a team meeting. This type of recognition can go a long way. Other employees may then want their achievements celebrated with the team and decide to step up their performance as a result. It’s a win-win!

Job Perks

What are the ways that your company makes the lives of your employees easier? Maybe your employees are looking for more perks. That means you may have to get creative! Would putting a pool table in the office allow your team to decompress and enjoy each other’s company at the end of a long day? How about a fridge stocked with snacks and beer?

It could also be something that doesn’t cost any money at all, like negotiating a discounted group rate for a membership at the local gym or offering access to a flexible spending account program.

Whatever the path to get there, the outcome is clear - ensuring that your employees are engaged can help to achieve important business goals.

Happy employees are 85% more efficient at their work.*

And when you’re talking about recruiting, think of the reputation you’ll build by having such an engaged workforce. Your most productive people will attract their network to your company as a result. In fact:

Happy employees are 186% more likely to recommend their organization to a friend.*

Happy and engaged employees are great resources. Through networking and social media channels such as LinkedIn and Glassdoor, you can even have your employees do some of the employment marketing for you.

So, you’ve got a work environment where people are invested, increased productivity, an excellent reputation as an employer and your employees basically doing the recruiting for you every time they talk about how much they love their job. Are you ready to dig in and build the foundation that strengthens your whole organization?


Intero Advisory has helped thousands of businesses and employees to better understand how LinkedIn can play an active role in branding, sales development, recruiting and career advancement strategies. Erin Miller is an HR and recruiting professional with extensive experience and insight on what builds great teams. She has been a part of the Intero Advisory team for over a year, partnering with organizations on their company culture and recruiting initiatives.

I learned that we can do anything, but we can’t do everything... at least not at the same time. So think of your priorities not in terms of what activities you do, but when you do them. Timing is everything.

~ Dan Millman
Clear written agreements. In the excitement and good will that surrounds the start of a new business or the creation of a new partnership, no one wants to think about planning for when things go wrong. In fact the absence of planning for that potential can hasten bad events. There must be clear agreement on how disputes must be raised and settled, how partners will be compensated and what happens if one partner dies, has a lengthy illness or becomes disabled. The partners have to decide on what insurance the business should have to fund a buyout of the business from the partner’s family. The partners should spell out the duties of each and update the list (in fact update all the agreements) as time goes by. Documenting these decisions can be expensive and require the services of attorneys experienced in setting up partnerships. But the investment on those clear agreements can be a lot less than the attorney fees associated with a bad split of the partnership.

Complementary skills. Bringing in a partner is like hiring the right person but more intense. You must have the discipline to document in as much detail as possible the attitude of the person you seek, either as a partner or an employee. In a partner don’t you want to get someone who thinks and acts like an owner? You also have to list the skills you are looking for. Then you document your own skills (and assess your own ownership behavior.) The look at the four functions of the business: Sales and Marketing, Operations, Finance and Administration and Human Resources. Where does your highest and best use fit? So, what other function or functions would a partner need to be responsible for in order to complement you? There are assessment tools like Profiles XT that can help you with this search and decision-making. These tools can help you evaluate your best 3 candidates and can contribute to your decision. It can even lead you to find additional partners. (Remember that 3 partners can be a bad combination—it can work out to often be two against one.)

Paul A. Riecks  
Principal  
INSIGHT  
Voice: 410-323-7429  
paulriecks@gaininsight.pro  
www.gaininsight.pro
Help Wanted

The Opportunities Tab on Maryland Construction Network’s website has had a number of job postings listed in the past month. For more information on the positions listed below, as well as others, please visit [http://www.mdconstructionnet.net/opportunities/job-ops/help-wanted/](http://www.mdconstructionnet.net/opportunities/job-ops/help-wanted/).

**Job Title: Marketing Coordinator**

**Job Description:** Refer to the following link for the job description and requirements: [http://www.jensenhughes.com/about/careers/?career_id=5208](http://www.jensenhughes.com/about/careers/?career_id=5208)

**Contact:** [http://www.jensenhughes.com/about/careers/?career_id=5208](http://www.jensenhughes.com/about/careers/?career_id=5208)

**Job Title: Architectural Intern**

**Job Description:** Penza Bailey Architects is seeking a talented Architectural Intern to complement our growing practice. Applicants must have an architectural degree from an accredited institution with a minimum of two years of experience, have a good sense of design and detailing, and must be highly proficient with Revit.

**Contact:** Please send resumes and portfolios to careers@penzabailey.com. No phone calls please.

**Job Title: Project Architect**

**Job Description:** Penza Bailey Architects is seeking a licensed Project Architect to complement our growing practice. Applicants must have an architectural degree from an accredited institution with 8-10 years of experience, have a good sense of design and detailing, and must be highly proficient with Revit. We offer unlimited opportunities for growth for motivated individuals willing to take on responsibility on a wide variety of project types.

**Contact:** Please send resumes and portfolios to careers@penzabailey.com.

**Qualifications/Certifications Needed for this Position:** Maryland Architectural License

There is also a new Position Wanted listing from an exceptional US Veteran at [http://www.mdconstructionnet.net/opportunities/hire-me/ready-to-work/](http://www.mdconstructionnet.net/opportunities/hire-me/ready-to-work/)

Upcoming Events

**Thursday, June 25th – MCN Developer-Builder Forum**

Waverly Woods Golf Club  
2100 Warwick Way  
Marriottsville, MD 21104  
Sponsors: ARC Document Solutions, EBL Engineers, Hertzbach, RCM&D, SavATree, Skilled Labor Solutions  
3:30 p.m. – 7:00 p.m.

**Tuesday, July 21st – Direct Connect & Seminar**

Chartwell Country Club  
1 Chartwell Drive  
Severna Park, MD 21146  
Program - “Growing Contractors: Rethink Your Financial Practices”  
Host: Aronson LLC.  
Sponsors: ARC Construction Services, SAFWAY, Skilled Labor Solutions  
3:30 p.m. – 7:30 p.m.

**Tuesday, August 18th – MCN & NAWIC Seminar & Networking**

Parker’s - Details To Follow  
11131 Pulaski Hwy  
White Marsh, MD 21162  
4:30 p.m. – 7:30 p.m.

**Thursday, September 17th – Direct Connect & Seminar**

Offices of Ober | Kaler - Registration Info To Follow  
100 Light Street  
Baltimore, MD 21202  
Program - “Mechanic’s Liens & Lien Waivers” - A Panel Discussion  
Host: Ober | Kaler  
Sponsors:  
3:30 p.m. – 7:30 p.m.

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Register Online and Learn More About MCN at www.mdconstructionnet.net.

Or, forward this completed registration with payment to: Maryland Construction Network®,
5102 Meadowview Dr., White Hall, MD 21161 no later than Tuesday, July 14th.

Registrations Received After July 14th Will Not Receive An Early Bird Discount And Are Subject To Availability.

Do you have questions about MCN or need assistance? Contact Verna Regler (verna@mdconstructionnet.net/410.977.8038) at 443.982.7329.

Connect With Leading Construction Professionals & Succeed!

Tuesday July 21st, 2015
Chartwell Golf & CC
1 Chartwell Dr, Severna Park, MD 21146

Program Registration: 3:30 – 4:00 p.m.
Seminar*: 4:00 - 5:30 p.m.
Direct Connect: 5:30 – 7:30 p.m.

Italian Potato Salad, Texas Marinated Coleslaw, Old Bay Potato Chips,
Grilled Cheeseburgers With The Works, Italian Sausage With Roasted Red Peppers & Carmelized Onions, Bratwurst & Sauerkraut, BBQ Chicken Breast, All The Condiments, Cookies, Brownies

Beer, Wine, Soda Included – Cash Bar Available

Ample Free Parking

$50 Members / $60 Non Members: Early Registration

*Program is free of charge with your paid DC registration.

Direct Connect Networking Extravaganza
Tuesday, July 21st, 2015
Chartwell Golf & Country Club

Join Us For The Pre-Networking Program
Growing Contractors:
Rethink Your Financial Practices

Did you recently finish a job wondering why your profits were less than you projected? Does your internal accounting department provide you the information necessary to make informed business decisions? Is your back office the right size and skill set to manage your money for the future?

Being able to answer these questions with certainty to internal and external partners is vital to long-term success as a contractor. Our Event Host, Aronson LLC's Construction Accounting team, has worked with construction companies at every stage, helping their clients to navigate the financial nuances of the industry and ensuring their answers to these questions is always positive.

Save on your registration fees as a MCN Member! Company memberships start at $100 annually!

____ Attendees @ $50 member price.  ____ Attendees @ $60 non member price.  Total Fees = $ _______________

____ Please indicate the number of attendees who are attending the complimentary Financial Practices presentation (must be Direct Connect attendees). After July 14th, registration is $60 for members / $70 for non members with limited availability.

Company Name: ____________________________________  Name On Card: ____________________________________
Name: ____________________________________________  Phone Number: ______________________________________
Email: ____________________________________________  Card Number: _________________
Name: ____________________________________________  Expiration Date: _________________  CID: _____________
Email: ____________________________________________  Credit Card Billing Address Zip Code: ___________________

Maryland Construction Network®, the forward-thinking organization; in-step and in-touch with the entire construction industry wishes to thank the following companies for sponsoring this event.

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**Additional info is on the back of this page.**
MCN presents:

Developer-Builder Forum

ITINERARY

June 25, 2015
3:30 p.m.  Registration
4:00 p.m.  Economic Development
4:20 p.m.  Developer-Builder Panelists
5:15 p.m.  Premier Networking

MCN is proud to offer an exclusive developer-builder forum where attendees will learn about economic development in the greater Baltimore region. Howard County economic development officials will open the program with an overview of current and planned progress in their county followed by an elite panel of developer-builders who will discuss current construction and market trends in our region, a developer-minded construction approach, their process for engaging trades/subs/vendors, and upcoming opportunities.

Waverly Woods Golf Club
2100 Warwick Way, Marriottsville, MD 21104

Comfortable country club attire encouraged. Event will take place on an enclosed patio with an open breeze.

Pricing
Early Registration:  MCN Member $50, Non-Member $60
Late Registration:  MCN Member $60, Non-Member $70

In order to take advantage of early registration pricing; registration must be complete no later than Wednesday, June 17th.

Opening Speakers
Allan Kittleman
Howard Co. Executive
Lawrence Twele
Howard Co. Economic Development Authority

Elite Panelists
Dan Pallace
Merritt Properties
Mike Schlegel
Bozzuto
Keith Barker
Commercial Group

Sponsors:

Registration:

_____ Attendees @ $50 member price.  _____ Attendees @ $60 non-member price.  Total Fees = $ _______________

After June 17th, registration is $60 for members / $70 for non-members with limited availability.

Company Name:  ____________________________  Name On Card:  ____________________________
Name:  ____________________________  Phone Number:  ____________________________
Email:  ____________________________  Card Number:  ____________________________
Name:  ____________________________  Expiration Date:  _________________  CID:  _____________
Email:  ____________________________  Credit Card Billing Address Zip Code:  ____________________________

Register Online and Learn More About MCN at www.mdconstructionnet.net.

Or, forward this completed registration with payment to: Maryland Construction Network®, 5102 Meadowview Dr., White Hall, MD 21161 no later than Wednesday, June 17th.

Reservations made but not cancelled by end of business Wednesday, June 17th are non-refundable.

Pre Registration Is Requested!

Registrations Received After June 17th Will Not Receive An Early Registration Discount And Are Subject To Availability.

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