



Hard Hat News

ASA of Baltimore, Inc.

NOVEMBER 2011

Have You Been Served?!

by Denise Lindross

Have you ever wondered what it is like when you actually have to take a contractor to court? It isn't something any of us like to think about, but the reality is there for all of us.

That is why ASA of Baltimore is going to court. In lieu of a Holiday Party, the Past Presidents of ASA of Baltimore will be hosting a mock trial at The Bowman Restaurant on Tuesday, December 6, from 6-9 pm.

Members and valued friends of ASA of Baltimore will be getting served with subpoena's in the coming days. Your "subpoena" may even be hand delivered by one of our Past President's and their staff. It is actually the flyer to register for this unique, hilarious and enlightening skit and your court costs are the registration fee.

Many components of actual courtroom procedure will be followed as you, the jury, determine who will win the case when our Petitioner, Angelia Alovus of the Honest Drywall Company (Angelia Little, 1st Electric) tries to get payment from our Respondent, Rick Dewey, General Contractor of Dewey, Screwem & Howe (Rick China, 1st Electric).

The usual filthly rich owners and their attorneys will be present, as will witnesses from their suppliers and bonding company's.

Presiding over the courtroom will be the mean old judge "Al Ways Hangum Harry", played by Joe Dohony, American Pavement Maintenance.



While this skit is meant for fun, Chapter Attorney Charles Yumkas will narrate and explain relevant court procedures. At the end of the presentation, the audience will decide the outcome.

We will have a networking hour and buffet with open bar prior to the performance and while this isn't a holiday celebration per se, festivities will abound.

Seating is limited and we expect a sell out crowd so use the generic subpoena included in this issue or look in the mail (or walking through your front door) for your personal subpoena and join us for an evening of entertainment and information. The complete Cast of Characters is on page 11.

In This Issue

<i>Accountant's Corner</i>	3
<i>ASA Advocacy</i>	16
<i>Coach's Quick Notes</i>	3
<i>Director's Chair</i>	2
<i>Member News</i>	12
<i>National News</i>	14
<i>President's Message</i>	2
<i>Professional Council</i>	16
<i>Safety Stop</i>	4

Our President

ASA Goes To Court

Yes, the ASA of Baltimore is going to court.

Yes, you will be receiving a subpoena.

No, it is not what you think.

The ASA Goes to Court is a skit that will be put on by our past presidents. It will take place in a court room setting with a judge, lawyers, attorneys, a bailiff, a general contractor, a subcontractor, and many more characters. The actors will be people you know from the association. The story line provides a fun way to educate subcontractors about real world exposures they face on a daily basis by representing these issues in court room setting. The audience will serve as the jury and vote who they think wins the case.

The Information for the Trial is as follows:

When: Tuesday, December 6;

Time: 6 – 9 pm

Where: Bowman’s Restaurant 9306 Harford Road Parkville, MD 21234

The Players: CAST OF CHARACTERS

Joe Dohony Judge, Al Ways Hangu Harry

Mike WilmotOwner, Rich F. Owner, III of Owner Development Company

Mel Taylor Owner’s Attorney, Mel “Money” Bags Senior Partner of Cash, Coins and Bags

Rick China General Contractor, Rick Dewey of Dewey, Screwem, & Howe

Tim McGuireGeneral Contractor’s Attorney, Timmy Joe Holdharmless of Retainage, Hold harmless and Paidwhenpaid

Angelia Little Subcontractor, Angelia Alovus of ASA dba Honest Drywall Company

Continued on page 8

The Director’s Chair

ASA is Full of Bull!



Yes, you read the headline correctly. ASA IS FULL OF BULL! Top round beef that is, cooked on the pit and served with the finest raw oysters on the half shell that the Chesapeake Bay has to offer.

If you didn’t attend our annual Bull and Oyster Roast last year at the UAW Local 239 on S. Oldham Street in Baltimore, you missed out on the best food you have ever tasted, hands down. In fact, because everyone in attendance made a point of declaring it the best bull and oyster roast they ever attended, we immediately booked the venue for November 18th, 2011 that very same night!

Time is running out to register however and because we know times are hard, we are extending our discount pricing of \$375 per table and \$40 per individual ticket until Nov. 7th. Tables are going fast so don’t delay. What better way to give your staff, clients and family a much needed night out before we enter into the hectic holiday season than to gather with friends and dance the night away, eat, drink and be merry.

There are sponsor opportunities still available too. We want to thank Donegal Insurance and Consolidated Insurance Center, Inc. for stepping up as our event sponsors. American Core Drilling and Sawing, Inc. has generously agreed to be the entertainment sponsor, so be sure to thank Ben Combs if you win a door prize! Food sponsors so far are J. Keen Construction and Premier Concrete. Join these esteemed members and friends and give your company some added exposure while helping ASA to fund our programs and initiatives.

There will be music, wheels, lay-downs, AND, thanks to Curtis Engine & Equipment, we will be raffling off two tickets to the Christmas Eve showdown between the Ravens and Browns that night! See you all there!

**Denise Lindross ~ Executive Director, ASA
PO Box 43958, Nottingham Maryland, 21236
410-344-1470 ~ denise@asa-baltimore.com**

Accountant's Corner



Directing Your Attention to Indirect Costs

By Daniel J. Wahlberg, CPA

With so much emphasis put on every tiny cost of each and every contract, it's not hard to see why many contractors lose track of their companies' indirect costs. Sometimes referred to as "overhead," these are expenses not directly related to your projects yet necessary for keeping your business running smoothly.

The potential impact of indirect costs is considerable. If you don't stay on top of them, they can creep up on you over time and drag down your profitability.

Beyond overhead

When we read the word "overhead," many of us understandably envision our physical office space — literally the roof over our heads. But, for a construction company, indirect costs go way beyond that.

For instance, if you pay salaries for activities such as project management, purchasing, contract administration and safety oversight, these likely count as indirect costs. Any fees you incur for real estate appraisals, consulting services and legal and accounting needs also likely fall in this category. And, of course, don't forget taxes, title transfers, permits, direct costs and some types of insurance.

Costs such as these can have a huge impact on a job. If you neglect to figure them in completely, or at all, surprising cost overruns may result.

Tax considerations

How indirect costs are treated for tax purposes depends on the nature of a contract and your accounting method. This is one of the prime reasons you need an accurate and trustworthy system for allocating these amounts.

Continued on page 6

Coach's Quick Notes

Deadlines



First scene –

It is dark, foggy, cold and in dangerous territory. The seal team leader has called an ops meeting at 0600. How many team members are there at 0600? All of them. They are briefed on the operation and told they must have everything they need and be ready to move out at 0715. How many are ready to move out at 0715? All of them. Do they have all their stuff? Yes!

Second scene -

It is a beautiful day; the PM meeting has been called for 0900. How many of the required attendees are there at 0900? Only you can answer that question. I have been asked to attend thousands of such meetings to help evaluate the process. The majority never start on time because someone isn't there; sometimes the person who called the meeting.

Third scene –

The crew has left the shop. How many leave at the required time? You answer this one. How often does the crew have everything they will need? Your answer again. Mine is that far too often the crew leaves late and does not have everything they need. Can you relate?

But we are not in a war zone", you say.

Correct! But do you feel the situation you are in is very, very serious? The only answer is YES!

Far too often work teams have been allowed to be sloppy. Do you think a seal team leader would accept "sloppy" from anyone on his team?

And know this – to whatever degree that sloppiness is accepted, it starts at the top.

Ouch! And sometimes the example is being set at the top. Double Ouch!

Continued on page 6

Safety Stop

Saw Horses are So Easy

by John Robinson

On a recent trip to visit my daughter at college I came across the following article in Perspective Section of The Roanoke Star-Sentinel. As I read it I laughed and then remembered times of home projects and laughed even harder. It's always good to laugh but even better when you can read a story and see yourself in it. Please notice no one was injured during this project!!!

My friend Broaddus had built a workshop out of a shed and I was helping him finish it out. There were shelves and a workbench to build, lighting to install, and tools to organize. A fun kind of a project for sure, even if it's not my shop.

The main objective for the afternoon was to build a substantial workbench, and maybe get a good start on some shelves too, but we decided that first we'd whip out a pair of saw horses. We figured that we'd need some, not just for the making of shelves and the workbench for the shop, but also for future projects.

Saw horses, as you probably know, are simple affairs, usually quickly made from surplus 2x4's. Typically made in pairs, they are used to support lumber or works-in-progress for cutting, trimming, and sanding. The height is such that the work is situated ergonomically, although saw horses are far too plain and simple to be comfortably associated with such a fancy word.

While Broaddus located the circular saw in the pile of tools, I searched the scrap wood pile, which was pretty much everywhere, for some suitable pieces of lumber from which to assemble the horses. We cleared the debris out of an area of floor we deemed large enough to work. "Man, it's going to be good to get this place organized," I thought as I started in earnest. I had gathered suitable wood, and besides the saw, Broaddus had collected other odds and ends such as tape measure, square, pencil, screws, and nails.

Now, I had used saw horses extensively in earlier projects, notably a farmhouse redo in 1987, but I had never built a pair, never really appreciated them for the elegant utilitarian structures that they are.

Clipping right along, in no time we had the first saw horse built, or so we thought. Setting it up on the plywood floor, we quickly noted that it didn't sit evenly on its four legs.

Maybe if we kind of push it down a little. "Oh, it will be fine once a little weight is applied to it," I offered, as I gently rocked the sawhorse back and forth with my index finger. Broaddus nodded hopefully. Hmmm. But no, it's back to the drawing board. Not even we could tolerate such a rocking horse.

The next hour or two was spent in hilarious frustration as our efforts to construct a proper pair of saw horses continued. Lots of cursing - excuse me, discussion - and many more tools, were employed in the effort. The result of the original attempt was partially dismantled and evaluated. Different angles were introduced to the positioning of the legs and screws were placed in different ways and in different sequence. A warped leg was shaved here and there where it rested on the floor, and this produced an undesirable effect upon the other legs. Each change introduced into the configuration of the horse created a new source of unevenness, a different character of the rocking, the elimination of which remained elusive; we were outsmarted at every step.

The comedy of our efforts was not lost on Broaddus and me. Between us there were quite a few years of formal education -and I'm talking about even beyond the fourth grade- and we actually have a fair bit of experience at basic carpentry, the previously mentioned farmhouse reconstruction, for instance.

Yeah right, I hear you say. Anyway, we well knew that both of our dads would be shaking their heads and roaring with laughter if they could have seen us there. After all, they represent a legacy of creative genius, and here we were bumbling hilariously along in our elementary carpentry shenanigans.

We finally got an acceptable design - through several incarnations - and the construction details figured out, and the second saw horse progressed fairly smoothly, a few minor issues notwithstanding. Such was the day's progress: two passable saw horses. But more than that: a renewed appreciation for the simple and for that which is taken for granted. And gosh whenever I see those crazy saw horses I will certainly have to laugh.

Next time we'll build that workbench. Stay Safe

Terry L. Foy ~ Foy Safety Consulting, Inc.

410-446-3995

foysafety@comcast.net

Join these Sustaining Members!

Support ASA of Baltimore!

HOW IT WORKS!

One of the new features we are offering is to expand on our SUSTAINING MEMBERSHIP. Please review the follow categories and see if one of the features would be something your organization is willing to go a step above normal and customary dues to support.

Top Level - \$5,000 Platinum

1. 60" x 24" Banner – 2 sponsors per banner - to be displayed at all ASA events
2. 1 year Platinum Website Logo Link
3. HHN Spotlight Article w/ framed display copy
4. 1 year - ¼ page color ad in HHN

Mid Level - \$3,000 Gold

1. 60" x 24" Banner – all sponsors on one banner -to be displayed at all ASA events
2. 1 year Gold Website Logo Link
3. 1 year – color business card ad in HHN

Lower Level - \$2,000 Silver

1. Counter top banner with all sponsors on one banner – to be displayed at all ASA events
2. 1 year Silver Website Logo Link
3. 1 year – B/W business card ad in HHN

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 BRUCE E. KAUFFMAN, ESQUIRE

 **HUDDLES JONES**
SORTEBERG & DACHILLE
 A PROFESSIONAL CORPORATION

Deadlines

Continued from page 3

You have heard me say this many times – we must stop accepting mediocrity from folks; even those at the top.

And what about other deadlines such as turning time cards in, requesting materials, daily logs, equipment reports, getting bills out, submitting whatever, returning calls to clients, etc., etc., etc. Believe me I could go on and on.

It is important for you to objectively analyze your own situation. Understand that managers that report to you will accept whatever you accept.

Your standards are their standards.

Ouch yet again.

Now, relax a bit. All is not lost. We got into this mess over a long period of time but we can start now to reverse the situation. Pick just one place to start and work on it until things are turned around.

“Coach” Bill Harrison

Phoenix Learning Institute

703-909-8230

wiharrison@comcast.net

Indirect Costs

Continued from page 3

For example, under the federal tax code, contractors must allocate indirect job costs to their long-term contracts every year. If you use the percentage-of-completion accounting method, you may be able to deduct some allocable indirect costs such as equipment depreciation and workers’ compensation insurance. But if you use the completed-contract method, such expenses must be capitalized over the contract’s term until completion.

There’s no one-size-fits-all approach to tracking and allocating indirect costs. If you’ve been in business awhile, your established method may serve you well. But it doesn’t hurt to review it periodically to see whether anything is slipping through the cracks and causing you to suffer tax or accounting headaches.

Assessing the impact

Of course, beyond taxes there lies another question: Are your indirect costs simply too high? You need to know precisely how much indirect costs are affecting you financially, so you can make realistic yet competitive bids.

One way to get a good read on this question is to sit down with your CPA and go over your chart of accounts. It should contain an adequate number of categories to let you see just where your expenses lie.

Plus, your chart of accounts can enable you to set up a budget-to-actual analysis that compares budgeted annual amounts of various expenses with actual costs (both indirect and direct) incurred. The right accounting software can greatly facilitate this exercise.

Another approach is benchmarking. This is a process under which you pick certain metrics—say, a selection of typical indirect costs—and measure them against those of similar construction companies. Trade organizations perform annual surveys that can provide the data you need, or you may be able to engage a construction business consultant to gather the information for you.

Whether it be from an analysis of your chart of accounts or a benchmarking study (or both), when you have the data you need, look to start cutting. Rare is the construction company whose indirect costs are at minimum levels. So define which indirect costs are fixed and which are variable. The latter may be easier to trim.

Attention to detail

You’ve probably heard the expression, “That’s just the cost of doing business.” So it goes with indirect costs, which typically arise from things you have to do just to be able to perform your core construction services. On the bright side, with some regular attention to detail, these expenses don’t necessarily have to *hurt* your business.

Sidebar: Appreciate depreciation-related tax breaks while you can

Contractors typically don’t allocate heavy equipment as an indirect cost. (See main article.) But the purchase of heavy equipment, or many other business assets, is worth keeping careful track of at the moment. Why?

Because two depreciation-related tax breaks are particularly valuable right now — and scheduled to expire at year end!

First, you may be able to use “bonus” depreciation to deduct an extra percentage on a qualifying asset. This year, that percentage is considerable: You can deduct 100% of the cost of eligible assets acquired and placed in service this year (or by Dec. 31, 2012, for certain long-lived and transportation property). For 2012, the bonus depreciation percentage is scheduled to drop to 50%. And, after Dec. 31, 2012, it’s scheduled to be eliminated. Various limitations apply, including one stipulating that the property acquired be new, not used.

Second, there’s the tried-and-true Section 179 deduction. It permits you to expense, rather than depreciate, a specified dollar amount of qualified *new or used* asset acquisitions in a given year. For 2011, that amount is also considerable: \$500,000. For 2012, the amount is scheduled to drop to \$125,000 (indexed for inflation). Various limitations also apply here. For instance, the deduction begins to phase out dollar for dollar when total asset acquisitions for the tax year exceed \$2 million (in 2011).

So, if you need to buy some assets in the coming months that would qualify for bonus depreciation or Sec. 179 expensing, there are big tax savings in the offing if you make the purchases this year.

Daniel J. Wahlberg CPA
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410-363-3200
DWahlberg@hertzbach.com



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Donald N. Hoffman, MS, CPA,
Daniel J. Wahlberg, CPA, or
Stephen W. Oliner, CPA, CFE, CVA, ABV

ASA Goes to Court

Continued from page 2

Steve Workmeister. . . Subcontractor’s Attorney, Weston Jumpus of Partner of Plum, Jumpus, Flailem, & Getum

Dave Erdman Supplier, Dave Watson, Chairman of the Board, President, Chief Executive Officer, and Head nocker of Watson Drywall & Supply Company

Paul KochSupplier’s Attorney, I. Ben Prayen

Nick ThrappasBonding Company, Noah Vail, President of the Burpco Family of Fine Bonds, Moneysafe, Inc., USSR&F, Ravenwood, Inc., etc., etc.

Fred JuddBailiff, Takum T. Jail

Sharon Dobson Director

Charles YumkasNarrator

SEATING IS LIMITED SO PLEASE REGISTER AS SOON AS POSSIBLE. WE ANTICIPATE A SELL OUT.

*Daniel Workmeister, President
Consolidated Insurance Center, Inc.
410-356-9500
dworkmeister@cicinc.com*

Unlicensed Subcontractor’s Claim Against General Contractor Valid

By Jennifer Horn, Cohen Seglias Pallas Greenball & Furman

For over ninety years, Maryland’s Court of Appeals has refused to honor the claims of unlicensed entities, including those of subcontractors and contractors who failed to adhere to the applicable regulatory licensing requirements. In late October, however, Maryland’s high court upheld the reversal of this precedent and allowed an unlicensed subcontractor to enforce its contract against a general contractor on home improvement work.

In *Stalker Brothers, Inc. v. Alcoa Concrete Masonry, Inc.*, subcontractor Alcoa Concrete did not obtain the proper license in accordance with Maryland law, yet performed residential home improvement work pursuant to its contract with general contractor Stalker Brothers. Stalker

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Brothers promised to pay Alcoa for the concrete work Alcoa performed; however, ultimately withheld payment. It was undisputed that Alcoa was not licensed with the State of Maryland Department of Labor, Licensing and Regulation prior to March 26, 2008, and the Maryland Home Improvement Commission confirmed Alcoa's status as an unlicensed entity. On this basis, Stalker Brothers moved to dismiss Alcoa's plea for payment, asserting that contracts made by an unlicensed entity are "illegal" and "will not be enforced." The Circuit Court agreed.

In overturning the Circuit Court opinion, the Court of Special Appeals and, most recently, the Maryland Court of Appeals determined that the contract between Stalker Brothers and Alcoa was enforceable despite Alcoa's status as an unlicensed subcontractor. In so doing, the high courts recognized that Maryland Home Improvement Law was intended to protect consumers from unlicensed contractors – not licensed general contractors from their unlicensed subcontractors.

Of course, every contractor should be licensed to perform their work in every appropriate jurisdiction in accordance with Maryland law. However, Maryland Home Improvement Law, according to the Alcoa case, is not intended to serve as a shield for contractors like Stalker Brothers who seek to elude payment for their just debts. For those reasons and others, the contract between Stalker Brothers and Alcoa was enforceable.

As contractors expand their geographic jurisdictions to gain more work in other areas, Alcoa serves as a reminder to all companies to update all appropriate professional licenses.

Need More Office Space?

ALLENDER STORAGE
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5808 Allender Rd.
White Marsh, Md. 21162

We provide commercial storage for people at our facility (Contractors, small businesses etc.) We have 2 large offices and 1 medium size office space available

Click Here to check out our virtual tour! http://www.youtube.com/watch?v=0Z9pfOSXzjE&feature=channel_page

(Keep in mind it doesn't show the storage space)

Feel free to stop by and take a look at the office space anytime between 10-6 Mon-Fri.

FAQ's

Monthly rentals/security deposits.

The two large offices are \$400 each a month and the small office is \$300 a month and there is no security deposit required.

Utilities

Utilities are included (e.g. Electric, Water, etc.), but you are responsible for phones, internet etc.

Availability

The property became available as of 9/26/2011.

How much?

We have a monthly lease that will be due upon signing. Therefore, if you moved in during the middle of the month I will prorate you for the current month and have you pay the next full month in advance.

What's included?

Alarm, Electric, Water, Kitchen, 2 Bathrooms, Integrated access gate (you will have your own pass code), Parking, Storage is also available (separate charge if needed), Security Patrols around office building, Shared conference Room (meetings only)

SUBPOENA

ASA OF BALTIMORE
5808 ALLENDER ROAD
WHITE MARSH, MD 21162

PHONE: (410) 344-1470

BEFORE THE DIVISION OF EDUCATION AND ENTERTAINMENT OF
THE AMERICAN SUBCONTRACTOR’S ASSOCIATION OF BALTIMORE

Honest Drywall Company, Subcontractor)	
)	
Petitioner,)	SUBPOENA LAFUS LERNUM
)	
vs.)	
)	
Dewey, Screwem and Howe, General Contractor)	
)	
Respondent.)	Case No. ASA20111206
)	

TO: Esteemed Member of ASA
Attn: Owner, Employees, Spouses and Guests
1234 Subcontractor Lane
Baltimore, MD XXXXX

RE: ASA Goes to Court
Date of Event: 12/06/2011, 6:00 – 9:00 pm
The Bowman Restaurant, 9306 Harford Road, Parkville, MD 21234
Fine in the amount of \$60 due per attendee, \$55/person for table of 8
Non-members registration fine amount: \$75 per attendee, \$70/person for table of 8

YOU ARE COMMENDED to produce at the Restaurant of The Bowman, 9306 Harford Road, Parkville, MD 21234, yourself, spouses, and fellow colleagues for an evening of education and entertainment provided by the Past Presidents of the ASA of Baltimore.

RSVPs DUE BY the 15th of November, 2011.

ASA OF BALTIMORE

By: Denise Lindross, Executive Director

ASA GOES TO COURT

TUESDAY, DECEMBER 6, 2011

6 - 9 PM

THE BOWMAN RESTAURANT

CAST OF CHARACTERS

Joe Dohony	Judge, Al Ways Hangum Harry <i>American Pavement Maintenance</i>
Mike Wilmot	Owner, Rich F. Owner, III of <i>Wilmot Modular Structures, Inc.</i> Owner Development Company
Mel Taylor.....	Owner's Attorney, Mel "Money" Bags <i>Chesapeake Industrial Leasing Co., Inc.</i> Senior Partner of Cash, Coins, and Bags
Rick China	General Contractor, Rick Dewey of <i>1st Electric, Inc.</i> Dewey, Screwem, & Howe
Tim McGuire	General Contractor's Attorney, Timmy Joe Holdharmless of <i>McGuire, Inc.</i> Retainage, Holdharmless, and Paidwhenpaid
Angelia Little.....	Subcontractor, Angelia Alovus of <i>1st Electric, Inc.</i> ASA dba Honest Drywall Company
Steve Workmeister	Subcontractor's Attorney, Weston Jumpus of <i>Premier Concrete, Inc.</i> Partner of Plum, Jumpus, Flailem, & Getum
Dave Erdman.....	Supplier, Dave Watson, Chairman of the Board, President, <i>United Rentals, Inc.</i> Chief Executive Officer, and Head Knocker of Watson Drywall & Supply Company
Paul Koch	Supplier's Attorney, I. Ben Prayen <i>Curtis Engine & Equipment, Inc.</i>
Nick Thrappas	Bonding Company, Noah Vail, <i>ARC Construction Services, Inc.</i> President of the Burpco Family of Fine Bonds, Moneysafe, Inc., USSR&F, Ravenwood, Inc., etc., etc.
Fred Judd	Bailiff, Takum T. Jail <i>Judd Fire Protection, LLC</i>
Sharon Dobson	Director <i>Priceless Industries, Inc.</i>
Charles Yumkas.....	Narrator <i>Offit Kurman P.A.</i>

Member News

Hertzbach Announces that Mark Edward Joined the Firm as a Partner

Mark Edward, CPA, FCA has joined Hertzbach & Company, P.A. as a partner and now leads the Complete Financial Outsourcing Group.



Mark has over 26 years of client service experience. He has extensive experience in providing outsourced accounting and consulting services to nonprofits and businesses including strategy; business processes and operational efficiency; operations issues including subcontracting; internal control analysis; and all phases of financial audits including planning and performance of audits for

not-for-profit organizations, private corporations and employee benefit plans.

Hertzbach Wins for the 3rd Year in a Row!

Hertzbach has won first place in the Baltimore Business Journal's 2011 Best Places to Work contest for the third year in a row. Hertzbach has also been named one of the "2011 Best Accounting Firms to Work For" by Accounting Today, also for the third year. Both contest results were based on an employee satisfaction survey conducted by outside research firms.

Beyond the IPA 100

Gross, Mendelsohn & Associates, P.A. was named to *INSIDE Public Accounting's* "Beyond the IPA 100," a list of the largest CPA firms in the nation. "Beyond the IPA 100" picks up where the "IPA 100" leaves off and identifies the largest firms ranking from number 101 to number 200. The full list, based on firms' annual revenue, appears online.

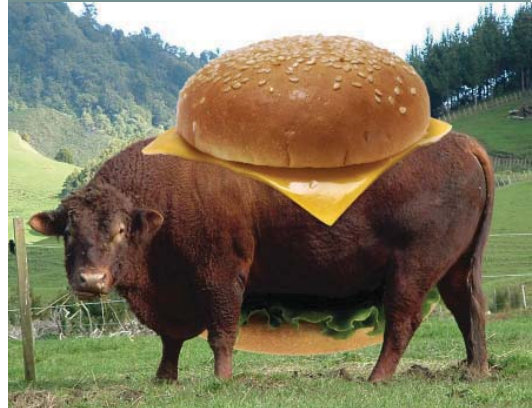
Gross Mendelsohn is a Baltimore-based CPA and consulting firm serving the complete financial needs of privately-held businesses, nonprofit organizations and families in the Mid-Atlantic region. For more information, visit the firm's website at www.gma-cpa.com. The firm's Technology Solutions Group is a full-service, one-stop technology resource, specializing in the installation and support of accounting applications, and the setup and support of computer and network systems. For more information, visit www.technology-solutions.gma-cpa.com.



DISCOUNTED PRICES EXTENDED UNTIL NOVEMBER 7**ASA OF BALTIMORE
BULL AND OYSTER
ROAST****FRIDAY, NOV. 18
8 PM - MIDNIGHT**

Take advantage of discounted prices if you order
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YOU WANNA PIECE OF ME?



**TICKETS : \$40 (\$50 after Nov. 1)
TABLE OF 10: \$375 (\$450 after Nov. 1)**

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FOOD SPONSOR or BEVERAGE SPONSOR: \$250

(website link, 1 ticket, logo on sign at event)

Full Bull and Oyster Roast menu furnished by Superior Catering by M&M including:

Raw Oysters on the half-shell; Top Round Beef and Sweet Honey Ham on the Pit; Homemade Maryland Crab Soup, Bar-B-Que Chicken, Italian Sausage, Mac & Cheese, Sauerkraut & Kielbasa, Bake Ziti, Caesar Salad and of course, Mary's FAMOUS Sweet Corn Casserole.

There will be DJ, dancing, wheels, games and MORE!

National News

Web Insight: Uh-Oh, I've Forgotten My Password

ASA's Web Insights series of articles introduces you to several areas of the ASA Web site. In this article, you'll learn what to do if you — or a member — forget the password used to log in to the "Members-Only Section" of the ASA Web site.

When you log in to the Member Resources page with your e-mail address and password and receive an error message that the password is incorrect or that there are multiple accounts tied to that e-mail address, click on the "Forgot Your Password?" link at the bottom of the page. Enter your e-mail address and click the "Go" button. This will send an e-mail to your address containing a link to reset your password. When you "click here" in the e-mail, a new window will open in your Web browser allowing you to create and confirm a new password.

ASA staff would be happy to assist you with creating a new password as well. Just send an e-mail to communications@asa-hq.com.

For questions or help navigating the ASA Web site, contact ASA at (703) 684-3450, Ext. 1321, or communications@asa-hq.com.

Legislation Would Allow More Contractors to Use Completed Contract Method of Accounting

More subcontractors would be able to pay income taxes at the conclusion of a job, if legislation introduced in Congress is enacted. [The American Job Builders Tax Reform Act of 2011](#) (H.R. 1993) would allow more subcontractors to use the completed contract method (CCM) of accounting by increasing the threshold for contractors from \$10 million in average annual gross receipts to \$40 million.

Under current law, construction contractors with

average annual gross receipts exceeding \$10 million are required to use the percentage of completion method (PCM). CCM allows business to postpone the reporting of income and expenses until the contract is completed, while PCM requires contractors to estimate income and expenses on long-term contracts on a yearly basis.

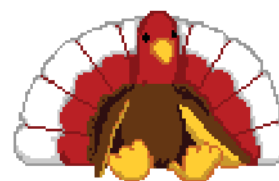
Tell your member of the U.S. House to support the American Job Builders Tax Reform Act of 2011 by visiting <http://capwiz.com/asaonline/home/>.

Members Explain 'Why We Belong' to ASA in New Video

ASA members reveal why they are proud members of ASA in a new video, "American Subcontractors Association: Why We Belong." The 5-minute video, produced by ASA and ASA member firm Harrison Law Group, is available on the ASA Web site by clicking on the "Why We Belong" advertisement in the left column of the ASA home page, or by visiting the [ASA Membership Center](#).

Tip: If you experience problems viewing the video, make sure to choose "Show All Content" or "Show Non-Secure Content" if prompted by your Web browser.

Share the video with your friends by sending them the link to ASA's Membership Center. Share your story about why your company belongs to ASA on the [ASA Facebook page](#).



National News

Change in Insurance Certificates Puts Subcontractors at Risk

Construction contracts typically require at least 30 days advance notice of insurance cancellation, but a recent change in insurance practices could make subcontractors and contractors non-compliant with their contracts.

The Association of Cooperative Operations Research and Development (ACORD), the licensing company for insurance forms, has amended its certificate of insurance requirements so that certificates of insurance cannot promise that an insurance company or insurance broker will provide advance notice of insurance policy cancellation. Altering the form may run afoul of state laws.

“Subcontractors should carefully review all of their subcontracts and up-tier contract flow-down provisions pertaining to requirements to provide notice of cancellation of any insurance policy,” said ASA member Richard B. Usher, Hill & Usher Insurance and Surety, Phoenix, Ariz.

The ACORD form change affects all standard contract documents and most manuscripted construction contracts that contractually require a 30-day advance notice of cancellation.

“The ACORD form change impacting certificates of insurance came out of nowhere and potentially puts contractors, subcontractors, design-builders and construction managers in breach of their contracts on Day 1,” said Brian Perlberg, executive director of ConsensusDOCS. “The coalition-crafted solution is yet another example how ConsensusDOCS are the only standard contract documents that are updated for today’s design and construction industry.”

ConsensusDOCS has developed model contract language for the ConsensusDOCS 200 prime contract that provides timely third-party notification of cancellation by the insurance company and creates an obligation on a party to give notice of cancellation to the owner or other upstream party:

“To the extent commercially available to the Constructor from its current insurance company, insurance policies required under subsection 10.2.1 shall contain a provision that the insurance company or its designee must give the Owner written notice transmitted in paper or electronic format: (a) 30 Days before coverage is nonrenewed by the insurance company and (b) within 10 Business Days after cancellation of coverage by the insurance company. Prior to commencing the Work and upon renewal or replacement of the insurance policies, the Constructor shall furnish the Owner with certificates of insurance until one year after Substantial Completion or longer if required by the Contract Documents. In addition, if any insurance policy required under subsection 10.2.1 is not to be immediately replaced without lapse in coverage when it expires, exhausts its limits, or is to be cancelled, the Constructor shall give Owner prompt written notice upon actual or constructive knowledge of such condition.”

Read more about the change to certificates of insurance in the [ConsensusDOCS Guidebook](#).



Professional Council

Members Helping Members

ACCOUNTING: Pam Delaney
Stout, Causey, & Horning, P.A.
410-785-8038
pdelaney@scandh.com

ATTORNEY: Kenneth Sorteberg
Huddles Jones Sorteberg & Dacheille, P.C.
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sorteberg@constructionlaw.com

BONDING: Steve Mutscheller
HMS Insurance Associates, Inc.
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COMPUTERS: Allen Gudesblat
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EQUIPMENT RENTAL: Dave Erdman
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INSURANCE: Richard Shaw
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443-259-3209
rshaw@cbiz.com

SAFETY: Terry L. Foy
Foy Safety Consulting, Inc.
410-446-3995
foysafety@comcast.net

Each month a list of professional service members will be listed in the Hard Hat news as the Professional Council on call for the month. They will be more than happy to address a question from ASA members.

Legislative Issues

U.S. House Votes to Repeal 3 Percent Withholding Requirement

ASA Pushes for Repeal Vote in Senate

Several years of hard work by ASA's grassroots activists paid off on Oct. 27, when the U.S. House of Representatives voted to repeal the 3 percent tax withholding requirement on public contracts. The House passed repeal legislation ([H.R. 674](#)) by a vote of [405-16](#) (yeas-nays).

"The House acted decisively to repeal this burdensome law that, if implemented, would reduce the cash flow of government contractors while increasing their record-keeping requirements," said 2011-12 ASA President Kerrick Whisenant, Cornerstone Detention Products Inc., Tanner, Ala. Without repeal, the tax withholding requirement is scheduled to take effect on Jan. 1, 2013.

"The Senate should swiftly bring repeal legislation to a vote."

In a statement released by the White House on Oct. 25, the Obama administration said it "supports passage of H.R. 674" and that the legislation "would reduce a burden on government contractors who otherwise comply with their tax obligations, particularly small businesses." ASA is working with key senators to end debate and bring repeal legislation to a vote in the Senate. *For more information, contact ASA at (703) 684-3450, Ext. 1317, or GovernmentRelations@asa-hq.com*



ASA OF BALTIMORE CALENDAR 2011-2012

SEPTEMBER 2011

September 22 ~ 5:30 - 8:00 p.m.
Squires in Dundalk
Speaker: Terry Foy
How to Prepare For a MOSH Audit

FEBRUARY 2012

February 23 ~ 5 - 7 pm
Squires in Dundalk
Speaker: Michael Pappas, Esquire
Legislative Update

OCTOBER 2011

October 27 ~ 5:30 - 8:00 pm
The Bowman Restaurant
Speaker: Edward Seglias and Jennifer Horn-
Crossing Borders

MARCH 2012

March 22 ~ 6 - 9 pm
Cross Street Market
Networking

NOVEMBER 2011

November 18 ~ 8 pm - Midnight
3rd Annual Bull & Oyster Roast
UAW Local 230
1010 S. Oldham Street, Baltimore MD 21224

APRIL 2012

Annual Joint Association Networking
Venue, Date and Time TBD

DECEMBER 2012

December 6 ~ 6-9 pm
The Bowman Restaurant
ASA Goes to Court - A Mock Trial Presented by ASA of
Baltimore Past Presidents

MAY 2012

May 17 ~ 4 - 8 pm
Holiday Inn Inner Harbour
GC EXPO

JANUARY 2012

Annual ASA/AGC Joint Dinner Meeting
Holiday Inn Inner Harbour
Networking Cocktail Party

JUNE 2012

June 28 ~ 5 - 7 pm
Year End Wrap Up & Networking
The Bowman Restaurant

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CALENDAR OF EVENTS

Friday, November 18
4th Annual Bull & Oyster Roast
UAW 239

1010 S. Oldham Street, Baltimore 21224
8 pm - Midnight

Tuesday, December 6
ASA Goes to Court
A Mock Trial Presented by the Past Presidents
of ASA of Baltimore
6 - 9 pm



Happy Thanksgiving!

Hard Hat News

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info@asa-baltimore.com

Website: www.asa-baltimore.com

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Fred Judd

Chapter Counsel.....Charles Yumkas, Esq.
Chapter Accountant.....Art Little, CPA

Executive Director.....Denise Lindross

BOARD & COMMITTEE MEETINGS

Membership Committee

Tuesday, November 8

9:30 am

Board of Directors

Tuesday, ONovember 8

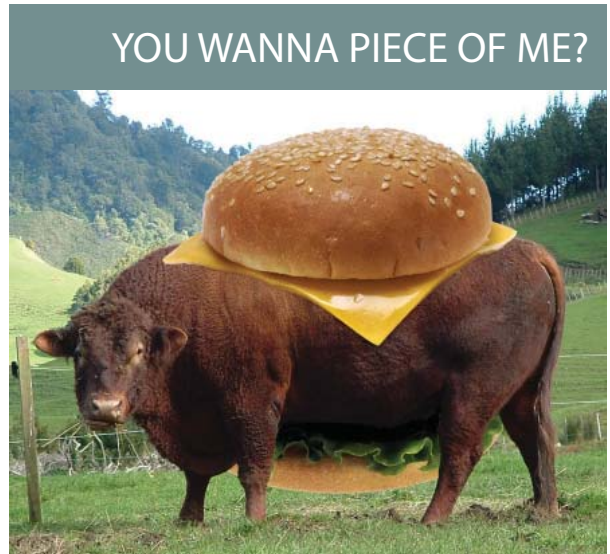
Board of Directors

10:30 am

ASA of Baltimore Office

ASA OF BALTIMORE BULL AND OYSTER ROAST

FRIDAY, NOV. 18
8 PM - MIDNIGHT
DISCOUNTED PRICING EXTENDED
UNTIL Nov. 7, 2011



UAW Local 239 ~ 1010 S. Oldham Street, Baltimore, MD 21224

**TICKETS : \$40 (\$50 after Nov. 7)
TABLE OF 10: \$375 (\$450 after Nov. 7)**

Sponsor Opportunities are available!

EVENT Sponsor: \$1,000

(front page article Nov. HHN, 3 month full page ad HHN, free table, website link, banner at event)

ENTERTAINMENT SPONSOR: \$500

(3 month 1/4 page ad HHN, website link, 2 tickets, logo on sign at event)

FOOD SPONSOR or BEVERAGE SPONSOR: \$250

(website link, 1 ticket, logo on sign at event)

Full Bull and Oyster Roast menu furnished by Superior Catering by M&M including:
Raw Oysters on the half-shell; Top Round Beef and Sweet Honey Ham on the Pit;
Homemade Maryland Crab Soup, Bar-B-Que Chicken, Italian Sausage, Mac & Cheese,
Sauerkraut & Kielbasa, Bake Ziti, Caesar Salad
and of course, Mary's FAMOUS Sweet Corn Casserole.

There will be DJ, dancing, wheels, games and MORE!

Please send me _____ tickets @ \$40 each = \$ _____ (\$50 after Nov.7)
Please reserve me _____ tables @ \$375 each = \$ _____ (\$450 after Nov. 7)
I will be a Sponsor: _____ Event (\$1,000) _____ Entertainment (\$500) _____ Food (\$250)
_____ Beverage (\$250)

TOTAL \$ _____

Company Name: _____ Phone: _____

Payment by: _____ Check _____ MasterCard _____ Visa _____ Amex

Card #: _____ CVV #: _____ Exp. Date: _____

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Return this form to ASA of Baltimore; PO Box 43958 or via fax to (410) 344-1472

SUBPOENA

ASA OF BALTIMORE
5808 ALLENDER ROAD
WHITE MARSH, MD 21162
PHONE: (410) 344-1470

**BEFORE THE DIVISION OF EDUCATION AND ENTERTAINMENT OF
THE AMERICAN SUBCONTRACTOR’S ASSOCIATION OF BALTIMORE**

Honest Drywall Company, Subcontractor)	
)	
Petitioner,)	SUBPOENA LAFUS LERNUM
)	
vs.)	
)	
Dewey, Screwem and Howe, General Contractor)	
)	
Respondent.)	Case No. ASA20111206
)	

TO: Esteemed Member or Friend of ASA
Attn: Owner, Employees, Spouses and Guests
1234 Subcontractor Lane
Baltimore, MD XXXXX

RE: ASA Goes to Court
Date of Event: 12/06/2011, 6:00 – 9:00 pm
The Bowman Restaurant, 9306 Harford Road, Parkville, MD 21234
Fine in the amount of \$60 due per member attendee, \$55/person for table of 8
Non-members registration fine amount: \$75 per attendee, \$70/person for table of 8

YOU ARE COMMENDED to produce at the Restaurant of The Bowman, 9306 Harford Road, Parkville, MD 21234, yourself, spouses, and fellow colleagues for an evening of education and entertainment provided by the Past Presidents of the ASA of Baltimore.

RSVPs DUE BY the 15th of November, 2011.

ASA OF BALTIMORE

By: _____
Denise Lindross, Executive Director

FINE PAYMENT

ASA GOES TO COURT | December 6, 2011 | The Bowman Restaurant
ASA Members: \$60.00/person or \$55.00/person for table of 8
Non-members and friends: \$75 per attendee, \$70/person for table of 8

Ticket Holder and Guests: _____

Company Name: _____ Phone: _____

Payment By: ___Check ___MasterCard ___Visa ___Amex Total Payment: _____

Card #: _____ CVV#: _____ Exp. Date _____

Name on Card: _____

Return this form to *ASA of Baltimore; PO Box 43958, Baltimore, MD 21236* or Fax *410.344.1472*

ASA GOES TO COURT

TUESDAY, DECEMBER 6, 2011

6 - 9 PM

THE BOWMAN RESTAURANT

CAST OF CHARACTERS

Joe Dohony Judge, Al Ways Hangum Harry
American Pavement Maintenance

Mike Wilmot Owner, Rich F. Owner, III of
Wilmot Modular Structures, Inc. Owner Development Company

Mel Taylor Owner's Attorney, Mel "Money" Bags
Chesapeake Industrial Leasing Co., Inc. Senior Partner of Cash, Coins, and Bags

Rick China General Contractor, Rick Dewey of
1st Electric, Inc. Dewey, Screwem, & Howe

Tim McGuire General Contractor's Attorney, Timmy Joe Holdharmless of
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Steve Workmeister Subcontractor's Attorney, Weston Jumpus of
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Annual Joint AGC/ASA January Meeting



When: Thursday, January 26, 2012



Where: The Holiday Inn
Inner Harbor
301 W. Lombard Street
Baltimore, Md 21201

Time: 5:00 - 7:00 pm

You will enjoy delicious hors d'oeuvres and an open beer and wine bar

Join us as general contractors and subcontractors take a moment to network, discuss industry trends, solicit new business and share ideas

BE A BEVERAGE SPONSOR FOR THIS EVENT: \$250
You will receive recognition at event and a link from ASA website to your website

Regular registration for the January meeting ends on Friday, Jan. 20. Late registration is subject to availability and additional fees. Cancellations must be received by noon Monday, Jan. 23 for refund or credit. Substitutions are allowed.

Company Name _____ **Phone** _____

Attendee Names (additional list on back) _____ **E-Mail to confirm registration** _____

AGC/ASAMembers \$50 _____ **#Non-Members \$65** _____

I WISH TO SPONSOR THIS EVENT: \$250 EACH _____ **TOTAL \$** _____

Check or Charge it! Check Visa MC Amex# **Card Number** _____

Name on Card _____ **Exp Date** _____ **CVV #** _____

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