

MARCA Roof Topics

The newsletter for the Mid Atlantic Roofing Contractors Association • Fall 2007



MARCA President Dave Taylor
of EA. Taylor & Son Inc.
Photo credit: Dori Arrington

From the President

Welcome to the first edition of MARCA's *Roof Topics*. The merger of the Associated Roofing Contractors of Maryland (ARCOM) and Washington Area Roofing Contractors Association (WARCA) is complete, and we now have new leadership and committees in place, as well as a new logo, newsletter, Web site and staff representative at the National Roofing Contractors Association (NRCA). He is Bryan White, and you can reach him with any news you may have, questions and/or concerns at (877) 508-ROOF (7663) or bwhite@nrca.net.

MARCA's new officers and directors, committee members and administration information are included in this newsletter. Our Web site, www.marcaroof.com, serves as our main vehicle for communication, so please check it often for industry news in our area, information about upcoming events and announcements. If you have any information you would like to see included on the site, please contact Bryan White.

MARCA's membership is growing, and we ask all members to help by asking any nonmember contractors, associates, consultants, etc. to join. They not only receive timely information and a host of benefits, but also get to enjoy the networking and camaraderie we have with this great association. Also, you will be receiving an invoice for 2008 membership dues soon, and I hope you will renew your membership promptly so we can continue our plan of work. And remember—once your dues investment is received, NRCA will mail you a \$250 rebate check!

Three copies of MARCA's 2007 Membership Directory recently were mailed to each member; I hope you like the new look. We have some extras, so if you need additional copies, contact Bryan. The plan is to publish the 2008 directory in the spring of 2008 so we'll be able to use and distribute it throughout the year. Please share any ideas for the directory with me or Bryan.

Please forward any ideas or news you may have for our newsletter and Web site to me or Bryan. Your feedback is always welcome.

Best,

Dave Taylor
MARCA President

Under this roof...

MARCA Officers and Directors	2
MARCA Committee Members	2
MARCA Administration	3
MARCA Notes	3
"Frank"ly Speaking	4
Industry News	6
Raising the Roof!	6
No-match Letter	8
MARCA Golf Tournament	8
Industry Events Calendar	10

MARCA Officers and Directors

Officers

President

Dave Taylor
F.A. Taylor & Son Inc.
(410) 477-5330 dtroofer@hotmail.com

Vice president

Howard Willis
Krupnik Brothers Inc.
(410) 761-1297 krupnik@qis.net

Secretary

Pat Bollinger
Magco Inc.
(410) 799-1972 pbollinger@magco.com

Treasurer

Jeff Orndorff
Orndorff & Spaid Inc.
(301) 937-0310 jeff@osroofing.com

Immediate past president

Lloyd McChesney
McChesney Associates
(301) 292-8286 mcchesneyassoc@aol.com

Directors

Associate members:

Mike Keenan
Bradco Supply Corp.
(410) 332-1134 mkeenan@bradcosupply.com

Peter Salmon
ACP LLC
(410) 737-9001 acp@acpllc.com

Contractor members:

John Deming
Deming Enterprises Inc.
(301) 808-8800 johnmdeming@aol.com

Jim Garner
James Myers Company
(301) 419-0091 jgarner@jamesmyersco.com

Dennis Patrick
Simpson of Maryland
(410) 525-0152 dpatrick@simpsonofmd.com

Jim Walls
James R. Walls Contracting Co. Inc.
(301) 856-4217 jrwallsc@aol.com

MARCA Committee Members

Finance Committee

Jeff Orndorff, Peter Salmon

Education Committee

Pat Bollinger, Mike Keenan

Employee Recognition Committee

Pat Bollinger, Mike Maguire

Legal Committee

Frank Kollman

Membership Committee

Dave Taylor, Jeff Orndorff

Nominating Committee

Dave Taylor

Public Relations Committee

Bryan White

Scholarship Committee

Peter Salmon, Howard Willis

Speaker Committee

Lloyd McChesney, Mike Keenan,

Casino Night Committee

Rob Ruff, Gary Rathell

Annual Lecture Committee

Robert Arrington, Dennis Patrick

Bull & Oyster Roast Committee

Brendan Lynch, Dennis Patrick

Golf Tournament Committee

Howard Willis, John Demming

Crab Feast Committee

Dave Taylor II, Larry Nash, James Fick

MARCA Administration

Headquarters

Mid Atlantic Roofing Contractors Association (MARCA)
c/o National Roofing Contractors Association (NRCA)
10255 W. Higgins Road, Suite 600
Rosemont, IL 60018

Contact

Bryan White
NRCA Director of Affiliate Operations
(847) 493-7554
Fax: (847) 493-7960 bwhite@nrca.net
Web site: www.marcaroof.com

Legal counsel

Frank Kollman
Kollman & Saucier P.A.
Eighth floor, Sun Life Building
20 S. Charles St.
Baltimore, MD 21201
(410) 727-4300 fkollman@kollmanlaw.com

MARCA Notes

□ New members

We are delighted to welcome MARCA's 11 newest members.

Contractor Members

Burns and Scalo Roofing Co. Inc.
22 Rutgers Road, Suite 200
Pittsburgh, PA 15205
(412) 928-3060
Fax: (412) 928-8703 www.burns-scalo.com

RoofTech LLC
3201 8th Street NE
Washington, D.C. 20017
(202) 529-2290
Fax: (202) 529-2210 www.rooftechllc.com

Scates Corporation
4316 Millwood Road
Mt. Airy, MD 21771
(301) 831-0081
Fax: (301) 829-5691 scatescorporation@yahoo.com

Wagner Roofing Company
4909 46th Ave.
Hyattsville, MD 20781
(301) 927-9030
Fax: (301) 927-3505 www.wagnerroofing.com

Associate Members

BB & T Carroll County Insurance
P.O. Box 69
Westminster, MD 21158
(410) 876-3862
Fax: (410) 549-3237 tstem@bbandt.com

Carlisle Coatings & Waterproofing Inc.—
Under One Roof
6028 Douglas Ave.
New Market, MD 21774
(301) 748-2409
Fax: (301) 865-6803 edtayloruor@msn.com

Dataforma Inc.
3545 N. Susquehanna Trail
York, PA 17327
(866) 764-9992
Fax: (717) 764-9601 dmaronic@dataforma.com

Innovative Building Solutions
1111 Butterworth Court
Stevensville, MD 21666
(410) 643-6161
Fax: (410) 643-6631 bonniec@roofsolutions.com

National Lumber Company
4901 Pulaski Highway
Baltimore, MD 21224
(410) 675-4740
Fax: (410) 675-0119

Occupational Skills Training Center
920 Forrest St.
Baltimore, MD 21202
(410) 234-1832
Fax: (410) 333-6348 Stewal410@cablespeed.com

Terrapin Recycling & Disposal LLC
7600 Rolling Mill Road
Baltimore, MD 21224
(410) 285-6900
Fax: (410) 285-6662 abucklin@terrapinrecycling.co

7 W. George Street
Westminster, MD 21157
(410) 875-9671
800-840-6072
Fax 410-875-9338

MIKE DRAYER
PRESIDENT

COMMERCIAL & RESIDENTIAL MHIC #39227

Up on the Roof, Inc

Dan Mathews
Marlene Bender

E-mail: info@upontheroof.com

11900 Winstead Lane Reston VA 20194

T: 877.642.1222

F: 877.642.1333



www.upontheroof.com

MARCA is seeking sponsors to defray the cost of various publications and events.

MARCA sponsorship opportunities offer worthwhile benefits. Flexibility has been built into MARCA sponsorship packages allowing them to be customized to fit your budget, maximizing the benefits for your company. As a sponsor, your company will receive recognition at the event, in MARCA's quarterly newsletter and on its Web site. Additional benefits vary by publication and event.



If you are interested in being a sponsor, contact Bryan White at (847) 493-7554 or bwhite@nrca.net.

Get Wired!

If you are not currently receiving MARCA event notices and information via e-mail, please address so we can inform you about MARCA happenings in the future. Send an e-mail to Bryan White at bwhite@nrca.net with your name, company name and the e-mail(s) you would like on MARCA's communications list.

"Frank"ly Speaking

Ignorance is No Excuse

by Frank L. Kollman

When I entered law school more than 30 years ago, I took a course called "torts," which deals with legal issues such as negligence. We were taught that a company could make a chair that was perfectly fine for sitting, yet be sued for injuries sustained by a person who stood on the chair. The court in the case we studied reasoned, correctly, that it was common knowledge that people frequently stand on chairs rather than use ladders. Therefore, the company either had to warn people not to stand on their chairs or make them stronger.

Of course, cases like that one led to a proliferation of warnings on consumer products: "DO NOT STICK THIS PRODUCT UP YOUR NOSE." "NOT FOR HUMAN CONSUMPTION." "WEAR EYE PROTECTION WHEN OPERATING THIS MACHINERY." "DO NOT STAND ON THIS CHAIR." We have to protect consumers from themselves, or so the theory goes. We must anticipate the stupidity of our fellow humans.

(I hung a swing this past month for my grandson, who weighs 20 pounds. The hardware I bought to hang it was rated for more than 5,000 pounds, but the warning said not to use it to hold up "personnel" or something like that.)

In the labor-relations area, companies have been required for years to post notices of employee rights under workers' compensation laws, wage-and-hour laws, civil rights laws, safety laws and other laws regulating workplace conduct. If an employer does not post one of these notices, he or she can be fined or his or her employees may file a claim long after the time for doing so has passed. The idea is to give employees notice of their rights and at the same time tell them how long and what they have to do to take action.

I have never understood employers who do not post these notices. These notices, in fact, can be a benefit to

employers. If employees are aware of their rights and take no action, they cannot allege later that they should be given another chance. That is one of the reasons why cigarette manufacturers did not strongly oppose warnings on cigarette packages. "How can a smoker sue us when the package itself says you are going to get cancer?"

Recently, a case was decided in a federal court in Tennessee allowing an employee to sue under the Family and Medical Leave Act (FMLA) even though she never requested FMLA leave for her absences. The employee had been fired for excessive absenteeism, and she later alleged she had a serious medical condition warranting FMLA leave. The company argued it did not know the employee's absences qualified for FMLA leave because the employee never asked for leave. The court, however, said that the employee would be allowed to show that the circumstances surrounding her absences demonstrated that the company "knew" her absences were for a serious medical condition.

It appears the court was saying the company must do more than sit back and see whether an employee exercises his or her rights. Ignorance is not bliss. The case reminds me of some of the cases that have been decided concerning sexual harassment. If the conduct is sufficiently serious to qualify as sexual harassment, the employer cannot typically defend merely by showing the absence of a complaint from the employee. Further, to escape liability, the employer must have a written complaint from the employee. Further, to escape liability, the employer must have a written complaint procedure designed to assist employees in making sexual harassment complaints without fear of retaliation.

The workplace is becoming so complicated that we may need to start including warnings on every bulletin board, with every pay check, and every square inch of each employee's locker. "HAVE YOU REPORTED YOUR WORKPLACE INJURY?" DOES YOUR ABSENCE QUALIFY FOR FMLA LEAVE?" READ YOUR EMPLOYEE HANDBOOK." READ THE NOTICES ON THE BULLETIN BOARD." DON'T SAY F#@%, S*\$#, OR #@!%^\$ TO YOUR CO-WORKERS." The post-it note market would benefit greatly.

Not only is it easier for employees to sue, but the courts and the legislators appear to want the companies to help their current and former employees bring the suit. Before long, our lawmakers will require employers to advise terminated employees of the address and telephone numbers of the Equal Employment Opportunity Commission,

National Labor Relations Board and Department of Labor. The state of Maryland this past legislative session opened the floodgates for more state court lawsuits for employment discrimination by changing a state law that is more than 40 years old. Expect to see lawsuits against Maryland employers rise dramatically.

If you want to avoid meritorious lawsuits, take these steps. First, make sure your notices are posted and your employee handbook is up-to-date. Second, make sure your supervisors are trained in the law and how to interact with employees. Third, document all employee issues with at least a written memo. Fourth, gather all the information you can before taking action against an employee. Finally, seek legal advice if the discipline you are planning seems in any way questionable. If you have concerns, imagine the concerns a judge or jury may have.

I have clients who do much more than the law requires. For example, employees with serious medical conditions are sometime kept on the payroll far longer than the FMLA requires, even when the company is not in an economic position to do so. If you have a situation where your heart is in conflict with good business judgment, seek advice from your attorney about creative solutions. You might also speak with the employee candidly; you might be pleasantly surprised by the employee's suggested solution to the problem.

Labor laws are complicated, but employers must take action to protect themselves; ignorance is not a defense. Get all the information you can, and make an informed decision. If your decision is correct, an employee's right to sue is essentially meaningless. And make sure those notices are posted.



Industry News

❑ Washington, D.C., area ranks 5th and the Baltimore Metro Area ranks 21st in U.S. for Average Income

The Washington, D.C., area ranked 5th out of the 363 metropolitan regions in the U.S., with an average personal income of \$51,200 for every man, woman and child, according to the U.S. Department of Commerce and *The Baltimore Sun*.

The commerce department also reported that the Baltimore metro region ranked 21st with an average personal income of \$43,500. The Bridgeport-Stamford-Norwalk, Conn., area was reported as the richest metro area in the U.S. with a personal income average of \$71,900, 65 percent more than the Baltimore metro average.

❑ Maryland Sees Job Gains and Lower Unemployment

According to *The Baltimore Sun*, Maryland's unemployment rate fell from 4 percent in July to 3.7 percent in August, significantly lower than the U.S.'s rate of 4.6 percent. Maryland also gained 3,300 jobs in August while the U.S. lost 4,000—the first drop in four years.

During the past year, Maryland added 31,300 jobs, a 1.2 percent growth rate that is slightly ahead of the U.S. rate. And although the manufacturing and financial activities sectors experienced weak performances during the past year, construction added 4,400 jobs largely because of commercial building growth. Maryland's leisure and hospitality sector added 5,600 jobs and its education and health services sector and professional and business services sector added almost 9,000 jobs during the past 12 months.

Raising the Roof!

MARCA Awards Seven Scholarships

MARCA is proud to have recently awarded three \$1,000 scholarships to high school seniors and four \$500 scholarships to returning college students. Scholarships are awarded each year to students attending (or high school seniors planning on attending) a two- or four- year accredited college, university or trade school. Applicants must be U.S. citizens and an employee and/or immediate family member of an employee of a company that is a MARCA member.

The winners are as follows.

High School Seniors (Now College Freshmen)

- ❑ Jessica Garner, Charlotte Hall, Md., daughter of James Garner, operations manager for James Myers Co. Inc., Beltsville, Md.



From left to right: Howard Willis, James Garner, accepting the scholarship award on behalf of his daughter, Jessica, and Jeff Orndorff

- ❑ Stephanie Menefee (not pictured), Severna Park, Md., daughter of Pamela Menefee, accountant for Bollinger Roofing Co. Inc., Baltimore.
- ❑ Adam Rozanski, Bowie, Md., son of Peter Rozanski, purchasing agent/accountant for Orndorff & Spaid Inc., Beltsville, Md.



From left to right: Howard Willis, scholarship recipient Adam Rozanski and Jeff Orndorff

Returning College Students

- ❑ Michael Menefee, Severna Park, Md., son of Pamela Menefee, accountant for Bollinger Roofing Co. Inc., Baltimore. Michael is attending the University of Maryland and studying marketing with a sports concentration.



From left to right: Howard Willis, scholarship recipient Michael Menefee and Jeff Orndorff

- ❑ Kara Muffoletto (not pictured), daughter of Lisa Muffoletto, an employee of Cole Roofing, Baltimore. Kara is attending Salisbury University, Salisbury, Md., and majoring in biology.
- ❑ Brittany Pepper, Fredericksburg, Va., daughter of Jeff Pepper, division manager of Mid-Atlantic Foam, Fredericksburg. Brittany is attending James Madison University, Harrisonburg, Va., and majoring in nursing.



From left to right: Howard Willis, scholarship recipient Brittany Pepper and Jeff Orndorff

- ❑ Mark Willis, Pasadena, Md., son of Howard Willis, employee of Krupnik Brothers Inc., Glen Burnie, Md. Mark is attending Towson University, Towson, Md., and majoring in finance.



From left to right: proud parents Howard and Dee Dee Willis and scholarship recipient and son Mark

MARCA President Dave Taylor received a heartfelt letter of thanks from Kara Muffoletto; it is included below for the MARCA membership to enjoy.

July 15, 2007

David Taylor
President
Associated Roofing Contractors of Maryland
10255 W. Higgins Rd.
Suite 600
Rosemont, Illinois 60018-5607

Dear Mr. Taylor,

I would like to thank you and the Associated Roofing Contractors of Maryland again for awarding me with a scholarship for the upcoming school year, like you did last fall. It has meant a lot to me that you are continuing to help me pay for my college education. I wanted to let you know my new grades and how the spring semester of my freshman year went. In the spring semester I earned A's in Chemistry, Microbiology, English and Developmental Psychology and a B in Spanish. I was on the Dean's list for the fall semester and I was inducted into the freshman honor society Phi Eta Sigma. I continued to be involved in the organizations Girls on Top of the World and the Medical Careers Club. I was able to participate in a lot of community service projects through these organizations like The Big Event, the Relay for Life, and visiting a local nursing home. This summer I am working as a receptionist in a local credit union to save money for college. I am looking forward to my sophomore year at Salisbury University and continuing to work hard in my classes as well as being involved with my school and it's community. Thank you very much for your generous scholarship, it has meant a lot to me and my family.

Sincerely,

Kara Muffoletto

Letter from scholarship recipient Kara Muffoletto to MARCA President Dave Taylor

No-match letter

On Aug. 10, the federal government announced new regulations that mandate employers who receive "no-match" letters must terminate a worker's employment if the worker cannot prove he or she is a legal immigrant within a 90-day period.

The rule establishes steps employers must follow when they receive a no-match letter, which is a notice from the Social Security Administration (SSA) stating that an employee's identity information does not match agency records. Originally scheduled to take effect Sept. 14, the rule mandates that if an employee cannot explain the mismatch within 90 days, the employer must fire the employee or risk prosecution for having "constructive knowledge" of hiring an illegal immigrant.

On Aug. 31, Judge Maxine Chesney of the San Francisco Federal District Court granted a restraining order, delaying the rule from taking effect and barring SSA from sending out about 141,000 no-match letters.

After a hearing on Oct. 1, Judge Charles R. Breyer of the San Francisco Federal District Court further delayed the implementation of the no-match letter rule. Breyer extended for 10 days the temporary ban on the no-match letter rule.

A lawsuit regarding the no-match letter rule was brought against the government by the American Civil Liberties Union, AFL-CIO and various San Francisco labor organizations; on Sept. 7, the U.S. Chamber of Commerce and several national small business associations, including NRCA, joined the lawsuit. After the Oct. 1 hearing, Breyer seemed to have concerns regarding the no-match letter rule.

"It is clear to me at this point there would be irreparable harm to the plaintiffs," Breyer said at the end of the hearing. "It just seems to me looking at it that this is a potentially enormous burden on the employer."

On Oct. 10, Breyer granted a preliminary injunction against the no-match rule, barring the Bush administration from implementing the planned crackdown on companies that employ illegal immigrants. Breyer seemed to sympathize with labor organizations' claims that SSA's records contain many errors and could result in unjust firings of legal workers and U.S. citizens, as well as the fact that Department of Homeland Security (DHS) has exceeded its authority by improperly seeking to use confidential information from SSA to enforce immigration laws.

"The government's proposal to disseminate no-match letters affecting more than 8 million workers will, under

the mandated timeline, result in the termination of employment to lawfully employed workers," Breyer wrote in his ruling. "Moreover, the threat of criminal prosecution ... reflects a major change in DHS policy."

Breyer also noted the Regulatory Flexibility Act, which requires the government to seriously consider the cost of regulations that would significantly burden small business owners, saying the 1980 law may have been ignored in this situation.

The government says the rule is supposed to help employers by explaining the steps they need to take to comply with the law. It maintains that the rule is in line with current immigration laws and does not impose any new burdens on employers. DHS Secretary Michael Chertoff says the Bush administration will consider an appeal and will continue to enforce immigration laws.

"Today's ruling is yet another reminder of why we need Congress to enact comprehensive immigration reform," he says. "The American people have been loud and clear about their desire to see our nation's immigration laws enforced."

MARCA Golf Tournament

MARCA 2007 Golf Tournament was held at Crofton Country Club, Crofton, Md., and raised more than \$6,100 for the MARCA Scholarship Fund. MARCA extends a special thanks to Howard Willis, MARCA's Golf Tournament committee chairman, who brought in more than 90 players representing 26 MARCA member companies and 11 MARCA member sponsor companies.

This year's winning team in the first flight was a foursome consisting of Christopher Shue, Krik Parsons, Dan Mathews and Marty Boland. The second flight winners were Jason Flynn and Vince Iadevaia.

Individual winners were as follows:

Closest to the Pin: David Ickrath of Roofers, Inc., a Tecta America Company LLC
Leon Mongold of Orndorff & Spaid Inc.

Longest Drive: Mike Gaulin of MAGCO Inc., a Tecta America Company

MARCA would like to acknowledge our gracious sponsors for this event.

Prime Sponsors

Triangle Fastener Corp., Baltimore

Bradco Supply Corp., Baltimore

Brauner Equipment Co., Baltimore
The Roof Center Inc., Linthicum Heights, Md.
GAF Materials Corp., Ellicott City, Md.

Hole Sponsors

Garlock Equipment Co., Plymouth, Minn.
Mid-Atlantic Foam, Fredericksburg, Va.
James Myers Co. Inc., Beltsville, Md.
Roofers Inc., a Tecta America Company LLC, Baltimore
Morris Ginsberg & Co. LLC, Baltimore
Allied Building Products Corp., Baltimore
Simpson of Maryland, Hanover, Md.



Photos of bappy golfers during MARCA's 2007 Golf Tournament

Industry Events Calendar

For information about MARCA events, visit www.marcaroof.com or contact Bryan White, NRCA's manager of affiliate partnerships, at (877) 508-ROOF or bwhite@nrca.net.

November

- 8 MARCA Dinner Meeting, Timbuktu Restaurant, Hanover, Md.
- 27 MARCA board of directors meeting, Rolling Road Country Club, Cantonsville, Md.

February 2008

- 21-23 NRCA's 121st Annual Convention and the International Roofing Expo, Las Vegas

Roof Topics would like to take this opportunity to **THANK OUR ADVERTISERS**, and we encourage you to do the same by letting them know you saw their advertisements in your association publication.

CBG SOUTH

Serving the skylighting needs of ARCOM contractors since 1965


- ✓ Domed Acrylic Skylights
- ✓ Smoke Hatches
- ✓ Roof Hatches
- ✓ Structural Glass Skylights
- ✓ Translucent Fiberglass Skylights
- ✓ Residential Skylights
- ✓ Replacement Domes
- ✓ Skylight Repair Services

Let us quote your next skylight job!!

Phone: (410) 995-6400
Fax: (410) 381-0071

Visit www.nrca.net today



R.K. Hydro-Vac

Roof Vacuuming Service

R.K. Dry-Vac *Non-Embedded Pea Stone or Slag Removal from BUR*

R.K. Wet-Vac *Non-Embedded Pea Stone or Slag Removal for Extra Clean Roofs*

R.K. Bulk *River Rock Removal (Up to 3" Rock) from EPDM or PVC Roofs*

Irma *Roof Crushed Rock Removal*

Prices *All in Writing*

Fully Insured

Rapid Response



RK Hydro-Vac, Inc.

For a Fixed Price Call: **1-800-237-7474**

Fax: 570-883-9533



BULLDOG[®]

Protects • Prolongs • Preserves

An American Roofing Tradition

BULLDOG SECUREFLASH

*Rubberized Roof Repair Cement
For use on Wet and Dry Surfaces*



- *Stops Leaks FAST*
- *Excellent Wet Surface Adhesion*
- *Rubberized Flashing Cement*
- *Excellent Adhesion to Wide Variety of Surfaces*
- *Trowel Consistency, Easy to Use*
- *No Heating or Mixing Required*
- *Superior Elongation and Recovery*
- *Low Temperature Flexibility*
- *Sold ONLY for Contractor Use*
- *High Performance Cement*
- *Meets Applicable ASTM Specification*

**Available in 5 Gallon
and 3 Gallon Pails**

**Roof Coatings & Cements
You Can Trust...EVERYTIME**

PALMER ASPHALT COMPANY

www.palmerasphalt.com

**Roof Repair Cements, Adhesives
& Maintenance Coatings**

1-800-352-9898

Bayonne, New Jersey 07002