

# MARCA Roof Topics

The newsletter for the Mid Atlantic Roofing Contractors Association • Summer 2008



MARCA President Howard Willis of Krupnik Brothers Inc.

## From the President

Summer greetings to all MARCA members! During this time of year, contractors and associates are normally concerned with heat, thunderstorms and vacations. This year, we also are affected by rising material and fuel costs and a less-than-robust economy. The fact that we survive and/or thrive is a testament to each member's dedication and determination. Good luck to all.

I would like to provide a brief summary of MARCA's spring events. At our May 8 dinner meeting, MARCA recognized several outstanding employees of member companies:

Manuel Cerrito, Wagner Roofing Co., Hyattsville, Md.  
 Julio Chicahay, Orndorff & Spaid Inc., Beltsville, Md.  
 Joseph Cosentino, Wagner Roofing, Hyattsville  
 Michael Maranski, F. A. Taylor & Sons, Baltimore

MARCA also presented scholarships to the following well-deserving students:

Caitlin Canoles, Cole Roofing Inc., Baltimore  
 Jessica Anne Garner, James Myers Co. Inc., Beltsville  
 Emily Grant, Bartlett Roofing & Sheet Metal Inc., Gaithersburg, Md.  
 Stephanie Menefee, Bollinger Roofing Co. Inc., Baltimore  
 Kara Muffoletto, Cole Roofing, Baltimore  
 Benjamin P. Stone Jr., Potteiger-Raintree, Glen Rock, Pa.

Congratulations to all recipients.

In addition, MARCA held its Spring Golf Outing, which is one of the fundraisers that supports MARCA scholarships, on June 16. I would like to thank all of the prime sponsors and hole sponsors that made the tournament possible.

MARCA traditionally takes a summer hiatus, so we have no events planned until September. I would like to remind everyone about the upcoming Crab Feast Sept. 25 and Golf Outing to be scheduled in October; more info will be forthcoming. Remember to check MARCA's Web site, [www.marcaroof.com](http://www.marcaroof.com), often for updates and news.

Finally, Steve Krupnik, president of Krupnik Brothers Inc., Glen Burnie, Md., and founding member of the Associated Roofing Contractors of Maryland, recently suffered a heart attack. He is doing better and is now at home; we wish him a speedy recovery.

Enjoy the rest of the summer, and we'll see you in the fall.

Best,

Howard Willis  
 MARCA President

## Under this roof...

MARCA Officers and Directors	3
MARCA Committee Members	3
MARCA Administration	3
MARCA Notes	4
Frankly Speaking	4
Industry News	5
Raising the Roof!	8
Photos from MARCA's Dinner Meeting	9
Industry Events Calendar	10



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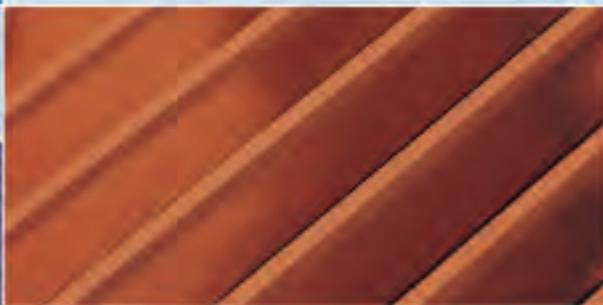


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# MARCA Officers and Directors

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### Vice president

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### Secretary

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### Immediate past president

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(410) 477-5330      dtroofer@hotmail.com

## Directors

### Associate members:

Peter Salmon  
ACP LLC  
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The Roof Center  
(410) 636-7932      frankz@roofcenter.com

### Contractor members:

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Jim Garner  
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(410) 525-0152      dpatrick@simpsonofmd.com

Jim Walls  
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(301) 856-3780      jrwallsc@aol.com

# MARCA Committee Members

### Finance Committee

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### Education Committee

Jim Garner

### Employee Recognition Committee

Doug Fields, Mike Maguire

### Legal Committee

Frank Kollman

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### Nominating Committee

Dave Taylor

### Public Relations Committee

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Peter Salmon, Howard Willis

### Speaker Committee

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### Casino Night Committee

Gary Rathell, Rob Ruff

### Annual Lecture Committee

John Deming, Dennis Patrick

### Bull & Oyster Roast Committee

Brendan Lynch, Dennis Patrick

### Golf Committee

John Deming, Howard Willis

### Crab Feast Committee

Jamie Fick, Dave Taylor II

# MARCA Administration

## Headquarters

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20 S. Charles St.  
Baltimore, MD 21201  
(410) 727-4300      fkollman@kollmanlaw.com

## MARCA Notes

### ❑ New members

MARCA welcomes its newest members:

#### **Arundel Computer Technologies Inc.**

7436 Ritchie Hwy.  
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Roofing Fastening Fasteners	Page 4
Shingles	Page 5
Fasteners for Other Roofing Materials	Page 6
Fasteners for Asphalt	Page 7
Other Fasteners	Page 8
Roofing Accessories	Page 9
Flashes and Sealants	Page 10
Other Fasteners	Page 11
Other Fasteners and Sealants	Page 12
Adhesives and Other Roofing Systems	Page 13

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## Get Wired!

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

## Frankly Speaking

### **The Evolution of Labor and Employment Law**

by Frank L. Kollman

More than 70 years ago, Congress passed the granddaddy of labor laws—the Wagner Act. Also called the National Labor Relations Act, the law created the National Labor Relations Board, prohibited discrimination against employees interested in unionization and provided for secret ballot elections to determine if employees wanted union representation.

Twelve years later, after a huge increase in the number of companies being unionized, Congress passed the Taft-Hartley Act, which reined in the Wagner Act in several ways. First, it said that employers could communicate with employees about unionization. Until that time, employers were basically supposed to stay neutral. Second, it made it illegal for unions to engage in conduct designed to coerce employees into voting for the union. Previously, only employers could commit unfair labor practices. There were other significant changes, but these two leveled the landscape.

Last year, Congress came close to passing another significant amendment to the Wagner Act, which would have essentially eliminated the secret ballot election in favor of card checks and required the employer to submit to binding arbitration if a contract was not reached in 90 days. A card check means that the National Labor Relations Board would have examined cards signed by employees—in bars, in the union hall, at home and in other less than ideal circumstances—to determine whether the company would be unionized. Binding interest arbitration, which may be unconstitutional, would for the first time place control of economic matters in the hands of the government.

If Congress becomes lopsidedly controlled by the Democratic Party and if Obama wins, companies can expect this amendment to become law. Unionization will be given advantages that even the New Deal Democrats thought were too harsh 73 years ago.

Three years after the Wagner Act was passed, Congress passed the Fair Labor Standards Act (FLSA), which calls for a minimum wage, overtime compensation and restrictions on child labor. FLSA has seen only one significant amendment (the Portal to Portal Act, which basically said commuting time is not working time), but the regulations interpreting the law have evolved in many different directions.

In my opinion, FLSA and its regulations are as complicated as the Internal Revenue Code. Employers who believe they are in full compliance with FLSA are dead wrong. There are complicated rules on exemptions, hours worked, salary docking, deductions and every conceivable aspect of how employees are paid. Several years ago, the U.S. Department of Labor issued a major revision in regulations, which only made these payment issues more complicated.

The number of wage and hour cases brought by current and former employees is on the rise. I expect that trend to continue. In addition, several courts have expanded the anti-retaliation rules under FLSA to informal complaints and questions about wage and hour practices. Imagine being sued after firing an incompetent employee because he asked why he was not compensated for travel time, which he was not entitled to receive, and he contends that was the true reason for his termination.

In the '60s, Congress passed Title VII of the Civil Rights Act, prohibiting discrimination in employment based on race, color, religion, national origin and sex, which was expanded later to include sexual harassment and pregnancy discrimination. Then came the Age Discrimination Act, Americans with Disabilities Act (ADA), and a slew of state and local anti-discrimination laws.

However, the federal courts tried to keep these laws reasonable and rational by adopting strict standards of proof for employees claiming discrimination. Congress later overturned these laws, and the first George Bush signed the bill. Congress is currently trying to amend ADA to make it easier for anyone who has a physical or mental ailment to claim protection under the act because the courts have—quite correctly—ruled that a disability must be a real disability. Not every condition that affects an employee's ability to do his or her job is a disability under current law; it could be if Congress has its way.

Congress is also considering amending Title VII to include "gender identity" as a protected classification under the civil rights laws. That would mean that crossdressers, for example, or men who consider themselves women (and vice versa) could not be terminated for their less-than-conventional behavior. Eventually, Congress will attempt to adopt laws that make it illegal to take action against any employee without "just cause."

Lastly, labor and employment laws are evolving in the area of time off. It used to be that not showing up for work was grounds for termination. Since ADA, the pregnancy discrimination act and Family and Medical Leave Act, employees have more reasons not to show up for work without facing any adverse consequences. Congress now wants to expand this unpaid leave to other circumstances, or worse, make this required leave paid leave.

Regarding changes to our labor and employment laws, I wish our legislators would consider the following: Good employees are rarely fired. If an employee is making money for a business,

his or her race, age, manner of dress, disability, color, religion, height, weight and lack of good looks do not matter. Besides, if that employee is fired, he or she almost certainly will be hired by a competitor. Only bad employees need real protection, so why are we protecting bad employees in the first place? Unfortunately, mediocrity will continue to be rewarded as the labor laws evolve to make it more difficult for employers to get rid of bad employees.

## Industry News

### ❑ Law allows more companies to qualify for state program

In mid-May, Gov. Martin O'Malley (D-Md.) signed a bill that raises the average annual gross sales a business can have in its three most recent fiscal years to qualify for the state's Small Business Reserve Program, allowing more companies to qualify for the program, according to Gazette.Net.

In a report, Michael Rubenstein, analyst with the state Department of Legislative Services, said more businesses will be eligible to bid but heightened competition could lower the value of contracts awarded to small businesses.

The program sets aside the value of 10 percent of contracts for small companies. Only nine of 22 agencies hit the target in fiscal year 2006, so the state reached 6.2 percent of its 10 percent goal with \$96.1 million.

With a previous maximum of \$2 million, the average

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annual gross sales levels in the new law include \$10 million for service companies; \$4 million for wholesale distributors; and \$3 million for retail businesses. There also is a new cap of \$4.5 million for architectural and engineering firms.

The law will take effect Oct. 1.

#### ❑ **Downtown Baltimore experiences construction boom**

Almost \$550 million in construction projects was finished in downtown Baltimore during the first four months of the year, according to *The Baltimore Sun*. This is more than twice the value of projects finished during all of 2007.

In addition, a report from Downtown Partnership of Baltimore—a group that runs downtown programs and acts as an advocate for the area—says about \$2.7 billion in construction projects is in progress, even in the face of the housing slump, credit crunch and slowing economy.

Many of the projects completed this year began before the housing slump, and as of last month, more than \$1 billion in planned Baltimore projects—many for downtown—had stalled. In addition, \$250 million in construction, renovations and conversions were finished in 2007 compared with \$394 million in 2006. But the value of projects finished from January through April is more than each of the previous two years.

One big part of that growth was the \$232 million mixed-

use project in Harbor East, which has a Homewood Suites hotel, Hilton Garden Inn, 175 condominiums and various businesses. A large project currently in progress is University of Maryland, Baltimore, which will open a new administration building, campus center and pharmacy school annex and renovate its School of Social Work.

Downtown Partnership of Baltimore surveyed the 1,000 largest employers in downtown Baltimore and found 5 percent job growth for 2007; however, the group can't compare total job growth because last year was the first year it measured employment within a 1-mile radius from the intersection of Pratt and Light Streets.

Businesses seem to be fairly optimistic. Most of the 581 large employers surveyed about job growth expectations said they expect no change. No employers said they expected a decline.

#### ❑ **Virginia House defeats gas tax bill**

The Virginia House voted July 9 to defeat a Senate-passed bill that would have increased the gas tax by 6 cents, according to the *Richmond Times-Dispatch*.

The plan, supported by Senate Democrats, would have raised the gas tax during the next six years, increased the statewide sales tax by 0.25 percent and raised the tax on vehicles by 0.5 percent; the taxes would have raised \$452 million annually.

Although Democrats want to act now to raise additional money for transportation, Republicans say it is irresponsible to raise taxes during an economic slowdown. Democrats had said the plan would cause out-of-state drivers to share the burden of raising revenue.

The bill was defeated in the Republican-controlled House of Delegates by a vote of 59-39.

#### ❑ **Tecta America donates green roof system**

Magco Inc., Jessup, Md., a Tecta America company, has announced it will install a green roof system at a Believe In Tomorrow House at St. Casimir in Baltimore. Operated by the Believe In Tomorrow Children's Foundation, the facility provides hospital and retreat housing services to critically ill children and their families. The house is one of eight such facilities operated by the foundation. A Tecta Green Modular Green Roof will be installed on the St. Casimir building.

The foundation, which began in 1986, also runs a Military Housing Initiative providing services for children in military families.

#### ❑ **MARCA member wins industry award**

*REMODELING* magazine presented its 2008 Big50 Award to MARCA member Fick Bros. Roofing & Exterior Remodeling Co., Baltimore, at the Remodeling Leadership Conference in Washington, D.C., May 5. In addition to



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the award, Fick Bros. Roofing & Exterior Remodeling also was featured in the May issue of *REMODELING* magazine.

The annual award is given to 50 companies that set the standard for professionalism and integrity through exemplary business practices, unique design, smart marketing and an extraordinary effect on their communities or the industry.

“We are honored to receive this distinction,” says Joseph Fick, president of Fick Bros. Roofing & Exterior Remodeling. “The award recognizes excellence and leadership, and we are privileged to be named to this select group of top national remodelers.

“Fick Bros. has been in business for more than 88 years, and our name has always stood for honesty, integrity and the highest level of service and workmanship,” he continues. “Our commitment to these standards has been instrumental in the success of our business and satisfaction of our customers.”

The Fick family has been in the roofing business since 1915. The company specializes in slate roofing installation, repair and replacement; gutters and downspouts; chimney and masonry repairs; and exterior remodeling, among other things.

#### ❑ **\$60 million project proposed in Virginia Beach**

Gold Key/PHR Hotels & Resorts has proposed a project that would produce about 200 upscale apartments, 51,000 square feet of office space, 64,000 square feet of retail space and about 700 parking spaces along Laskin Road, which is near the Oceanfront, a resort area in Virginia Beach, Va., according to [HamptonRoads.com](http://HamptonRoads.com).

It is estimated the project would cost about \$60 million, and Virginia Beach would pay another \$5 million to \$7 million for streetscape improvements and utility work. However, no decisions have been made regarding how much—if anything—the city will pay.

The city has long wanted to make streetscape improvements along Laskin Road, and making those improvements while providing a private development makes sense economically, says Councilman John Uhrin.

“The key to the resort area redeveloping itself is having folks living in the resort taking advantage of all the resort has to offer,” he says.

The complex would sit on about 3 acres bounded by Laskin Road, 32nd Street, and Arctic and Pacific Avenues, and could force Virginia Beach fixtures such as The Jewish Mother, The Heritage store and Waffles 'n' Things to relocate. Although Bruce Thompson, chief executive officer of Gold Key/PHR Hotels & Resorts does not yet own the land, he has spoken with Sea Realty Corp., which owns all but the utility land. However, even if Thompson buys the land, he will need the council to approve the project.

Steve Herbert, Virginia Beach's chief development officer, says the proposed project has the potential to extend the resort strip down Laskin Road, stretching the “31 Ocean” corridor.

“It is, for the first time, stretching across Pacific,” he says. “Just as important, it is a fulfillment of the promise of the corridor; 31st Street is becoming what a few people thought it could be.”

#### ❑ **Zoning commission approves development in D.C.**

Plans for RiverFront, a 5.8-acre mixed-use project in Washington, D.C., on the Anacostia River south of Nationals Park can move forward after a 5-0 vote from the Zoning Commission, according to [washingtonpost.com](http://washingtonpost.com).

Chairman Anthony Hood read from a recent ruling by the National Capital Planning Commission that said the project “would not adversely affect” any federal interests.

“This project is expected to bring activity and amenities to the Anacostia waterfront and is respecting the planning for the South Capitol Street corridor and new Frederick Douglass Memorial Bridge,” he read. “Furthermore, it is enhancing the connection of the Nationals baseball park and surrounding district to the Anacostia waterfront, goals supported by the Anacostia Waterfront Initiative.”

The first phase of the project will be to build an office building and adjacent public plaza across the street from the Nationals baseball park's grand staircase. It is not yet known when construction will begin.

## Raising the Roof!

### MARCA holds golf outing

MARCA held its Spring Golf Outing June 16 at Crofton Country Club, Crofton, Md. The event is a fundraiser that supports MARCA scholarships. Following are the winners in various categories:

1st place— Gregg Cote, Jamie Fick, Dave Taylor II, Chad Unitas

2nd place— Steve Bohlen, Dan Matthews, Kirk Parsons, Dennis Patrick

3rd place—Don Bergamy, Sergio Luis, Darren McNabb, Justin Spence

Long Drive Ladies—Melissa Duvall

Long Drive Men—Eric Ward

Closest to the Pin—Robert Luttrell, Chad Unitas

Prime Sponsors for the event were Bradco Supply, Morris Ginsberg, The Roof Center and Triangle Fasteners/DeWalt. Hole Sponsors were Alliance Roofing & Sheet Metal, Allied Building Products, ATAS International, Brauner Equipment Co., James Myers Co. and Mid Atlantic Foam.

## Scholarship recipient thanks MARCA

To MARCA and the Scholarship Committee:

I would like to take some time to thank you for granting me the Clarence Wolf III Memorial Scholarship. The money will go toward my tuition at James Madison University. I'll be attending as a freshman this fall, and I plan on studying as a Music Education major. Receiving this award will greatly help my family and help me to have the means to reach my goal of becoming a band director at the high school level. Thank you once again.

Sincerely,  
Caitlin Canoles

## NRCA releases building codes manual

NRCA has released *The NRCA Building Codes Manual, Third Edition*, which is designed to help you use the model building codes and understand the roofing-related provisions they contain. It includes detailed analyses of building-code requirements for specific roof system types for each of the model building codes addressed in the manual, including *2006 International Building Code*, *2006 International Residential Code* and *NFPA 5000, 2006 Edition*.

The manual lists roofing-related standards that are referenced in the model building codes, along with contact information for building code-related organizations. It also provides contact information for the government agencies that have building code-adoption authority for all 50 states and 54 major U.S. cities.

Please note with the establishment of the International Code Council, *The BOCA National Building Code*, *Standard Building Code* and *Uniform Building Code* were consolidated into the *International Building Code*.

The NRCA member price for the manual is \$95, and the retail price is \$175. To purchase the manual, visit [shop.nrca.net](http://shop.nrca.net) or contact NRCA's customer service department at (866) ASK-NRCA (275-6722) or [info@nrca.net](mailto:info@nrca.net).

## NRCA launches Roofing 101

NRCA has made available its first interactive online educational program, Roofing 101, which features animation, graphics, videos and interactive learning activities to address basic roofing terminology, roof assembly components and roof systems.

Roofing 101 will benefit people new to the roofing industry, building owners, facility managers, architects, appraisers, inspectors, government agencies, general contractors and civil engineers. The online educational program consists of five self-paced learning modules that require about one hour each to complete.

**Module 1: The Basics** discusses the roles and responsibilities of key roofing industry stakeholders and introduces the con-

cepts of roof slope and drainage, roof assembly components and the many types of low-slope (typically commercial) and steep-slope (typically residential) roof systems available.

**Module 2: Roof System Basics** provides details of roof assembly component functions; explains the significant effects roof systems have on the environment; reviews building-code compliance, roofing warranties and general maintenance requirements; and discusses safe roofing practices.

**Module 3: Low-slope Roof Systems** introduces the various types of low-slope roof systems available and explores design issues, basic application methods, general maintenance requirements and system-specific safety concerns for all common low-slope roof systems.

**Module 4: Steep-slope Roof Systems** describes many styles and types of steep-slope roof coverings, their general layout and attachment methods, insulation requirements, ventilation issues and valley applications. The module also addresses specific maintenance requirements and safety concerns for all common steep-slope roof systems.

**Module 5: Roof Flashing Systems and Accessories** discusses the basic components of vertical and horizontal flashing systems and accessories for low- and steep-slope roof systems and describes best practices for flashing system application. The module also identifies specific safety issues associated with flashing system and accessory installation.

Roofing 101's introductory module, The Basics, is \$35 for NRCA members and \$55 for nonmembers. Additional modules are \$55 each for NRCA members and \$75 each for nonmembers. Various package deals also are offered, including the entire Roofing 101 program (all five modules) at \$195 for members and \$295 for nonmembers (a savings of \$60 each); Roofing Basics package (modules 1 and 2) at \$85 for members and \$125 for nonmembers; Low-Slope Package (modules 1, 2, 3 and 5) at \$175 for members and \$250 for nonmembers; and Steep-Slope Package (modules 1, 2, 4 and 5) at \$175 for members and \$250 for nonmembers.

For more information about Roofing 101, contact NRCA's Customer Service Department at (866) ASK-NRCA (275-6722) or [info@nrca.net](mailto:info@nrca.net) or visit [www.nrca.net/nrcauniversity](http://www.nrca.net/nrcauniversity).

## NRCA releases ergonomics report

NRCA has released *Identification and Management of Musculoskeletal Disorders in the Roofing Industry*, which is a report that identifies best practices inside and outside the roofing industry for reducing repetitive-stress injuries through worker education; redesign of work activities; and improved design of tools, equipment and materials used to perform the work. The report promotes a proactive approach to ergonomics through risk management by identifying and mitigating factors

that may contribute to worker injury or illness.

The NRCA member price for the report is \$40, and the retail price is \$80. To purchase the report, visit [shop.nrca.net](http://shop.nrca.net) or contact NRCA's customer service department at (866) ASK-NRCA (275-6722) or [info@nrca.net](mailto:info@nrca.net).

### NRCA releases financial management survey

Compare your company with others in the industry quickly and easily with the results of the *2006 NRCA Management Performance and Financial Survey*. NRCA's biennial member survey provides a comprehensive set of benchmarks regarding roofing contractors' financial performances and can be a bene-

ficial tool for your business.

Survey results are divided into five sales volume categories and nine geographical regions. The executive summary provides an overview of the survey results with emphasis on financial and employee productivity ratios such as profit margins, return on assets, materials/labor ratio, sales per employee and many more. The historical section presents comparative results from previous NRCA surveys.

The NRCA member price for the survey is \$85, and the retail price is \$170. To purchase the survey, visit [shop.nrca.net](http://shop.nrca.net) or contact NRCA's customer service department at (866) ASK-NRCA (275-6722) or [info@nrca.net](mailto:info@nrca.net).



*Vic Bindy (left), The Roof Center, Linthicum Heights, Md., won the 50/50 raffle and donated his winnings to the scholarship fund.*



*The Annual Employee Recognition and Scholarship Dinner was held May 8 at Crofton Country Club, Crofton, Md.*



*MARCA scholarship recipients attended the Annual Employee Recognition and Scholarship Dinner. Pictured from left to right: Caitlin Canoles, Stephanie Menefee, Emily Grant, Benjamin Stone and Jessica Garner.*



*MARCA President Howard Willis (far left) and NRCA Manager of Affiliate Partnerships Bryan White (far right) with employee recognition winners Manuel Cerrito (center left), Julio Chicahay (center) and Joseph Cosentino (center right) at the Annual Employee Recognition and Scholarship Dinner*

## Industry Events Calendar

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

### September

25 MARCA Annual Crab Feast, American Legion, Laurel, Md. Cocktails will be at 6 p.m. and the crab feast will be at 7 p.m.

### October

TBA Fall Golf Outing

TBA Dinner Meeting

### November

2-9 MARCA Annual Lecture—This year's trip will be through Sandals Resorts in St. Lucia. If you are interested, please contact Karen Kingman, CWT/Wide World Travel, at (800) 248-9990 or (215) 742-8844, ext. 228.

*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.



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