

MIDWEST GLASS - 2009 ISSUE 4

A MINNESOTA GLASS ASSOCIATION PUBLICATION

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UPCOMING
EVENTS

- February 18—Insurance Issues in Contracts Seminar
- March—Auto Glass Program with Bob Beranek
- June 24—Mark your calendar for the MGA Annual Golf Outing

AGRSS Conference 2009

“We have made what we do look all too easy; people have forgotten what is at stake.” Captain “Sully” Sullenberger

What is AGRSS? - If you replace auto glass you know, or should know and clearly understand what AGRSS is. Quickly, for our flat glass and glazing readers, AGRSS stands for Auto Glass Replacement Safety Standard. Auto glass is a critical safety feature in today’s cars; properly installed glass works in concert with other systems to protect occupants. Safety features include debris intrusion; occupant retention, roll over crush protection, structural integrity and air bag performance. Newer cars have a number of sensors that work in conjunctions with glass; the sensors are part of systems that enable cars to park themselves, steer around obstacles, etc. A new Volvo has nine different sensors on the windshield. A back yard mechanic might be able to pull off a replacement - not for my car. AGRSS registered shops are trained to replace glass in accordance with the standard and are subject to independent third party audit to verify compliance. MGA is an AGRSS member and MGA members who install auto glass are required to be registered with AGRSS. On a per capita basis, Minnesota has one of the highest numbers of AGRSS shops in the country.



Jim Schenian, Dale Schenian, Capt. Sullenberger, (unknown) Vick Hapka, Mike Schmaltz (unknown)

MEMBER

AGRSS™

Auto Glass Replacement
Safety Standards Council

The MGA is an AGRSS Member Organization

AGRSS Conference 2009 - The economy has taken its toll on innumerable ways but it did not affect attendance at this year’s AGRSS Conference. The turnout at seminars and presentations was higher than during previous years. What accounted for this phenomenon? I can easily point to two factors, the appearance of Captain “Sully” Sullenberger and the commencement of AGRSS validation audits.

(Continued on page 8)

MGA Board of Directors

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Visit us online at

www.mnglass.org

The Minnesota Glass Association is an alliance of flat and auto glass merchants. Together with our suppliers we act and speak as one to promote success in a free market. We support fair competition, ethical behavior, profitable operations and strongly promote consumer safety and awareness.

We can only succeed in this endeavor if you participate. We strongly encourage members to voice their opinion - on these pages and at our meetings. Contact the MGA or an MGA Board Member - let us know what you think and what you would like from your Association. If you are not a member please consider joining - individual success is more likely if we work together on shared concerns. ■

MGA - Working to Stimulate Business

The business mix for many MGA members includes a good percentage of new construction. In response to the depression in the industry (construction unemployment is at 18%) the MGA is actively supporting the **Building Jobs Coalition** in its work to stimulate building construction in Minnesota.

The group began efforts late in 2008 and initially went under the name Vertical Construction Coalition, Construction Jobs Coalition etc. Significant stimulus dollars had already been committed to infrastructure, but these funds largely went to roads, bridges etc. "building" or the construction of buildings was not seeing these dollars. It was critical that we clearly convey this message to legislators, most of them are unfamiliar with the construction industry; and for many of them, construction was construction. Money had already been committed why does construction need more? We found that we had to spend a lot of time educating them on not only on the difference but on the profound impact the economy is having on us. This led to the careful choice of a new coalition name, Building Jobs Coalition, we hope it will more immediately convey our purpose.

The Coalition is a collaboration of communities, industry and labor. Members represent the full spectrum of construction industry members: architects, contractors, engineers, labor, trade associations, developers etc. We have adopted a mission statement "Finding innovative financing

2010 MGA Officers & Directors Elected

MGA has selected a slate of officers and directors for the New Year. The new Board will take office on January 1, 2010.

We cannot launch the new year without commenting on changes that are occurring. Stepping down from the Board is **Erica Chandler**, Erica has been on the Board continuously since 2003 and served twice as MGA President. One of those years was 2005 when we were struggling with a lot of red ink.

Also stepping down is **Jack Beckman**, Jack is concluding a second consecutive term; he served on the Board before that as well and was MGA president in 1990. Jack continues to serve as chair of the Auto Glass Committee. We are to lose **Steve Burgess**, Steve recently had serious back surgery.

Coming in as President of the MGA for 2010 is **Myron Schapp**, President of Red River Glazing in Fargo, ND. This is the first time we have had an MGA President from outside the Twin City metropolitan area. Myron frequently drives down for MGA Board meetings and participates by conference call when he can't make it.

Joining the Board as new members are Glass, **Gary Haider** of Architectural Products Group and **Clint Hanson** Owner of Restoration Auto Glass. Though elected, **Chris Beckman** of All Auto has decided to move to Alabama; a replacement will be selected. **Jennifer Lang** of Minneapolis Glass will serve as President-Elect and **Kevin Foley** will continue as Secretary/Treasurer in the second year of a two year term. The entire Board is listed on the inside front cover of Midwest Glass.

Board members devote their time and energy to ensuring that the MGA meets member needs and represents the best interests of the glass industry at large. They are not compensated for this service; many of them have served more than one term. Please take a moment and thank them for this service. ■

Government Affairs — Advocacy

by Remi Stone

Going into the 2010 legislative session, the Contractors Bill of Right Coalition (CBRC) is well positioned to be the voice of subcontractors at the State Capitol. Starting this year, and moving forward, our goal is to be the go-to entity for policy makers seeking input from the subcontractor community.

Legislators are highly sensitized to financial mismanagement and are looking for solutions designed to safeguard against abuses. This is where CBRC has the opportunity to step in and help guide policies to improve payment going into the future.

As troubling as it is, the nationwide economic crisis has highlighted the need for financial transparency as well as the need for more equitable payment practices on construction projects. This crisis has spurred an interest in improving payment practices, as evidenced in last year's passage of prompt and progress payment for residential construction.

Payment issues have been clearly identified as members' number one concern. Addressing various elements of payment is forefront to our 2010 agenda. In fact, at the end of the 2009 session, the CBRC introduced legislation

(Continued on page 9)

Credit & Collections Seminars

The MGA and ASA collaborated on a credit and collections seminar series. The material was broken into two segments to help ensure thorough coverage of the topic. Both segments were held at the Medakota Country Club.

The first segment on October 15 featured Duane Schwartz CCE. We found Duane through Forius, the Minnesota affiliate of the National Association of Credit Managers (NACM). Duane is a Certified Credit Executive (CCE) and has taught collections courses at the North Hennepin Community College and for other Associations. He has served on both the Minnesota and NACM Boards and is a past Forius Credit Executive of the year. His segment focused on the “prevention” aspect of collections enabling participants to enhance credit practices.



The second segment was held on November 11 and featured ASA Chapter Attorney Curt Smith together with Mike Etmund, both are with Moss & Barnett, P.A. Curt has presented a variety of seminars over the years, the most recent on “Using the Law to Get Paid” last December. This segment focused on “remediation” or, from a legal perspective what a company can be doing to protect your rights.



The MGA is very grateful to all of the presenters identified here for the time and work that went into these presentations. In addition to developing their presentation the speakers developed extensive hand outs that included information and materials that could be taken back for day to day use in their businesses. Watch for information on seminars in 2010. ■

(Continued from page 2) ***Working to Stimulate Business***

solutions to put Minnesotans back to work in the design and construction industry, thereby strengthening communities across Minnesota.”

Several subcommittees are working on different aspects of the issue with assignments to develop and confirm data to support our position, to involve the financial community, to develop legislation in cooperation with key government players and to develop a comprehensive communications plan.

A number of key legislators have been identified; Senators Jim Metzen and Tom Bakk were authors and passionate advocates of the legislation in the 2009 session. The coalition has held fund raisers for these players and MGA Executive Director Mike Schmaltz attended these events. We have been encouraged by messages we’ve heard from Governor Pawlenty - job creation needs to be a priority during the upcoming session. Commissioner of Employment and Economic Development Dan McElroy met with the coalition on Nov. 23 to relay recent developments and demonstrate administration understanding of the issue. With the groundwork being laid by MGA and the Coalition we should get funding directed to the building construction industry.

During the upcoming session you will get calls to contact your legislators and other government officials to support our mission - please be ready to help. ■

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Welcome New Member...Crown Plastics

The MGA is delighted to welcome Crown Plastics as it's newest member.

Founded in 1972, Crown is a full line distributor and custom fabricator of plastic sheet, rod, and tube. Located in Plymouth, MN, it is strategically located to serve customers throughout the Upper Midwest. Crown Plastics stocks a large variety of materials, including Acrylic (Plexiglas), Polycarbonate (Lexan), PETG, UHMW, HDPE, Styrenes, PVC, Nylon, Delrin, Teflon, and many others. In addition to these materials, Crown also offer custom fabrication with the same. Crown's facility boasts computer controlled panel saws, several multi-head CNC routers, precision laser cutting, and engineering /design services. Being independently owned and operated allows us to rapidly respond to your needs. Rapid order turn-around is our specialty. Full sheet, cut to size, or fabricated, Crown is the only **ONLY** full service plastic supplier in the region to offer the complete package. ■

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Make Time for Year-End Tax Planning – Now More Than Ever!

By Paul W. Longsdorf, CPA, HLB Tautges Redpath, Ltd.

While 2009 has proven to be a year filled with challenges, there is opportunity to improve cash flow with the use of smart year-end tax planning strategies. Many companies are ignoring tax planning due to low or non-existent profits on their financial statements. This is a mistake. Recent legislation presents new opportunities that may work to your advantage.

On November 6, 2009 the President signed into law the Worker, Homeownership, and Business Assistance Act of 2009 (the Act). The provisions of the Act that received the most media attention were the extension of unemployment benefits and the extension and expansion of the first-time homebuyers tax credit. For many businesses, the big provision in this legislation was the extension and expansion of the five-year carry back of net operating losses (NOLs).

Generally taxpayers are allowed to carry NOLs back two years and/or forward 20 years. Previous stimulus legislation had provided for an optional three, four or five year carry back of 2008 NOLs. However, this only applied to small businesses (those with average annual gross receipts of less than \$15 million). The current legislation expands the provision to include the 2009 tax year and eliminates the small business requirement. This opens up the carry back to most taxpayers. Given the ability to carry NOLs back to more profitable years, companies should strongly consider income deferral and/or deduction acceleration techniques.

Businesses using percentage of completion accounting for income tax purposes should consider delaying delivery of job materials from late December to early January. Other businesses using the completed contract method for tax reporting should consider delaying the completion of jobs from December to January to defer reporting the job profit to 2010.

Consider prepayment of 2010 expenses. Prepaid expenses for goods or services to be consumed within the next 3 ½ months can be deducted in the current year. These should not be job-related expenses. Prepayment of job-related expenses can result in acceleration of income under percentage of completion accounting.

For 2009 a business can immediately deduct up to \$250,000 of qualifying equipment purchases (new or used), including computers and software. In addition, 50% first-year bonus depreciation is available in 2009 for qualifying property. Property eligible for the first-year bonus depreciation is generally property with a class life of 20 years or less placed in service before January 1, 2010. Only new (original use) property qualifies for the bonus depreciation.

Businesses should review their overall accounting methods and the methods they use to account for long-term contracts. Some businesses previously required to use the percentage of completion method (PCM) to account for long-term contracts, because their average annual gross receipts exceeded \$10 million, may no longer be required to use PCM due to reduced revenue levels. This may provide an opportunity to use another method that will reduce current-year taxable income or increase losses that can be carried back.

Many closely held companies are organized as Subchapter S Corporations (S corps) or Limited Liability Companies (LLCs) whereby the income flows through to the owners and tax is paid at the individual level. Losses flowing through to individuals are eligible for the 5-year carry back. However, S corp shareholders and LLC members should review their basis in their ownership interests to insure they have tax basis and are “at risk” with respect to any flow-through losses. At risk is defined differently for LLCs taxed as partnerships and S corps, but those planning for flow-through losses to generate tax refunds should be sure to review this issue thoroughly.

All businesses should review the work they perform or revenue they generate outside of their home state. In these difficult economic times many companies have begun to travel to new locations. Care should be taken to insure the income tax filing requirements are being addressed in all localities in which they are operating. Hard economic times have hit the states as well and they are aggressively pursuing companies doing business in their states and not filing tax returns. Noncompliant businesses are easy targets due to licensing and registration requirements in most states.

HLB Tautges Redpath, Ltd is a 100% employee-owned CPA firm with extensive experience serving the tax and accounting needs of closely held businesses. Paul Longsdorf, CPA, can be reached at (651) 407-5831 or plongsdorf@hlbtr.com. ■



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"EXCEEDING YOUR EXPECTATIONS"

(Continued from page 1) **AGRSS Conference**

Captain “Sully” Sullenberger achieved international fame when he averted catastrophe by “successfully” landing flight 1549 in the Hudson River. We can say “successfully” because no lives were lost, and injuries were minimal in this landing. He attended a private breakfast for AGRSS registrants prior to his keynote address to NACE convention. His appearance before the AGRSS group was highly appropriate due to his long-standing commitment to safety. Sullenberger is the founder and has served for years as the president of Safety Reliability Methods, Inc., a company that applies safety and reliability processes in a variety of fields. He made a difference in his own industry and knows first-hand just how important it is not only to learn but to be able to apply all the steps of a safety plan. Sullenberger made a point to personally greet all of the AGRSS registrants. Following the intimate breakfast, AGRSS members were given front row seats as Captain Sullenberger addressed thousands of collision industry companies.

Event Presentations - Ben Kelly Senior VP for the Insurance Institute for Highway Safety stated that “glass is an essential player” in automotive safety. After identifying some of the key safety functions of glass Kelly went on to review other auto safety issues. **Dale Malcolm of Dow Automotive and Mitch Becker of ABRA** provided fascinating detail on automotive system integration and interconnection; this will help installers more fully appreciate the important role they play to ensure that cars will perform as initially designed following a repair.

Mock Audit - Jeff Olive and Penny Oulette did a live demonstration of the audit process. **Some high points:** * Chains of shops may have one or more (not necessarily all) selected for an audit. * All technicians at an audited location will participate. * Anyone who installs glass is a technician. * Timed steps must be timed - no approximations. * Observation of a removal is not necessary. * Temperature and humidity gauges are a must and will be checked. * Most questions will be asked prior to the installation; the auditor will mostly observe during the process and will be seen taking notes. * At the closing meeting the branch will receive a letter informing them that they are “In Compliance” or “Out of Compliance”

MGA members will be sent a copy of the AGRSS Compliance Checklist on request; contact Mike Schmaltz mschmaltz@mnglass.org. The list will help you fine tune your replacement process and ensure that you and your techs are following AGRSS procedures.

Full Agenda - Much more occurred during the Conference; there were other valuable presentations making it well worth the time. The event concluded for this writer with the AGRSS Standards Committee meeting. The Committee meets annually at the conference and considers changes to the standard. Approximately 30 Committee members represent a broad cross section of the industry including installation companies, distributors and both adhesive and glass manufacturers. Changes considered this year included clarification of a vague reference in section 5.1 and a language change regarding adhesive expiration dates in section 5.5.

As headlined, Captain Sullenberger said **“We have made what we do look all too easy; people have forgotten what is at stake.”** The same can be said about installing glass; though nowhere near as demanding as piloting a jet aircraft, safe procedures are just as important to the individual consumer. ■

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(Continued from page 3) **Advocacy**

getting to two very important aspects of payment, putting us ahead of the curve in getting our concerns heard at the Capitol.

This legislation, SF 2163 (Scheid) / HF 2393 (Nelson), bill addresses pay-if-paid concerns and notice regarding project financing. This bill is alive and well and serves as the starting point for our discussions with legislators heading into session. In addition, we are currently looking at retainage language, either to add to this bill or to introduce as a new bill.

The legislative session begins February 4, 2010 and we will take every opportunity to have a seat at the table on payment issues as well as jobs creation activities. Members will be asked to engage in various grassroots activities – from making phone calls and sending letters to spending time at the Capitol for our “Day at the Hill”.

Leading up to the start of session, we are meeting with key legislators to prime them on our issues. In addition, we are reaching out to our industry peers at groups such as AGC, landscapers, and bankers to discuss areas of mutual interest or conflicts anticipated for 2010.

Engaging in the legislative process can be rewarding (sometime more so than it is frustrating). Please feel free to reach out to the MGA any time to talk about our advocacy activities. ■

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IRS ANNOUNCES 2010 STANDARD MILEAGE RATES

WASHINGTON — The Internal Revenue Service has issued the 2010 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Beginning on Jan. 1, 2010, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 50 cents per mile for business miles driven
- 16.5 cents per mile driven for medical or moving purposes
- 14 cents per mile driven in service of charitable organizations. ■



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2010 NEW MEMBER INCENTIVES

The MGA Board reviewed member retention and recruiting goals at the November Board Meeting. Building and maintaining membership is one of the most important issues for every association. With more members, trade members benefit through greater advocacy impact and the association can offer more and better educational programs. Associate members benefit by having a greater networking base. To promote membership the Board determined that existing members will get a \$100 dues reduction for each new member they sign up; or if they choose they can have one golfer play for free in 2010. New members will be allowed to have an employee attend all educational events (golf is excluded) at no cost for their first year of membership. ■

SIGN UP FOR THE HOLIDAY GAS PROGRAM...IT'S FREE TO MEMBERS

Free MGA Membership!

The MGA continuously works to attain a variety of objectives; advocating for shared interests, education, and helping you to run a profitable operation. One program that addresses this last objective is the Holiday Gas Program.

This program has worked so well that the savings exceeds the MGA dues outlay for members. Many companies already participate in gas programs; the problem is that individually, very few dealers reach the volume needed to reach the savings level you will get in the MGA program.

Holiday Stationstores is a proud partner of the MGA. Any association member that opens a new Holiday Fleet account between now and April 30th, 2009 will receive a total of 6 cents per gallon discount for the first 90 days. That is an extra 2 cents per gallon discount. At the end of 90 days, your discount will be 4 cents per gallon discount. An excellent value in today's economy.

Don Keis - Fleet Sales Manager - Holiday Stationstores - 952-830-8889 - 800-745-7411

MGA Membership Application			
Company Name		Company Name	
Address		Address	Address
Fax	Fax	Fax	
Primary Business - Check One <input type="checkbox"/> Flat <input type="checkbox"/> Auto Glass <input type="checkbox"/> Combination Auto & Flat <input type="checkbox"/> Trade Representative			
Annual Dues Structure: o up to \$499,999 \$300 o \$500,000-\$1,999,999 \$500 o \$2,000,000-\$4,999,999 \$800 o Over \$5 million \$1,000 o Associate Members \$300 o \$25 per location or name (please list separately)		Dues covers all employees. To list branch locations or additional company names under the same ownership on the MGA member list, please add \$25 per name/location, this will also include them on all MGA mailings. Total Amount Due	
Payment Type <input type="checkbox"/> Check (made payable to MGA) <input type="checkbox"/> VISA <input type="checkbox"/> Master Card			
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Please join us for:

Contract Indemnity and Insurance Requirements from your Point of View

February 18, 2010

7:30 - 11:00 am

University of Minnesota

Continuing Education Conference Center, Room 83

1890 Buford Avenue, St. Paul, MN 55108

Presenting

Patrick Kennedy - VP Kraus-Anderson Insurance

Aaron Dean - Fabyanske, Westra, Hart & Thomson, P.A.

Construction contracts introduce a broad range of risk management issues. This program will enable you to better understand insurance terminology, different types of insurance programs used in construction such as OCIPs and CCIPs, what to look for in contracts and will provide guidance in identifying and dealing with problems.

Materials will include a guide to commonly used insurance terms and lists of problem insurance requirements.

Presenters Pat Kennedy and Aaron Dean are professionals in Insurance and Contract Law. Their years of hands on experience enable them to discuss theory and practical application.

This must-attend event will help you and your organization make the decisions necessary to succeed.

7:30 Registration

7:30 - 9:30 Continental Breakfast

8:00 Program Commences

9:20 Break