



## DISCA Announces New Management Company

DISCA has moved! The recent retirement of our long-time Executive Director and legal counsel, **Don Morrice**, resulted in the Board seeking new management for DISCA. Effective January 1, 2009, our new management company is **Professional Management Associates, L.L.C.** located at 390 Amwell Road, Suite 403, Hillsborough, NJ 08844. DISCA's new phone number is 908-359-1184 and the fax is 908-359-7619.

Founded in 1984, Professional Management Associates, L.L.C., is a full-service association management company specializing in the management of trade associations, professional societies, user groups, business networks, and membership organizations. The company was originally formed to provide services for two New Jersey-based professional societies and has grown steadily over the years, expanding its services to serve world-wide membership organizations.

Professional Management Associates, L.L.C. is one of only twenty-four companies in the world to be accredited by both the AMC Institute - a standard approved by the American National Standards Institute - as well as the American Society of Association Executives & The Center for Association Leadership.

*We are pleased to announce the new management team for DISCA:*

**Rick Alampi**, Executive Director, has been in the association management business for 25 years, and has worked with over 40 associations in his career. In his work with so many associations, he has seen how many associations address common issues- attracting and retaining members, effective communications, successful meetings, alliances with other groups, strategic direction, government relations and networking. This experience will help him to assist DISCA to achieve its goals.

**Noel Liccardi** will serve as the Member Services Director and Meetings Coordinator for the association. She has experience working with trade and professional associations and spent several years in the home furnishings industry before joining PMA. Noel currently serves as Member Services Director for the NJ Building Materials Dealers Association.

**Nancy Furstenberg**, CPA will serve as the in-house accountant for DISCA. Nancy's expertise is in the needs of tax-exempt organizations and she will work closely with the Treasurer and Executive Director to manage DISCA's finances and promotion funds.

The Board also selected **Steven Brawer, Esq.** of the law firm Lowenstein Sandler as its legal counsel. Lowenstein Sandler is New Jersey's premier legal firm, and Steve has extensive experience in both association and construction fields. He has served as the Utility and Transportation Contractors Association legal counsel for over 20 years, and is considered one of the nation's top experts in construction law. Steve is a graduate of The Lawrenceville School, Lawrenceville, NJ and received his BA from Duke University in Durham, NC.

*We know you'll enjoy working with our new team and we welcome them to DISCA.*

## AWCI Heads to Nashville

AWCI's Annual Convention and Intex Expo will be held in Nashville, TN from March 24th through 28th, 2009 with educational seminars being held on Friday and Saturday, March 27th and 28th. AWCI 2009 will focus on education and networking – elements that all attendees can use to boost company profitability, improve management skills and enhance leadership opportunities. Some of the seminars which will be presented are *Firestop Systems, Responding to the Insurance Needs of AWCI's Wall & Ceiling Contractors, Steel: What Architects and Code Officials are Being Told*, and *LEED®: What's the Impact on Our Industry*. Offsite events include a Jack Daniel's Whiskey Tasting and a Night at the Grand Ole Opry. **For more information or to register for the convention, visit AWCI's website at [www.awci.org/cd.shtml](http://www.awci.org/cd.shtml).**

## 2009 Calendar of Events

**February 26th**  
**Joint Meeting with ASA-NJ**  
**Seminar & Reception**  
L'Affaire, Mountainside, NJ

**May 21st**  
**Membership Meeting &**  
**Educational Seminar**  
Park Avenue Club, Florham Park, NJ

**June 15th**  
**Annual Golf Outing**  
TPC Jasna Polana, Princeton, NJ

**October 2nd-3rd**  
**DISCA Convention**  
Atlantic City, NJ

**November 12th**  
**Membership Meeting**  
Park Avenue Club, Florham Park, NJ

## Golf Outing

**T**his year's golf outing will be held on **Monday, June 15th** at TPC Jasna Polana. Situated on 230 acres of breathtaking countryside in the heart of Princeton, NJ, TPC Jasna Polana continues to redefine the private club experience – boasting an award-winning championship golf course and an array of amenities. Considered among the top private golf courses in the state, TPC Jasna Polana's par-72, 7,098-yard championship layout was crafted by the legendary Gary Player to blend harmoniously with its surrounds amidst the rolling hills of Princeton. While challenging enough for the best players in the world, the course features multiple tees on each hole, enabling players of all abilities to enjoy the subtle nuances and intricate design elements that have brought Player world-wide acclaim.

*Look for more information coming shortly with registration information and make sure to mark the date on your calendar so you don't miss out on this exciting event.*

## Greetings from the Executive Director

January 1st marked the start of a new era for DISCA. Long-time Executive Director and legal counsel **Don Morrice** retired, and I am delighted that the Board of Directors selected me to be the new Executive Director. Don leaves big shoes to fill, but I'm confident our team is up to the task.

A little about me - I've been in the association management business for 25 years and have worked with over 40 associations in my career. I've been fortunate to see how a lot of associations address common issues - attracting and retaining members, effective communications, successful meetings, alliances with other groups, strategic direction, government relations and networking. This experience will help me to assist DISCA achieve its goals. DISCA is also fortunate to have one of the country's leading association management firms, Professional Management Associates, LLC, Hillsborough, NJ to provide all administrative and bookkeeping services. **Noel Liccardi** is the DISCA Member Services Director and is an outstanding professional.

The Board also selected **Steven Brawer, Esq.** of the law firm Lowenstein Sandler as its legal counsel. Lowenstein Sandler is New Jersey's premier legal firm and Steve has extensive experience in both the association and construction fields. He has served as the Utility and Transportation Contractors Association legal counsel for over 20 years and is considered one of the nation's top experts in construction law.

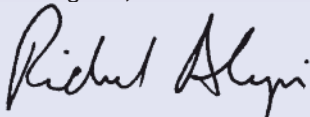
In the short time I've been involved with DISCA, I've been impressed with your knowledgeable and dedicated Board of Directors. This is a group that is always looking forward and keeps the members' interests in the forefront. You're fortunate to have this group of leaders.

One of our first actions was to sync up the DISCA fiscal and operational year. The DISCA fiscal year (per the bylaws and as filed with the IRS) is July 1- June 30, yet previous budgets, election of officers, etc. were based on a calendar year. The Board made a decision to change the operational year to conform with the fiscal year and, more importantly, to sync the budget with the fiscal year. This also conforms with the filing of tax returns (based on the fiscal year) and with AWCI's fiscal year, which is also July 1- June 30. To that end, a "dues holiday" for the first six months of 2009 was declared - sort of DISCA's own stimulus package.

Plans are in the works to ramp up the DISCA website, schedule educational seminars and to line up a full roster of DISCA consultants for members to use. Stay tuned!

On behalf of the Board of Directors and staff, I wish you a prosperous 2009.

Best regards,



Rick Alampi  
Executive Director  
Drywall and Interior Systems Contractors Association, Inc. of New Jersey

## DISCA Names New Legal Counsel

Effective January 1, 2009, the firm of **Lowenstein Sandler PC** was designated as the new Legal Counsel for the Association. **Steven E. Brawer**, a Member of Lowenstein Sandler, will be the principal attorney handling various legal issues for DISCA and its members, including general labor relation matters and association governance issues.

"We are delighted to establish a relationship with DISCA, and I look forward to working with Richard Alampi, the Association's new Executive Director, and the officers, directors and contractor members of the organization," said Brawer. "I am familiar with DISCA and many of its firms by virtue of serving New Jersey contractors and construction trade groups for over 25 years, and Lowenstein Sandler looks forward to providing a wide range of services to the drywall and interior systems industry."

Lowenstein Sandler is an *AmLaw 200* firm with some 275 attorneys representing public and private companies, financial institutions, investors, entrepreneurs, universities, and private clients in corporate and litigation matters in New Jersey and throughout the country. Through active involvement in key trade associations such as DISCA, the firm remains immersed in the evolving business and legislative developments impacting the industries that drive our economy. That involvement, combined with open and approachable relationships with the people and companies it represents, helps Lowenstein Sandler work from a client perspective to fully service every client's needs.

Of particular significance to DISCA and its contractor members is the firm's Construction Law Practice Group, which Mr. Brawer chairs. The Group has expertise in a variety of areas, and Brawer has spent most of his career working with contractors on such things as lien, bond, and contractual payment issues, labor and employment disputes, bidding matters, contract negotiating and drafting, and general representation of construction firms and their principals. Lowenstein Sandler also has extensive experience in other areas which are valuable to its business clients such as corporate law, insurance coverage, environmental, tax, and bankruptcy/creditors' rights.

An important aspect of Lowenstein Sandler's engagement as DISCA counsel will be to provide seminars and articles for Association members on legal issues of interest to the industry. As Brawer explains, "One of the reasons for joining an organization like DISCA is to take advantage of benefits that will help members improve their businesses, and Lowenstein Sandler lawyers regularly offer educational programs and generate written materials on a broad range of topics which I believe will be of interest and value to member firms. We are excited about the prospect of becoming a resource to the Association and providing added value to DISCA and its members in the months and years to come."

## Red Flag Rules Designed to Fight Identity Theft

Identity thieves use people's personally identifying information to open new accounts and misuse existing accounts, creating havoc for consumers and businesses. Financial institutions and creditors soon will be required to implement a program to detect, prevent, and mitigate instances of identity theft.

The Federal Trade Commission (FTC), the federal bank regulatory agencies, and the National Credit Union Administration (NCUA) have issued regulations (the Red Flags Rules) requiring financial institutions and creditors to develop and implement written identity theft prevention programs, as part of the Fair and Accurate Credit Transactions (FACT) Act of 2003. The programs were to be in place by November 1, providing for the identification, detection, and response to patterns, practices, or specific activities – known as “red flags” – that could indicate identity theft.

### WHO MUST COMPLY WITH THE RED FLAGS RULES?

The Red Flags Rules apply to “financial institutions” and “creditors” with “covered accounts.” Under the Rules, a financial institution is defined as a state or national bank, a state or federal savings and loan association, a mutual savings bank, a state or federal credit union, or any other entity that holds a “transaction account” belonging to a consumer. Most of these institutions are regulated by the Federal bank regulatory agencies and the NCUA. Financial institutions under the FTC's jurisdiction include state-chartered credit unions and certain other entities that hold consumer transaction accounts.

### Some important terms:

- A transaction account is a deposit or other account from which the owner makes payments or transfers. Transaction accounts include checking accounts, negotiable order of withdrawal accounts, savings deposits subject to automatic transfers, and share draft accounts.
- A creditor is any entity that regularly extends, renews, or continues credit; any entity that regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who is involved in the decision to extend, renew, or continue credit. Accepting credit cards as a form of payment does not in and of itself make an entity a creditor. Creditors include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors. Most creditors, except for those regulated by the Federal bank regulatory agencies and the NCUA, come under the jurisdiction of the FTC.
- A covered account is an account used mostly for personal, family, or household purposes, and that involves multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts, and savings accounts. A covered account is also an account for which there is a foreseeable risk of identity theft – for example, small business or sole proprietorship accounts.

### COMPLYING WITH THE RED FLAGS RULES

Under the Red Flags Rules, financial institutions and creditors must develop a written program that identifies and detects the relevant warning signs – or “red flags” – of identity theft. These may include, for example, unusual account activity, fraud alerts on a consumer report, or attempted use of suspicious account application documents. The program must also describe appropriate responses that would prevent and mitigate the crime and detail a plan to update the program. The program must be managed by the Board of Directors or senior employees of the financial institution or creditor, include appropriate staff training, and provide for oversight of any service providers.

### HOW FLEXIBLE ARE THE RED FLAGS RULES?

The Red Flags Rules provide all financial institutions and creditors the opportunity to design and implement a program that is appropriate to their size and complexity, as well as the nature of their operations. Guidelines issued by the FTC, the federal banking agencies, and the NCUA ([ftc.gov/opa/2007/10/redflag.shtm](http://ftc.gov/opa/2007/10/redflag.shtm)) should be helpful in assisting covered entities in designing their programs. A supplement to the Guidelines identifies 26 possible red flags. These red flags are not a checklist, but rather, are examples that financial institutions and creditors may want to use as a starting point.

They fall into five categories:

- alerts, notifications, or warnings from a consumer reporting agency;
- suspicious documents;
- suspicious personally identifying information, such as a suspicious address;
- unusual use of – or suspicious activity relating to – a covered account; and
- notices from customers, victims of identity theft, law enforcement authorities, or other businesses about possible identity theft in connection with covered accounts.

More detailed compliance guidance on the Red Flags Rules will be forthcoming. For questions about compliance with the rules, contact [RedFlags@ftc.gov](mailto:RedFlags@ftc.gov).

## Bankers Say Economy and Housing to Recover Modestly in 2009

2009 will be a year of modest economic recovery, according to a forecast from the Mortgage Bankers Association recently reported in ProSales Magazine.

The forecast calls for negative growth in the first half of 2009 followed by a steady recovery during the second half of the year. It is in line with the predictions of most leading economists, who foresee the country climbing out of recession within the next three to six months.

The MBA projects a recovery in both existing-home and new-home sales over the next two years. Existing-home sales are projected to increase by 3 percent in 2009 and by 5.4 percent in 2010. New home sales will bottom in early 2009 and recover in the last two quarters, posting an overall decline of 12 percent for the year, according to the MBA. A sharp recovery will follow in 2010, with an increase of about 25 percent in new-home sales during the year.

The MBA expects home prices to decline through most of 2009, but recover modestly later in the year.

The forecast calls for a recovery in unemployment that lags slightly behind the recovery in overall economic growth. The MBA predicts the unemployment rate will increase to about 6.8 percent in the first quarter of 2009 and continue to rise throughout the year before it begins to recover in 2010.



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## News from OSHA

### Final Rule Clarifies 'Per-Employee' Violations on PPE, Training

OSHA issued a final rule Dec. 12 on employer responsibility for providing workers with personal protective equipment and training.

The agency said the rule, effective Jan. 12, makes it "unmistakably clear" that each covered employee must receive PPE and training, and that each instance of noncompliance may be considered a separate violation subject to a separate penalty.

OSHA said the action does not add any new compliance obligations, and was taken in response to recent decisions of the Occupational Safety and Health Review Commission that questioned differences in wording among various OSHA PPE and training provisions. Acting OSHA administrator Thomas M. Stohler described the rule as a "technical correction."

#### OSHA's Top 10 Most Frequently Cited Standards in 2008

10. Electrical systems design, general requirements, general industry
9. Machines, general requirements, general industry
8. Ladders, construction
7. Powered industrial trucks, general industry
6. Electrical, wiring methods, components and equipment, general industry
5. Respiratory protection, general industry
4. Control of hazardous energy (lockout/tagout), general industry
3. Hazard communication standard, general industry
2. Fall protection, construction
1. Scaffolding, general requirements, construction

#### OSHA's Top 10 Highest Penalties in 2008

10. Process safety management of highly hazardous chemicals
9. Walking-working surfaces, general requirements
8. Powered industrial trucks, general industry
7. General duty clause
6. Machines, general requirements, general industry
5. Excavations, requirements for protective systems, construction
4. Control of hazardous energy (lockout/tagout), general industry
3. Electrical, hazardous (classified) locations
2. Scaffolding, general requirements, construction
1. Fall protection, construction



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