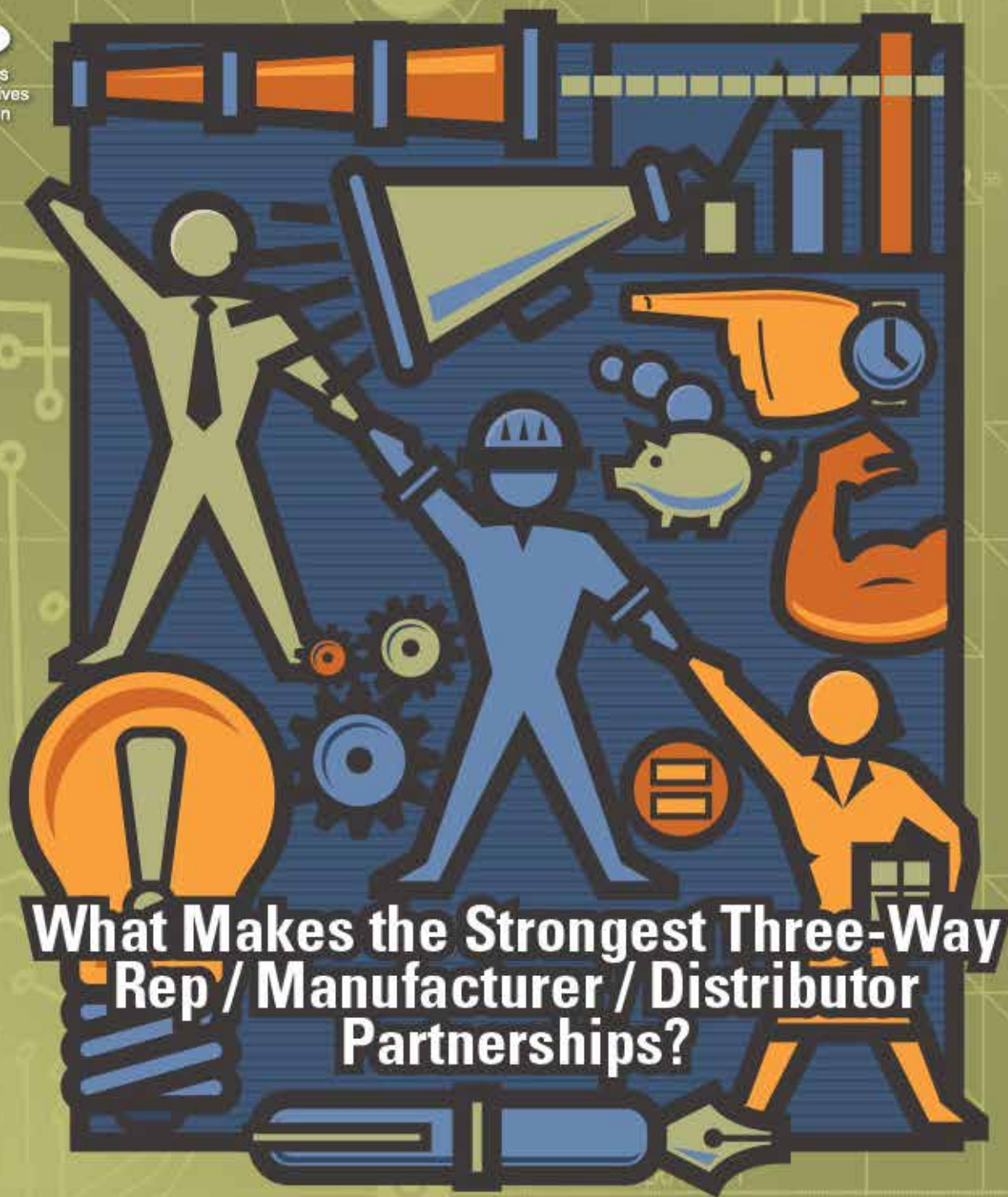


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ERA HEADQUARTERS OFFICE

Phone: 312-419-1432
Fax: 312-419-1660
Email: info@era.org
URL: era.org

Chief Executive Officer:
Thomas J. Shanahan
tshanahan@era.org

Editor:
Tess Hill
thill@era.org

Advertising Manager:
Stephanie Tierney
stierney@era.org

Cover:
Scott Kolbe
Sikich Graphic Design & Marketing

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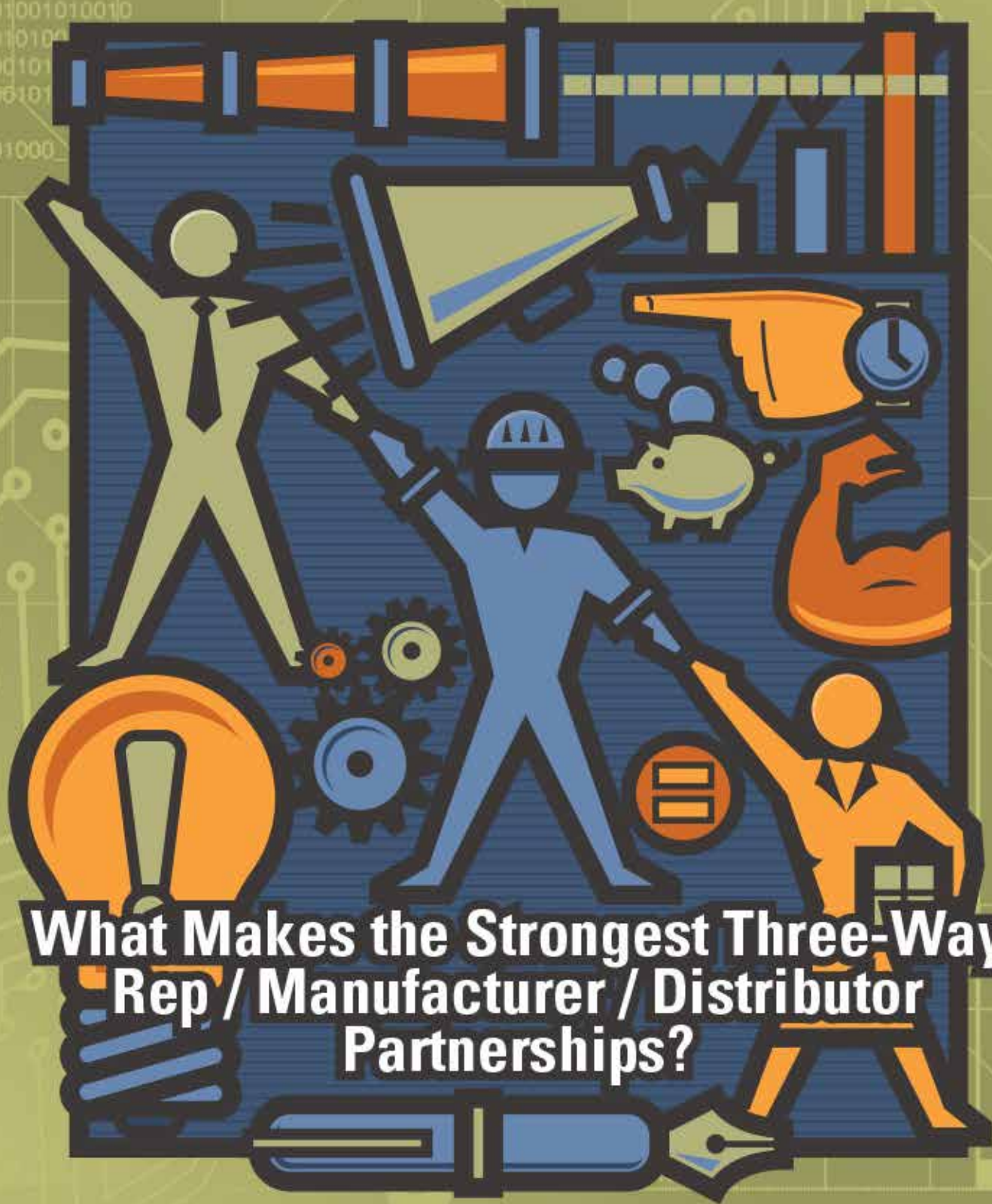
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SPRING 2015



**What Makes the Strongest Three-Way
Rep / Manufacturer / Distributor
Partnerships?**

In the 26 years that *The Representor* has been published in its current magazine format, many reps and manufacturers have expressed their views in these pages on their respective partnerships with each other and what makes them successful. But ERA has never asked reps, manufacturers and distributors about the nature and idiosyncrasies of their *three-way* working relationships. Until now.

For this article, a small group of electronics industry reps, manufacturing and distribution executives were asked three questions, all designed to provide a profile of the strongest three-way partnerships. The questions were:

1) *What characteristics and best practices do you feel are necessary in a successful (i.e., profitable and well-coordinated) three-way partnership among a rep, manufacturer and distributor?*

2) *What does your company do — on both a daily and long-term basis — to form, nurture and enhance these partnerships?*

3) *What do you wish your rep, manufacturer and/or distributor partners better understood about your business and your company?*

Some of the responses were predictable, but many were not. It was no surprise that the terms “communication” and “trust” turned up in multiple replies. Other answers, however, were more nuanced and, in some cases, rather lengthy. With great thanks to all the contributors, here’s what they had to say.

Characteristics and best practices

The “what’s necessary” query brought some concise replies, but others were much more detailed.

Todd McAtee is the vice president of business development in the Americas for the distributor Mouser Electronics. He says, “We value our relationships. Communication is essential to have a clear understanding of the role each of us plays in the three-way business partnership.”

Dan McCauley is the director of sales and marketing for General Devices Company, Inc., a manufacturer of telescoping slides, cabinets, racks, enclosures, communication shelters and related accessories. He believes, “Communication with all is first and foremost. In this day of virtual offices, it is becoming more difficult to actually meet to do training, [make] buddy calls on existing customers and [to develop] new account opportunities.”

From the rep side, Matt Cohen CPMR, of CC Electro, comments, “Just like a good marriage, you must have trust. It also takes a coordinated effort to get the details of the relationship handled. Everybody can fold laundry at home, and everybody can take out the trash at work. For the three-way partnership to work, you can’t have preconceived notions of what your job is or is not. Everyone

needs to do what needs to be done — and communicate what you’re doing as well as what you did, good, bad or indifferent. It’s all important.

“When a decision needs to be made, we all work together to ensure we’re addressing the question at hand. So in this case, three sets of ears — each hearing different things from the customer — all need to be reviewed to be sure we’re efficiently handling what the customer wants and needs. It’s not easy, but when each party is treated as an equal and critical voice, it works.”

Dave Norris, owner of the rep firm Norris and Associates and ERA’s newly-elected senior vice president/fiscal and legal, echoes Cohen, stressing that “trust, mutual respect, open and honest communication, a recognition and associated value for what each contributes to the whole” are key to a

solid partnership. He adds, “If the partnership is to be effective and beneficial to all, each needs to see the others as a valued part of the overall success.”

Chris Beeson, the executive vice president of sales and supplier development for the distributor Digi-Key Corporation, also agrees with the emphasis on trust. He notes, “It is very important that there is a high level of trust. When all parties in a triadic relationship take the time to understand the business model of all involved, it makes it easier to determine the best means of collaborating to drive and win

new business.”

Among the key characteristics and best practices listed by Walter Tobin, corporate vice president of distributor Future Electronics, are: open and candid discussions; holding each other accountable; not letting friendships get in the way of pushing each other; and regular discussions on action item follow-up. (“Inspect what you expect,” he says.) Other items on Tobin’s list are: setting goals that challenge each other; pushing goals down to all three organizations so they are a joint effort, not just the job of one of the three parties; allowing no finger pointing so all win or lose together; and “follow up, follow up, follow up. What gets measured gets done.”

Scott McLendon, president of the distributor Allied Electronics, comments on the two levels of partnerships. He feels the most vital best practices are “working together, corporate to corporate, on strategic marketing campaigns, new product introductions, etc., while also having the local sales teams engaged to identify new business opportunities, such as new designs, competitive conversions and new projects.”

Lance A. Scott, president of EAO Corporation, a 65-year-old manufacturer of human machine interface (HMI) components and systems, elaborates

(continued on next page)

“Just like a good marriage, you must have trust. It also takes coordinated effort to get the details of a relationship handled.”
— Matt Cohen, CPMR

COVER STORY: Three-Way Partnerships

(continued from previous page)

rates further on the critical characteristics and best practices, stating, “It is essential for both the manufacturer and representative to understand that a rep is fundamentally an extension of the manufacturer’s own sales force. While reps face the challenge of operating an independent company and managing multiple product lines, their practices in the field must reflect the respective manufacturer’s strategic vision, mission and customer philosophy. Likewise, manufacturers must ensure that representatives are well-trained, well-informed and treated as core members of their teams.”

Scott continues, “[In addition,] the manufacturer and rep must work closely together to align corporate goals and local customer needs with the most effective distribution channel partners. It’s imperative that manufacturers respect the unique capabilities that professional distributors offer and strive to define the right mixture of global, national, regional and specialty distributors that can best support individual customer requirements. Here again, the manufacturer bears the responsibility to provide training, marketing support and world class customer service to ensure the collective success of the relationship.”

Also from the manufacturer’s perspective come these comments from Sam Read, general sales manager of Cornell Dubilier Electronics, a ma-

major producer of capacitors. He notes, “As a component manufacturer, we ultimately need to sell and deliver our products to OEMs and generate a profit in the process. We could conceivably do that without the involvement of a rep or distributor. Our many experiences, however, demonstrate that when a rep, manufacturer and distributor are fulfilling their specific roles with a true partnership in mind, all parties, including the end customer, are more effective, productive and therefore profitable.”

“With any successful partnership, the key is constant consideration of each other’s needs. When working through daily issues or deci-

sions, it’s natural to want to protect the interests of your own company, but [it’s] even more effective ... to always think in terms of a win-win approach. I believe [when] a rep, manufacturer and distributor consistently think in these terms, [they] will solidify the three-way partnership.”

From Tom Vanderheyden, vice president of sales for the Americas of distributor TTI, comes this checklist of desirable qualities and best practices:

- a solid understanding of each other’s core competencies to drive complementary engagements;
- resource utilization, i.e., knowing when to draw upon the parties’ technical capabilities, subject matter expertise, etc.;
- distributor commitment to broad and deep inventory, independent of market conditions and external pressure, e.g., analysts;
- candor, transparency, integrity and communication — all critical to success; (Vanderheyden interjects, “TTI believes that relationships and trust still matter.”)
- building great business relationships that also turn into great personal relationships;
- understanding who’s going to do what by when drives ownership, action and time frame, which set proper expectations for all parties;
- bringing value through opportunities, not workload through expedites and issues (value add versus non-value add); and

- on a branch level, ensuring that the strongest link is between the rep and distributor who are local, visible, know the history and people involved, and will exist in a given territory long after any potential changes at or by the supplier. (Vanderheyden adds, “The supplier counts on this strong relationship to form two extensions of its sales force which have a natural check and balance.”)

Another list comes from a rep firm distribution manager who prefers anonymity. This feedback makes note of trust and open communication among all parties as well as long-standing relationships among the three parties. But then this rep goes into more specific best practices, including:

- a clear understanding of any registration programs and details on protection provided;
- a close working relationship between reps and distributors on target accounts and buddy calls with the outside sales teams;
- timely POS provided by distributors to manufacturers and by manufacturers to the reps;
- rep-provided training for distributors and active support on issues;
- manufacturer-provided support for timely quoting, delivery issues and problem solving; and
- manufacturer policy to pay reps the same for direct business and orders going through distribution so the distributor feels able to confide in and trust the rep and supplier.

A different challenge in successful three-way partnership is mentioned by second-generation rep Kingsland Coombs, CPMR, CSP, of Control Sales. He stresses the importance of all-party “communication about what customers and the marketplace

“Our many experiences ... demonstrate that when a rep, manufacturer and distributor are fulfilling their specific roles with a true partnership in mind, all parties, including the end customer, are more effective, productive and therefore profitable.”

— Sam Read

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want.” However, he describes, “About 15 years ago, we started to see our distributor partners bringing us opportunities for products that the companies we represented did not make. The customers were requesting, through the distributors, some evolutions or iterations of standard product that did not yet exist.”

As an example of how these instances have been handled, Coombs relates how one customer needed a certain type of rugged, sanitary laser that was not available. “To meet that need,” he says, “the rep, distributor and manufacturer all had to adapt.” The result was a new product series “that is used today in everything from welding to food production to manufacturing and even the medical industry.”

How to maintain strong partnerships

Just as the respondents for this article had much to say about the characteristics and best practices of strong three-way partnerships, they also had many and, in some cases, highly divergent descriptions of what their companies do to form, nurture and enhance those relationships. First up, here are the distributors’ responses.

About Digi-Key’s building and maintaining of relationships, Beeson comments, “We provide extensive customer support from design to production and back this up with inventory and information sharing with our key partners. We feel that our willingness to engage the supplier sales channel reduces redundancy at the customer while driving new designs and supply chain efficiencies.

“As a distributor, we have the special ability to see product designs at their early stages, and through design analytics, we can understand trends in customer behavior. This gives us a better understanding of the ongoing ecosystem of product life span which, through use of effective, open communication, will benefit all parties in the long term. The model is still unique to the industry, but we continue to witness cooperation from the rep and supplier community.”

Mouser’s McAtee says of his company, “We have dedicated teams of people working with our suppliers and their reps. These professionals are focused 100 percent on bringing value to the partnership. At the end of the day, it’s a people business. These individuals devote a large amount of time to building these relationships so that we can help one another achieve our common goals.”

Vanderheyden’s outline of TTT’s methods of relationship building starts with, “doing what we say we’re going to do,” focusing on productivity versus just activity, celebrating successes and offering a welcoming environment, both in the branches and at the corporate headquarters. He notes that his company also believes in collaboratively establishing and executing business plans, including setting objectives for every meeting and following up “to ensure we advance our business together.” And he stresses the importance of providing consistent and stable objectives, strategies and tactics.

For Tobin at Future Electronics, there are seven

steps the company follows to continually enhance its three-way partnerships:

- pushing for active buddy/discovery calls among all three parties;
- holding monthly/quarterly meetings to assess progress;
- fostering out-of-the-box thinking;
- focusing on new customer identification and development;
- hosting an ongoing, active rep council;
- sponsoring ongoing rep visits to the corporate headquarters; and
- facilitating strong branch-rep relationships via daily communication on quotes and joint customer strategies.

At Allied Electronics, McLendon says, “Building trusting relationships, doing what we say we’re going to do and delivering great customer experiences every chance we get” are foremost in strengthening their partnerships. He then explains that Allied customers are defined in three groups: external customers who exchange money for goods or services; internal customers who are the company’s employees; and business/partner customers who are the suppliers.

The manufacturer contributors to this article also cited a number of processes and activities that their companies follow in forming, nurturing and enhancing their relationships. Once again, communication is often mentioned.

At EAO, Scott emphasizes, “Communication is key. Our team is in constant dialogue with our reps and distributors, and we make certain that this communication reaches all levels of our respective organizations. We also establish goals and monitor the performance of our reps, much as we would our own employees, and we maintain an open, honest dialogue to address areas of improvement for both parties. Successes are celebrated and rewarded, and failures are treated as learning experiences for the team.”

Scott adds, “We also learn from our distribution partners regarding the latest technology trends and requirements to support a world-class customer service organization. Our top
(continued on page 29)

“We have dedicated teams of people working with our suppliers and their reps. These professionals are focused 100 percent on bringing value to the partnership.”
— Todd McAtee

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Mark Peterson, CPMR
President
Johnson Company

With so many ERA members, it's not easy to get to know every rep and manufacturer in the business. "Someone You Should Know" is The Representor department that gives readers the chance to learn about fellow ERA members, including how their time is spent both in and out of the office.

Meet Mark Peterson, CPMR, president of the Johnson Company, headquartered in New Brighton, Minn. Mark has been involved in both the rep business and ERA for 15 years.

The Representor asked Mark a few questions about his time in the rep business and his experiences with ERA. Here's what he had to say.

Tell us a little bit about yourself.

My wife and I have been married for 13 years, and we have three children. Our oldest is a nine-year old son, and we have two daughters who are ages six and four. Someone should have told us that zone defense was more challenging than one-on-one, as our kids keep us plenty busy with soccer, swimming, golf, dance lessons and more. We thoroughly enjoy Minnesota and all our seasons and the fun it brings from boating in the summer to ice skating in the winter.

What are some things you enjoy outside of the workplace?

Simply playing with the kids and hanging out as a family. It does not matter if it's catching sunfish so fast that you cannot bait the hooks quickly enough, or digging a snow fort that the entire family can fit into, or taking the next family vacation to some crazy new location. It's just fun to be together.

How long have you been an ERA member and how long in the rep business?

Our rep firm has been an ERA member for 32 years, and I have been a member for more than 15 years, since I joined Johnson Company in 2000.

How did you become interested in being a rep in the electronics industry?

I was the VP of sales and engineering for an injection molding company, and we were using reps to grow our business. I was thinking about starting my own rep firm when I met Mark Johnson (founder of Johnson Company). He was looking for an exit strategy from the business, and it seemed like a natural fit, so I jumped in with both feet. We developed a succession plan, and the rest is history. Mark has been fully retired now for a decade, but it's always great when he stops by for a cup of coffee.

What have you found to be most rewarding about being in the rep business?

I could easily talk about various trips around the world and all the great people I have met, and it's true that these are rewarding parts of the job. However, nothing compares to understanding a customer's issue, reaching through the layers of our various principals, bringing the right team together, and solving the problem. Regardless of the opportunity size, responding to a customer's problem with a good solution is like hitting a home run.

Briefly describe your rep firm.

Johnson Company is focused on sensors, interconnects and electronic solutions. We have structured a line card that is very strong for

OEM sensing solutions, flexible for custom interconnect and cable requirements, distribution savvy for logistics and component sales, and now we are paving the way toward providing new IoT and M2M marketplace solutions for our customer base. We can help on a standard part, engineer custom components, or we can help develop a complete wireless/cellular IoT solution that can enable our customers to enter new markets and generate new revenue streams.

What recent innovations, best practices and/or changes has your firm made?

Recently we have expanded our outreach to the smaller, rest of the world (ROW) type accounts. We have brought on new resources to invest in smaller customers, allowing our experienced staff to dive deeper into our large OEM customer base. We believe this will expand our sales faster and be more effective for the principals we represent.

What have you learned and/or what contacts have you made through ERA that have had the greatest positive impacts on you and/or your business?

Being an active ERA member and participating in the various networking events and conferences has been invaluable in helping me grow our business. Where else can you find people involved in our exact business who truly want the business model to succeed and prosper? Where else can you meet people for the first time, basically as strangers, and they are willing to share and help, and then the next thing you know, they are your decade-long friends? Our firm simply would not be as successful without the connections and education that ERA has provided throughout the years.

Are you active on social media? Do you follow ERA? Have ERA updates via social media been helpful to you?

Yes, yes, and yes! Social media certainly are adding new twists to our traditional sales role. I will admit that this is all a learning process — how to best utilize these new tools, which tools to focus on and how to expand our marketing and sales reach to help educate our customer base on new products and technologies. It's also enabled us to more quickly receive the latest information on markets, products, customers and competitors. It's a fun and new challenge that is simply becoming part of our daily world.

What is one interesting fact that people may not know about you?

My wife and I are both only children, and with three children of our own now, sibling rivalry is certainly a new frontier for us!



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Why and how to increase the power of ERA's 'voice'

"ERA gives reps a voice ... by listening and responding to members and the forces that impact the success of rep firms and manufacturers who sell through reps."

Does that statement seem familiar? I hope it does because this text was used for many years on the home page of ERA's website. Now that our all new website has launched, it seems appropriate to revisit that statement and ponder a bit on the subject of ERA's "voice."

Within our industry and even beyond, the "volume" and power of ERA's voice on behalf of the professional outsourced field sales function is directly proportionate to the size of our membership. The more individual voices we can count when ERA speaks, intercedes or advocates for the rep function, the more influence we have with our audiences, wherever they may be.

It's difficult to count the total number of individuals employed by ERA's member rep firms and manufacturing companies, plus the distributors that belong to local chapters. It's surely in the many thousands. Yet, that total could be MUCH higher. Imagine the strength of our ONE VOICE if it could be backed by even thousands more!

Over ERA's 80-year history — and yes, 2015 marks the 80th anniversary of ERA's founding — your association has often and eagerly stepped in to protect the rep function from various attempts to weaken it. These threats have come from major customers hoping to bypass their suppliers' reps in the purchasing process, from proposed legislation that would restrict reps' ability to conduct business and from misguided manufacturers trying to take unfair advantage of their reps. I'm sure there are other examples as well.

ERA also "speaks" continuously and clearly about the benefits of going to market through a rep sales force. Many of our efforts are aimed squarely at educating manufacturing executives who do not understand the value of their existing or potential rep networks.

In these regards, ERA speaks for ALL reps in our industry because our outreach benefits ALL reps, regardless of whether they are members or not. And that's the sticking point that remains a mystery to me.

Thanks to our members and their long-term support — over three and four generations in some rep firms — many non-members have benefitted from ERA's activism. Yet ERA's voice could be so much stronger and more effective if we could bring those non-members aboard. Otherwise, we must realize that our voice and our efforts could be diminished.

So ... how do we increase membership to raise the volume of our one voice? This is not an easy task at a time when membership in all associations is generally in decline. I propose two manageable and, I hope, easy-to-accomplish small steps. **Here's my challenge to current rep and manufacturer members.**

1) REP MEMBERS:

Seek out just one non-member rep among your friends and associates, and have a conversation about joining ERA.

2) MANUFACTURER MEMBERS:

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The most important step — and you know this — is to ASK FOR THE ORDER. Ask for a commitment that a prospect will visit our website or will email info@era.org for more information, and then follow up just like you would with a customer. Nobody's better at selling than ERA members, so use your sales skills to get a prospect fired up about joining. Tell your own stories of how ERA has helped you and your company. Make it personal! If you can add a new member to ERA's ONE VOICE, I trust you will be rewarded with a feeling of satisfaction and even "harmony."



by **Thomas J. Shanahan**
ERA Executive Vice President and CEO
e: tshanahan@era.org
p: 312-419-1533

*The more individual voices
we can count when ERA
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function, the more
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bjakubowski@jaymktg.com
734-459-1200

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Michael Pecar, CPMR
mpecar@mikepecarsales.com
248-608-2660

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For information about **MICHIGAN ERA**,
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Key changes are coming ... for both EDS and ERA

The last two years have really zipped by, and as my term as president of ERA is ending, many of us are looking forward to EDS 2015. This important event for reps, manufacturers and distributors has both a new venue this year at the Mirage in Las Vegas and a new “identity” as an “industry leadership summit.”

These are timely changes for EDS and for those of us participating. The Mirage venue will offer attendees a more consolidated and easier-to-navigate overall space for meetings and exhibits (less time on elevators for all!), and the lower guest room rates compared to prior years are a bonus.

The EDS “summit” has been evolving and continues to evolve into the culmination of year-long matchmaking and planning. It is where ideas are exchanged, new goals are established and new opportunities are explored — in person.

A year ago in this space, I wrote about the tremendous benefit of EDS in helping us to overcome the relationship “remoteness” that has arisen thanks (or no thanks!) to social media and our ever-increasing connectivity. I still believe in the value of face-to-face meetings and discussions, and EDS facilitates those opportunities like no other event.

We can hear industry and trend updates, catch up with old friends, meet with our principals and our distributor partners, and make plenty of new contacts. And we won't have to wear out our fingers tapping on our cell phones or tablets to do it!

As always, one of the highlights of EDS will be the ERA-ECIA breakfast program this year on Thursday, May 14, in the Grand Ballroom of the Mirage. Our guest speaker will be Dr. Esmael Adibi, economics professor in the highly-ranked graduate economics program at California's Chapman University and the director of the university's A. Gary Anderson Center for Economic Research. If you want to know what's ahead, economy-wise, don't miss this free event, and bring your questions.

*I still believe in the value
of face-to-face meetings
and discussions, and EDS
facilitates those
opportunities like
no other event.*

Before EDS, and as a result of ERA's biannual election of officers, I will have moved up to the office of chairman and turned over the duties of president to my friend Dan Parks, CPMR, of West Electronic Sales. Great thanks go to Robert Logan, CPMR, of Kruvand Associates for his service on the executive committee, and we welcome two new officers — John O'Brien, CPMR, of Coakley, Boyd and Abbott, Inc., and Chuck Tanzola, CPMR, of Fusion Sourcing Group. They join returning executive committee members Kathie Cahill, CPMR, of Net Sales Company and Dave

Norris of Norris and Associates. (See the article about the newly-elected officers in this issue's News Beat on page 25.)

For myself, there are giant shoes to fill, following our immediate past chairman, Mark Conley of O'Donnell Associates North, who has concluded six years as an ERA national officer. He began his volunteer service to our association in the mid-1990s, holding many offices in the Northern California chapter and then chairing our national conference in 2004.

Amazingly, Mark is not ready to “retire” as an ERA volunteer! He is now chairing the committee searching for our new CEO — not an easy or enviable task because of the formidable legacy that Tom Shanahan and Bob Terwall will be leaving behind. Thank you, Mark, for your tireless contributions to ERA, past and future!

So major change is coming to ERA, and another significant change has just occurred. By the time this magazine is published, our all new website will have launched. We trust users will find the updated site much easier to navigate and will enjoy taking advantage of many new features. Be sure to explore the site at era.org. It will be well worth your time to reacquaint yourself with all the resources available there.

Finally, I look forward to seeing many of you at EDS. And if anyone finds a “round bar,” please let me know!



by Paul Nielsen, CPMR
Brainard-Nielsen Marketing, Inc.
ERA Board President
e: paul@bnmsales.com

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The Annual Dick Paden Memorial Golf Tournament benefits the Carolinas ERA Scholarship fund and the American Diabetes Association. For details on the October 2015 event, contact Annette Paden at 919-971-3432 or APaden@sacs-rep.com.

Assessing your work-life balance can be a worthwhile exercise

One thing I've noticed — no matter where my travels may take me and whom I find myself spending time with — is that the challenges of balancing the ever-increasing demands of our work with all the other important things in our lives seems universal. (*In our industry, EDS week seems to be so consuming as to set aside all other priorities.*) The critical question we each seem to be asking is: How do I make my business succeed and prosper while still having a life — to be a parent, be a spouse, be a friend and pursue my passions?

Recently I was with a group of CEOs addressing just this issue with the help of a capable facilitator. There are a number of programs and curricula that address this universal challenge, and I don't mean to turn this into an advertisement for any one of them. In my brief research, they all seem to offer at least a couple of common threads. The process I was exposed to started with a listing of the major components that sum up a full life experience. The list included:

- Career and Business
- Money and Finances
- Joy and Delight
- Health and Wellness
- Happiness and Content
- Effectiveness and Efficiency
- Personal Development / Evolution
- Personal Values
- Personal Character
- Family and Relationships
- Hobbies / Interests
- Home and Space

Certainly there are alternate versions of this list, but many follow a similar format. Then, two exercises follow. First, for each of the elements, grade yourself 1 to 10, with 10 the best, as to how satisfied you are with yourself in this area of your life. Second, for each element, assign an importance, ranging from 1 to 3, with one being most important.

You may find you assess yourself with a lower grade on the matters you rank as important. I know I did, and it became quite clear to me what areas I need to focus on to derive greater balance and satisfaction.

We were asked to identify a manageable few areas (three or four) that we deemed important yet low scoring. We were advised *against* trying to fix everything at once, but rather to choose only a few areas and preferably those with some very achievable activities that can be accomplished in the near term.

With that in place, the next step is to schedule your time so that some is available to focus on the things you've identified as important and needing work. You can develop your own time blocks. One example might be four blocks in a weekday, i.e., four-hour blocks in each morning and afternoon, plus two

two-hour blocks in the evening. Weekends can also be "scheduled" with blocks of your choice. Personally, I've resisted scheduling on evenings and weekends, but I now confess to not do so is to forego an opportunity to create real work-life balance.

For example, maybe tending to your home and property is a source of real joy and accomplishment for you, but it always gets delayed to the point it seems a chore. So schedule two hours on Saturday mornings for that kind of work; protect the time block, and make it part of your calendar. Similarly, a family dinner or "date night" with your spouse can be booked into the weekly plan just like that important conference call.

One point of resistance for many may be that your schedule seems largely controlled by others, and to some degree that is a fact. But, think of the flexibility that you accept (necessarily) in your work life. For instance, that important Monday meeting happens only about half the time, or that weekly key initiatives review often gets moved. That's okay,

(continued on page 32)



by Robert G. Terwall
ERA Association President
e: rterwall@era.org



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A horseshirt case: Equine clothing maker can't avoid trial with reps

A written rep contract is circulated, unsigned and quickly forgotten. Meanwhile, the parties perform for about eight years. When a dispute then arises, does the contract control?

Both the principal and its reps long ignore certain key contract terms like sales quotas and non-compete provisions. Does this lack of enforcement support the principal also selling direct to the rep's accounts and converting large customers to house accounts?

The principal underpays its independent reps for years, yet the reps continue to perform. Are they suckers who have waived their claims?

The jockeys

These issues came before the Federal Court in Harrisburg, Pa., earlier this year when two independent sales reps, Joe Pete Wells and Les Krutoff, brought suit for breach of contract against JPC Equestrian, Inc., and its president, Varun Sharma. JPC, a supplier of equestrian clothing and equipment to retailers, including through sales reps, was established in Drums, Pa., in 2002. (*SPOILER ALERT: Answers to the opening questions are suggested, but not definitively provided in this case.*)

2002 was when Wells and Krutoff met with Sharma at a trade show. They discussed how JPC would operate and how they would market its products and get paid for sales. Soon after, Wells and Krutoff began promoting the JPC line. Sharma obtained a form "Sales Representation Agreement" from a lawyer and inserted each of their names and addresses into the template. Each rep later testified to signing and returning the Agreement, but Wells' own copy of the Agreement did not bear his signature, while Krutoff could not locate his Agreement, though he recalled it was never signed by Sharma or anyone else at JPC.

At their depositions, Wells and Krutoff further testified that they regarded the Agreement as a "formality," which was "unnecessary" and largely "forgotten about." Urging the Court to find no contract controlled, Sharma attempted to de-emphasize the Agreement by referring to it merely as "the Document." He claimed he never received signed copies from Wells or Krutoff, and "never intended for the purported terms of the Document to govern JPC Equestrian's relationship with the plaintiffs." This testimony left unexplained, of course, just why Sharma ever prepared the Agreement or sent it out to Wells and Krutoff for signature.

The essential contents of the Sales Representation Agreement itself were undisputed. Wells and Krutoff agreed to represent JPC in distinct territories along the Atlantic seaboard and were to receive a 10 percent commission on all sales resulting from their efforts without exception. Other standard terms, such as that the reps would bear their own expenses and could not accept competing lines, were also included. The Agreement also provided that the reps would meet reasonable sales targets as assigned by JPC, yet no such targets were ever established.

The horse race

Wells and Krutoff accused JPC of breaching the Agreement by paying only 5 percent commissions on certain accounts. The plaintiffs also charged JPC with converting certain large accounts to "house accounts," on which no commissions were paid in violation of the Agreement, and with selling directly to their customers to avoid paying a commission.

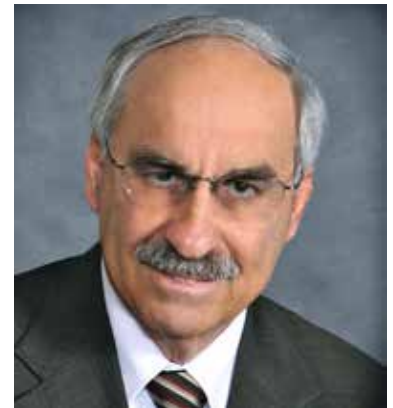
The defendants did not bother denying these allegations. Instead, Sharma asserted payment at the 5 percent rate was JPC's standard practice, never mind what the Agreement says. The defense mounted by JPC and Sharma focused on whether their relationship with the plaintiffs was governed by any contract.

While acknowledging Sharma tendered the Agreement to Wells and Krutoff in 2002, the defendants asserted the parties never even negotiated, let alone accepted or agreed to be bound by that "Document." Absent a signed copy, they claimed the Document never ripened into an enforceable contract, even though Sharma furnished it. Sharma and JPC specifically pointed to the plaintiffs' testimony that the Agreement was "unnecessary" and a mere "formality."

Many of the Agreement's terms may have been dutifully followed, JPC and Sharma conceded, but other important terms were readily ignored. The Agreement provided that plaintiffs would receive 10 percent commissions on all sales resulting from their efforts, but it was undisputed that for eight years they were often paid less than 10 percent on certain categories of sales. By continuing to represent JPC during this time nonetheless, defendants claimed Wells and Krutoff waived any claims of underpayment.

Additionally, the defendants noted that JPC never applied the requirement to assign reasonable sales quotas, and the reps never collected

(continued on page 32)



by Gerald M. Newman
ERA General Counsel

Gerald M. Newman, partner in the law firm of Schoenberg, Finkel, Newman & Rosenberg, LLC, serves as general counsel to ERA and is a regular contributor to The Representor. He participates in Expert Access, the program that offers telephone consultations to ERA members.

Gerry co-authored this article with his partner, Adam Glazer.

You can call Gerry Newman or Adam Glazer at 312-648-2300 or send email to gerald.newman@sfnr.com or adam.glazer@sfnr.com.



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Updating recent actions and the results of an 'embattled' IRS

Let's begin with a limited correction of my prior article in the Winter 2015 issue of *The Representor*. The IRS has announced that it will not fine employers who reimburse an employee for medical insurance that he or his spouse carries personally (or through the spouse's employer) \$100 per day until after June 30, 2015.

This tremendous concession occurred because of pressure put on the IRS. But June is coming soon. Employers have an approved out. They can increase the taxable wages by the amount of the insurance reimbursement as long as they don't specify that it is for the insurance. This means there can be no accounting required as to whether the increase was actually used for insurance.

A further exception was made for S Corporation stockholders; the penalties will not apply to them at least until after 2015, or until the IRS decides what to do with the problem. This, in part, comes from the fact that the premiums for S Corporation stockholders have always been added back to the individual stockholders, but are deductible to the individual on their personal returns as a deduction BEFORE adjusted gross income. The IRS quandary: how do you penalize a company for a payment, the deduction for which has already been transferred from the corporation to the individual? The laws appear to have hopelessly entangled themselves.

Automobile depreciation changes

Under the law changes affected in December 2014, the IRS allowable depreciation amounts for automobiles bought in years 2014 and 2015 are as follows:

	2014	2015
Year of purchase	\$11,160	\$3,160
Second year	5,100	5,100
Third year	3,050	3,050
Every year thereafter	1,875	1,875

The obvious difference is the first year, where Congress finally extended the \$8,000 first year special allowance for 2014 but has not extended it (yet) for 2015. The jury is still out on that, and we'll probably have another cliff hanger.

The embattled IRS

The IRS has been in trouble with Congress ever since Congress believed the IRS was going after Republican non-profit organizations for collecting donations in order to educate the public on voting issues in a way that the IRS thought was highly partisan rather than education oriented. This apparent stupid blunder on the part of the IRS has caused Congress to reduce IRS funding, further exacerbated by the "sequester."

The IRS has therefore had to reduce its staff. Most auditors are no longer on the road visiting taxpayers. Audits are generally being conducted by mail. The computers review the tax returns and pick out those that don't fit the "mold" that the IRS has devised. These returns are reviewed by an IRS auditor, and the process eventually results in a letter to the taxpayer.

Here's where things get dicey for the taxpayers. They are required to send ALL pertinent information to the IRS, and someone at the IRS reviews the documents and makes a decision on what's allowed and what isn't. There's no discussion, no communication, no questioning — just a decision.

The taxpayer is on the defensive against great odds, trying to upset the decision. In front of an IRS agent, you could at least explain your position; now, while not impossible, your chances are not good. The IRS has become almost totally impersonal.



by Stanton B. Herzog, CPA
ERA Tax, Audit & Accounting Consultant

Stanton B. Herzog, CPA, principal in the firm of Applebaum, Herzog & Associates, P.C., Northbrook, Ill., serves as ERA's accountant and is a regular contributor to The Representor. He is available to speak at chapter or group meetings on a variety of financial and tax-related topics. He also participates in Expert Access, the program that offers telephone consultations to ERA members.

You can call Stan Herzog at 847-564-1040, fax him at 847-564-1041, or send email to sherzog@theahagroup.com.



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For information about **MINNESOTA ERA** membership, programs and activities, contact Brad Butler (bbutler@eisales.com) or Cary Klingner (cklingner@northporteng.com).

How to increase sales using the power of portable technology

Portable technologies give successful salespeople the ability to get a lot more done — from anywhere they happen to be.

Successful salespeople regularly use technologies like smartphones, tablets, “phablets” (Google it!) and/or laptop computers to prospect, connect with and assist others. But, what can you do with those portable tools to generate more sales and productivity?

There’s no doubt that portable technologies have changed the way salespeople operate. Here are five ways successful salespeople are using portable tools today to generate more sales and be more productive:

1. Send useful links and relevant information to prospects and customers.

In the old days, salespeople would see an article they thought their prospects or clients would enjoy, tear it out of the paper and mail it. (Remember those days?). Today you can do much more. Always think in terms of how you can help your customers solve issues they are going through. Make it your regular practice to forward links of highly useful articles and videos to key customers.

2. Get the job done from anywhere and at anytime.

This is the flexible power of portability. Make sure you can operate from just about anywhere. It makes your life easier as you can be flexible. It also helps your customers see you as a vital resource to accomplish their goals.

3. Respond faster with the RIGHT information.

Money loves speed. When you have the tools you need, where you are right now, you are able to respond to customer requests faster. This makes you more valuable to customers and helps them see you as the “must have” resource. Portable technologies can help you today to become the resource your customers will crave to have.

4. Use portable technologies to make more sales.

By having the tools available to make the sale, I am able to reach clients, answer their issues and provide answers they need when they need it. Sometimes that is from a coffee shop or from a parked car in a rest area. The answer is to be ready to assist and help customers from a variety of locations to get the job done. You can send the right reference or order form to help clients get happily involved with you faster and easier.

5. Don’t expect one device to do it all.

Abraham Maslow once said, “If the only tool you have is a hammer, you look at every problem as if it were a nail.” Use different tools to solve different tasks. You need to have the right tool available to solve the current problem. I’ve found that my iPhone, iPad and MacBook Pro all have distinctly different pros and cons.

By having the right tool available (thank you to the inventor of that carry-on roller cart!) when I need it, I can accomplish what needs to be done, whether at my home office or on the road. I’ve found it is worth the price of carrying a little extra to have what I need when I need to serve a client.

BONUS: Be the eyes and ears of your customers (and principals). When you’re traveling and see something that would be useful to them, take pictures and videos to send them. This helps as you become the person “on the lookout” for every customer or principal. It helps you generate more good will.

Portable technologies give successful salespeople the ability to get a lot more done — from anywhere they happen to be. Used properly, portable technologies can help you be more productive and generate more sales. That helps you to earn that title of successful salesperson!



by Terry Brock

Terry Brock is a marketing coach who helps business owners market more effectively leveraging technology. He shows busy professionals how to squeeze more out of their busy days by using the right rules and tools.

You can reach Terry at 407-363-0505, by email at terry@terrybrock.com or through his website at terrybrock.com. Also, look for Terry on Twitter @TerryBrock.

New England ERA

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New England ERA members extend their best wishes to their manufacturer and distributor partners for a successful 2015 EDS!

Use 'great' or 'garbage' ratings to identify what needs attention

When I was in the throes of reading *Steve Jobs* by Walter Isaacson, it would have been an understatement to say I could not put down that book.

As we all know, Steve Jobs was an incredibly complicated person who was passionately dedicated to creating great products that were uncomplicated to use.

Jobs had a strict, two-sided — and often brutal — perspective on how to evaluate people and products: they were either great or garbage (he used a different word for garbage!). His passion for clarity, elegance and simplicity played a huge role in how Apple and Pixar created and developed beloved products and user experiences.

I've been trying out his "great-or-garbage" yardstick to see how my efforts measure up. I'm humbled by the experience. Here are some of the activities I evaluated using Jobs' method of measure.

- **Recent sales conversations: garbage.**

Oh, how I wish there were some wiggle room here, because many conversations I am having are quite rich. But I could talk less and ask more questions, and I need to get better at telling stories, using metaphors and offering challenging insights.

- **Taking care of my health: great.** I shine at eating healthy foods and exercising.

- **My website: garbage.** I see all kinds of ways to improve it.

- **Professional development: great.** I've read a number of excellent books and articles in the last year and have participated in many inspiring workshops.

- **Delegating: garbage.** I outsource a lot but still end up working six days a week.

- **Networking: garbage.** I know I need to find more events where I can meet people in person. But knowing and doing aren't the same thing.

I invite you to try the "great-or-garbage" perspective as a way to highlight where you need to pay attention. But be kind to yourself when you look at the "garbage" pile. Remember that this is a black-and-white equation and doesn't include the grays in between.

And if you haven't already, read *Steve Jobs* by Walter Isaacson. You will learn so much.

Talk back: Let me know what happens when you evaluate your efforts against the "great-or-garbage" yardstick.



by Nicki Weiss
Certified Professional Sales Management Coach and Master Trainer

Nicki Weiss is an internationally recognized Certified Professional Sales and Leadership Coach, Master Trainer, thought leader, speaker and facilitator. Since 1992, she has trained and coached more than 20,000 business leaders, sales teams and reps. Nicki has a particular passion for working with manufacturers, distributors and rep firms in the electronics industry.

Nicki is ERA's sales consultant, the brainchild and facilitator of ERA's free teleforum programs and the founder of the SalesWise Academy. Every day, leaders wake up knowing that they, their technical reps and field sales engineers need to sharpen their focus and their skills. But they don't have the tools, resources or patience to continually help enhance their strategy, communication and relationship building skills. The SalesWise Academy fills that void and delivers those skill-building lessons. To learn more, go to saleswise.ca or call 416-778-4145



Don't miss the annual ERA-ECIA breakfast program at EDS!

Thursday, May 14th

6:45 a.m. • Mirage Hotel Grand Ballroom, Las Vegas

For reservations, email info@era.org.



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**For information about ROCKY MOUNTAIN ERA
membership, programs and activities, go to rmera.org.**

ERA'S EDS BREAKFAST SPEAKER TO DELIVER ECONOMIC UPDATE

ERA's annual breakfast program at EDS 2015 will again be co-sponsored with the Electronic Components Industry Association (ECIA) and will feature an economic update presentation by Dr. Esmael Adibi. He is an economics professor at Chapman University in Orange, Cal., and the director of the university's A. Gary Anderson Center for Economic Research.

The breakfast event runs on Thursday, May 14, from 6:45 to 8 a.m. in the Grand Ballroom of the Mirage Hotel in Las Vegas and is open at no charge to all EDS attendees. Although there is no cost to attend, advance reservations are requested by May 1. To register, email info@era.org.

BOARD ELECTS NEW ERA OFFICERS

During its March meeting, the **ERA Board of Directors elected new officers for the 2015-17 term.** They are: chairman of the board - Paul Nielsen, CPMR, of Brainard-Nielsen Marketing; board president - Dan Parks, CPMR, of West Electronic Sales; senior vice president / fiscal and legal - David Norris of Norris and Associates; senior vice president / education - Kathie Cahill, CPMR, of Net Sales Co.; senior vice president / membership - John O'Brien, CPMR, of Coakley, Boyd and Abbett; and senior vice president / industry - Chuck Tanzola, CPMR, of the Fusion Sourcing Group.

O'Brien and Tanzola are new members of the association's executive committee. Nielsen succeeds the outgoing chairman, Mark Conley of O'Donnell Associates North, who concluded six years as a national officer. The other outgoing executive committee member is Robert Logan, CPMR, of Kruvand Associates, who served two years as senior vice president / membership. The executive committee also includes two non-voting staff members — Bob Terwall, the association president, and Tom Shanahan, ERA's executive vice president and CEO.

EVANS IS EIGHTH RECIPIENT OF RAY HALL SPIRIT OF ERA AWARD

Bob Evans, CPMR, of EK Associates in Palatine, Ill., is the newest and eighth recipient of the Ray Hall Spirit of ERA Award. The award was announced in late March. Evans has served in many leadership chairs of Chicagoland-Wisconsin ERA, including as president and national delegate to the ERA Board. He now serves as a member of the team that designs ERA's industry surveys, and he also chairs the association's Chapter Leadership Council, which manages the chapter officers leadership training and chapter of the year recognition programs. As the award recipient, Evans receives a registration, hotel and transportation package for ERA's upcoming 47th Management and Marketing Conference, scheduled on Feb. 28 to March 1, 2016, in Austin, Tex.

The Ray Hall Spirit of ERA Award was established in 2004 to honor the now-retired CEO who had served the association for more than 40 years. Hall asked that the award recognize individuals who exemplify the spirit of ERA through their commitment to serving and advancing the professional field sales (manufacturers' representative) function.

LINKEDIN CONNECTIONS MAY BE TRADE SECRETS

An ongoing court case in California is testing **whether an employee's LinkedIn connections can be considered trade secrets.** The Chicago law firm of Howe and Hutton relates that a former employee of a cellular accessories firm, who left to start a competing business, is charged by his former employer with unlawfully taking trade secrets by retaining his business LinkedIn contact information after his departure. The employee faces other charges as well, but Howe and Hutton comments that it should be "interesting to see how trade secret law is applied to LinkedIn contacts in this case." The law firm advises employers to label trade secret information as such and warn employees not to disclose it to anyone or use it for their own purposes.

MRERF PLANS REGIONAL MANAGER CERTIFICATION COURSE

The Manufacturers' Representatives Educational Research Foundation (MRERF) has announced its plan to offer a multi-year **certification program for factory sales managers** who oversee their companies' field sales reps. The debut of the first level of the regional manager course is planned in January 2016, and it will run in tandem with the Certified Professional Manufacturers' Representative (CPMR) program that the foundation has offered for many years. The CPMR course is offered for one week annually over three years at the University of Texas at Austin. The new curriculum is being designed to train and certify sales managers so they can better understand and manage their rep sales forces. For details, visit the MRERF website at mrerf.org.



Chapter News reports the local activities of the 22 chapters of ERA. The chapters sponsor educational and training workshops, local trade shows, legislative and industry projects to enhance the professionalism of individual members and to advance the goals and mission of the national association.

Congratulations, ERA Chapters of the Year!

Three ERA chapters have been selected as the Chapters of the Year for their 2014 activities and projects. The award recipients and their entries, by category, are:

- **Education – SOUTHERN CALIFORNIA** for its panel presentation and discussion program titled “Health Care: The Affordable Care Act and Your Rep Firm Employer-Employee Mandate, Compliance and Options;”
- **Membership and Member Services – CHICAGOLAND-WISCONSIN** for conducting a half-day chapter strategic planning workshop with ERA Association President Bob Terwall as moderator;
- **Marketing Services – NEW YORK** for its program featuring Tom Wichert of TDK-Lambda Americas speaking on “How to Deal Efficiently with Japanese Companies and the Effects of Globalized Pricing on Distributors and Reps;” and
- **Special Projects – SOUTHERN CALIFORNIA** for its Second Annual Charity Golf Tournament that benefited Operation Homefront.

Each award recipient receives a full-tuition scholarship to ERA’s Chapter Officers Leadership Training (COLT) program. The Chapter of the Year judges, who reviewed all 14 entries and selected award recipients, are: ERA Senior Vice President/Membership Robert Logan, CPMR; ERA National Delegates Matt Cohen, CPMR (Michigan), John O’ Brien, CPMR (New England) and Richard Shor (Chesapeake); plus ERA CEO Tom Shanahan and Association President Bob Terwall. The Chapter of the Year program is coordinated by Bob Evans, CPMR, chair of ERA’s Chapter Leadership Council.

ARIZONA

A chapter meeting is planned in late May to recap EDS 2015. Members will also review the recent SBLC (Small Business Legislative Council) reports and discuss the Arizona business environment, including results for the first half of 2015 and second-half projections.

CAROLINAS

The 19th Annual Carolinas ERA Distributor/Rep Bowling Tournament and Fundraiser was slated on April 16. The chapter has also held networking breakfasts in January and March in Raleigh as well as in February and early April in Charlotte.

In early March, Carolinas hosted its annual Rep-Distributor Forum at which the 2014 territory DTAM report was released. Also during the forum, DTAM project coordinators John King and Kimberly Hermoso-Hurst reported on the results of recent surveys of reps and distributors regarding their working relationships. (See photo on facing page.)

Another highlight of the forum was the awarding of the chapter’s annual scholarships. Three college students, who are dependents of ERA member rep firm personnel or DTAM-project-participating distributor employees, each received \$1,000 grants.

CHICAGOLAND - WISCONSIN

More than 100 tickets have already been sold for Chicagoland-Wisconsin’s fourth annual Cubs-Brewers baseball game outing in mid-August at a Wrigley Field rooftop venue. The chapter recently elected a new board director, Rick LaPiana of Cain-Forlaw Co., and re-elected these four incumbent directors: Joe Braun of EK Associates; Kingsland Coombs, CPMR, CSP, of Control Sales; Ron Riesinger of Synmark Sales; and Ron Rutkowski of Control Sales.

EMPIRE STATE

The chapter has held monthly breakfast or lunch networking events since January, and its annual Rep-Distributor Forum was slated in early April. New officers were recently elected for the 2015-17 term. They are: president - Jim Gleason of The Frank J. Muto Co.; VP/fiscal and legal - Julie Baker of GMA; VP/programming - Scott Caliel of Leonard D. Allen, Inc.; national delegate - Dave Dasson, CPMR, CSP, of Net Sales Co., and director-at-large - Rick Wray of Empire Technical Associates.

FLORIDA - SUNSHINE

Florida-Sunshine ERA has a new CPMR (Certified Professional Manufacturers’ Representative) among its members. Pat Walsh of CBX Electronics, who is the chapter’s national delegate to the ERA Board, completed the three-year program in January. The chapter’s annual Rep-Distributor Forum, at which its 2014 DTAM report will be released, is scheduled in mid-April in Orlando. Once again, the DTAM report is being created and will be presented by Barry Farber of HHP Associates.

MICHIGAN

Michigan ERA has reported that its investment in a regular ad in *The Representative* is paying off with contacts from manufacturers seeking new reps. The chapter’s national delegate, Matt Cohen, CPMR, of CC Electro, says that the cost of the ads is “worth way more” than the annual cost of membership for any one rep firm.

NORTHERN CALIFORNIA

After the successful 54th Annual Electronic Industry Charity Event, held in December, plans are already underway for the 2015 event on Dec. 2. This fundraiser benefits the Lucile Packard and Oakland Children’s Hospitals.

OHIO

Ohio members came together for a luncheon event in mid-March in Cincinnati. The program, "Outlook and Opportunities," featured a financial advisor and CPA discussing the U.S. economic outlook, a stock market overview, international investing news and upcoming tax law changes.

SOUTHERN CALIFORNIA

The chapter's late April program is titled "Electronic Components - Market Trends" and will feature guest speaker Ed Smith, president of Avnet Electronics Marketing Americas. Recent events included a February presentation on rep law issues with attorney Clay Taylor and an economic update in March by Chapman University economics professor Dr. Esmael Adibi.

SPIRIT OF ST. LOUIS

Spirit members heard a March presentation on succession planning by guest speaker John Vrablic of T.I.P.S. 4 Reps. Chapter board members have closed the books on another successful Electronics, Electrical, Engineering and Manufacturing Show. The 2014 show sold out all 60+ exhibit booths.



At the recent Carolinas ERA Rep-Distributor Forum, the chapter recognized John King of Battleship Technologies for his management of the DTAM reporting project for the past 17 years and Kimberly Hermoso-Hurst for her assistance with DTAM data collection as the chapter's liaison with territory distributors.



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COVER STORY: Three-Way Partnerships

(continued from page 7)

distributors are on the leading edge of engineering design, logistics, e-commerce, e-marketing and customer fulfillment, and we work closely with these valued partners to ensure that our products, sales tools and support are advancing at the necessary pace."

McCauley reports that General Devices sends a monthly tracking e-newsletter, with separate territory bookings and POS reports, to each rep firm to allow follow-up and new application or account activity opportunities.

At Cornell Dubilier, Read notes, "We still believe in a traditional approach to communicating with our partners. Electronic communication has its place when it comes to time-sensitive issues or generating and transferring documentation. A true partnership, however, will be built on real-time conversations. We try to pick up the phone or, better yet, visit face-to-face with our partners as often as we can. We certainly recognize that you don't need to be lifelong friends with your business partners in order to succeed, but a willingness and ability to communicate on a personal level is extremely important to us."

Among the rep responses to the question of building and strengthening partnerships, Coombs relates how his firm has "found it important to make distributors feel welcome in our office — especially to discuss new business opportunities. We provide an environment where they can come in to drop off a drawing or sketch of an application that a customer is dreaming about. We also provide distributors with their own private conference room at our facility, complete with Internet access.

"We have even gone so far as to have the engineering design personnel [of one of our principals] work out of our office — a move that included investing in a sophisticated engineering software design station. This put the design team right next to the customers. It was a significant move, but it has yielded immense returns." Overall, Coombs sums up, "Control Sales has been successful in large part because we work hard to nurture these relationships."

The trust aspect of relationships turned up in several reps' responses to this question, and so again did communication. John King of Battleship Technologies cites good three-way communication and trust — meaning "no hidden agendas" — as foremost in his firm's relationships. He adds that keeping manufacturers up to date on customer activity and scheduling at least semi-annual visits to the territory are routine. The firm also conducts periodic visits and combined customer calls with distributors. However, King says, "We find it more and more difficult to get distributors to visit customers with us."

Norris stresses, "All relationships need to be based on trust. Even when tough conversations need to be held or difficult decisions made, we do so in the context of that open and honest communication that helps build and sustain the trust."

Cohen describes his firm's philosophy and practice this way: "We work as a team first and foremost. We work hard to develop communication tools that are efficient and cost-effective. The backbone of any field sales rep's success, or lack thereof, is directly tied to communication." He believes that "the root cause of all problems is tied to miscommunication ... [so] he who communicates best, wins."

In addition to what these named reps have mentioned, the rep who asked for anonymity cites several best practices: doing things outside the normal workday with both manufacturers and distributors, such as lunches, dinners, sporting event outings and the like; and encouraging "all our salespeople to be involved with all distributors so that our company and our people are known to as many of the [distributor] teams as possible. We want ourselves and our lines to remain in their minds."

What partners wish others knew

For the final question about what each partner wishes the other knew or better understood, perhaps the most surprising answer comes from Future's Tobin. He says flatly, "Nothing. They all know the challenges that each other has." He does expand a bit on his reply, adding that there is a need for return on investment at all companies, and all have margin and profit challenges. He also advocates "helping each other when one partner is struggling," such as when a line has been lost.

"Most importantly," says Digi-Key's Beeson, "we want to be known as the starting point for design, and we want to be understood as the best option for high mix/low volume orders as well

"We have even gone so far as to have the engineering design personnel [of one of our principals] work out of our office — a move that included investing in a sophisticated engineering software design station."

— Kingsland Coombs,
CPMR, CSP

COVER STORY: Three-Way Partnerships

(continued from page 29)

as the easiest, fastest and friendliest electronic component distributor on the planet.”

TTI's Vanderheyden emphasizes. “We are absolutely committed to understanding our partners’ mission critical objectives, obstacles, etc., and then deploying the necessary resources, time and energy to deliver favorable results — in other words, doing what we say we will do.”

For McLendon at Allied, he hopes his partners understand his company's broad customer base, its focus on e-commerce and the commitment to “do business the customer's way, whether it's online or offline.”

Scott stresses that EAO's collaborative philosophy “doesn't change based on the complexity of the HMI solution, the challenges of the application or the market segments we serve. We welcome every opportunity to support our customers as an expert partner, and we coordinate closely with our reps and distributors to provide the best possible solutions.”

For General Devices' McCauley, he hopes his company's partners realize the importance of “the need for field intelligence regarding new business opportunities, markets, industries and competition. Field salespeople are our eyes and ears ... and help us learn more about territory and account activity.”

Cornell Dubilier's Read explains that his company focuses on built-to-order capacitors and has “structured our entire operation around the ordering, material flow and special manufacturing aspects of these parts. In other words, we're very good at it. Our distribution partners should not avoid these types of product requirements simply because they are not ‘stocked’ type parts. In fact, our most successful distributors recognize the value they can provide the customer by working with CDE to develop these solutions.”

The reps' responses to the “what I wish” question ranged across a number of issues. Cohen hopes that “our partners understand that we are a very good and skilled filter of communication. If they would just share with us the raw data, we know the audience and how to present it in a favorable light. If you've committed to us as your field sales team, commit to us with all the information. And if need be, tell us what you feel is proprietary — not to be shared. It's

worth the five-minute conference call versus sending us in to the customer with half information.”

King wishes manufacturers in Asia or even on the U.S. west coast understood the size of his firm's Carolinas territory and the limited customer base for their products. He also wishes distributors would “use our product knowledge to help them sell more of our products.”

A reality-check type of reply comes from Coombs: “One important challenge to understand is that many of today's products are difficult to bring to market due to all the worldwide agency approvals needed ... There are financial and time costs associated with meeting all of these requirements. Thus, it's important that all three members of the partnership cooperate to make the product reliable, price-competitive and delivered on time. This cooperation is essential to keep customer relationships healthy and productive.”

The response from Norris is somewhat of a 10,000-foot view. “It is difficult to succeed alone,” he says. “Without the performance from our principals that reciprocates what they expect from us, we fail, together. There must be a give and take with our channel partners and a recognition of our roles and responsibilities. Too often, one party or the other feels like all they do is give and never get to take. In reality, we are all constantly trying to find a balance that works and ultimately best serves our customers.”

The anonymous rep wishes that “our manufacturers really knew how hard we work for them, how hard we try to close our customers and how much we really care about growing the business.” This rep also wishes principals knew how difficult it is for reps to take time out of the field to update their individual CRM systems instead of accepting a report from the rep's own system, how important it is to have a good website and internal support, and how vital it is to be able to track the rep's overseas business. Another point this distribution manager repeats is that reps should be paid the same on both direct orders and those that go through distribution.

When discussing distributors, this rep wishes they realized “how much we as reps value them. We want to work with them, and we do NOT want to take things direct! ... We appreciate so much what our channel partners do. It's so wonderful to have good relationships with them, and it's awesome when they recommend us for a new line that they know would be a good fit for us.”

This final note comes from Mouser's McAtee and is a fitting close: “We all have a very valuable role to play in the channel ecosystem. The more we understand each other's role, the better we can support each other and ultimately satisfy the customer.” Amen to that! ■

This article was written by Tess Hill, editor of The Representor.

Electronics Representatives Association



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tshanahan@era.org

ERA Staff

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Robert G. Terwall
rterwall@era.org

*Executive Vice President
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tshanahan@era.org

Executive Assistant:
Karin Derkacz
kderkacz@era.org

*Communications, Conferences and
Chapter Services Coordinator:*
Tess Hill
thill@era.org

Database Manager and Webmaster:
Katherine Green
kgreen@era.org

Chapter Management & Social Media Coordinator
Stephanie Tierney
stierney@era.org

Finance Director:
William R. Warfield
bwarfield@era.org

ERA Office:
309 W. Washington St., Suite 500
Chicago, Illinois 60606
Phone: 312-419-1432
Fax: 312-419-1660
Email: info@era.org

A book review and recommendation by Dan Beaulieu

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EVERGREEN: Cultivate the Enduring Customer Loyalty That Keeps Your Business Thriving

by Noah Fleming

Copyright: 2015 by Amacom

Price: Hard Cover: \$26 • Kindle: \$9.99 • 272 pages with index

Customer retention for the 21st century

Maybe I like this book because I agree so wholeheartedly with the author. In fact, one of the selling points of my consulting company is that I can grow your business by 10 percent without ever adding a new customer.

In this new book, Noah Fleming shows us how to not only “mine our current customer list but to also reach back to those companies you used to do business with and re-capture some of that business as well.”

By using his defined “three C” program, you can pick up just about everything you need to know about customer loyalty and retention. The three Cs are:

- Character: which is based on why you do what you do;
- Community: creating a community of customers with shared interests and needs; and
- Content: what your company offers to your customers.

The chapters on customer loyalty are especially valuable. The author explores and defines various loyalty programs, showing us which ones work and which do not by using real life examples from Starbucks to Delta Airlines.

The chapter on firing your customers is worth the price of the book. Knowing which customers to fire, why and how is invaluable. Basically this gets down to a few categories, from those customers who take up the most time and have the least profit margin to those unhappy customers who will just never be happy no matter what you do. The real life example of how Amazon deals with unhappy customers is telling, to say the least.

This one book handles everything you need to create enduring and lasting customer relationships with the right customers while culling out the wrong customers. This is not just a sales book ... or a customer service book. It is a book about successfully running your business no matter what that business is. If you buy, read and study the ideas laid out in this book, you will be successful. That's all there is to it.

Dan Beaulieu is the president and founder of D.B. Management L.L.C., a consulting company specializing in all aspects of sales, marketing and branding with a focus on rep-principal relationships. His latest book is **The PCB 101 Handbook** which can be purchased online by emailing danbeaulieu@aol.com. Dan is also the author of “It's Only Common Sense,” a weekly sales column appearing at pcb007.com. Dan can be reached at 207-649-0879.



ASSOCIATION ROUND TABLE: Work-life balance

(continued from page 15)

and it will be okay to allow similar flexibility into the scheduling of other facets of your life. Accept that fluidity is required, but take pleasure in making at least half of your children's games, concerts or plays if that is an improvement from having missed most of them.

It's been two months since the CEO group first heard of this approach, and we've taken to updating each other on our progress. I'm pleased to report that most are seeing some meaningful improvement in their level of satisfaction in achieving a work-life balance as a direct result of deploying these tactics.

I'm certain that the demands of our professional lives will not diminish, especially since all the drivers and technology enablers that make this a 24/7 business aren't going away. So, let's deal with it by deciding what's important in the overall scheme of things and dedicating some time to those things that matter. It really is up to each of us to decide how and where we spend our most precious resource — time. ■

LEGALLY SPEAKING: A horseshirt case

(continued from page 17)

payments from customers, as the Agreement also provided. Although the Agreement prohibited the reps from selling competitive products, the judge later found, "There is evidence to show that Krutoff did, and that Wells may have, sold products that competed with JPC during the time they worked on JPC's behalf, but JPC did not invoke the non-compete provision."

Based upon the absence of a fully-executed contract and this eight-year history of uneven compliance with it, JPC and Sharma moved for summary judgment in the case, arguing that the evidence so overwhelmingly demonstrated their non-liability that a trial could only end in its favor, and empaneling a jury to decide the case was unwarranted and a waste of time.

The finish line

Rather than construe JPC's failure to consistently pay a 10 percent commission and adhere to other terms of the Agreement as a waiver of plaintiffs' rights, Wells and Krutoff countered that these practices were evidence of JPC's breach of contract. Further, they argued, the party attempting to show a waiver in Pennsylvania must demonstrate "that he was misled and prejudiced thereby." Wells and Krutoff argued in opposition to summary judgment that defendants could show neither.

The court first found that, under Pennsylvania law, a contract signed by only one party may be enforceable as long as both parties accept the contract and act under its terms. Evidence was presented that at least one party had signed the Agreement, and the court noted that "Sharma prepared and provided the Agreement to the plaintiffs," and that "in many respects the parties seem to have followed fundamentally material aspects of the Agreement." The parties' level of acceptance of its terms, if any, was surrounded by disputed issues, and their divergent interpretations of the facts show that a full trial was necessary to resolve them.

The court also declined to summarily conclude that the plaintiffs waived their rights by failing to legally enforce them over the eight years they continued to represent JPC. Defendants were unable to convincingly show they were actually misled by the conduct of Wells and Krutoff or that they suffered actual prejudice by the plaintiffs' decision not to enforce their legal rights during this time, as Pennsylvania law requires.

Brandished with just a touch of legalese, the court summarized its rationale for denying summary judgment: "We find that there remain disputed issues of material fact with respect to whether the parties had entered into an enforceable sales representation contract; about whether the defendants breached that contract; about which terms of that contract, if any, may have been breached; and about whether the plaintiffs may have waived their rights to enforce any aspect of that Agreement by waiting to bring suit until 2010."

The standard to prevail on summary judgment is generally much higher than at trial, and the evidence did not so clearly favor either party (Wells and Krutoff appear to have also made a token run at summary judgment) to merit such an award. In light of the conflicting evidence, no early exit from the suit was available, and a trial, or a settlement, remained the parties' only viable option.

A factual scenario that appeared at first to offer a sprint to the finish for the principal — given the unsigned contract, the eight years of accepting underpayments without complaint and the parties' spotty record of following the contract provisions — instead generated a muddy track filled with hurdles. Although Wells and Krutoff dodged summary judgment here, reps are still well-advised to carefully examine their contracts, and take steps to preserve or promptly enforce their legal rights. ■

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ERA MOURNS ...

... the passing in mid-January of **Eugene A. (Gene) Foster**, an ERA Hall of Fame member and second-generation rep who grew the Mel Foster Company, founded by his father, into one of the electronics industry's most respected firms. He was 82. In addition to the prestigious Hall of Fame Award, he was also the recipient of ERA's Honor and Key Awards as well as a White Pin member. He was a graduate of the University of Minnesota and a U.S. Army lieutenant who served two years in Germany. When he retired from the rep business in 1999, he and his wife Bridgette built a successful real estate business in southwest Florida.

ERA CEO, Tom Shanahan says of Foster, "Gene was an admired educator about the rep function who used his vision, creativity and innovative thinking to become a role model for and treasured mentor to countless reps, including Mike Swenson, CPMR, now the president of the Mel Foster Company, as well as Mike's team and many other reps across the nation. Quite simply, we've lost a giant."

In addition to his wife, survivors include six children, 17 grandchildren and seven great-grandchildren. Memorial donations can be made to the First Baptist Academy, 3000 Orange Blossom Dr., Naples, FL 34109.

... the loss in mid-February of **Robert W. (Bob) Parsons**, the long-time manager of Northern California ERA and editor of the Rep Talk newsletter. He was 90. After retiring from his rep firm, his management of the Northern California chapter of ERA and publication of Rep Talk were marked by his photo chronicles of countless ERA and industry events, including ERA conferences. He was a Life Member of ERA and was inducted into the White Pin Group in 2005.

... the March 1 passing of **Hector LaChappelle**, formerly of the Canadian rep firm Haltronics, Ltd., in Oakville, Ont. He was 75. Survivors include his wife Noreen, two children and four grandchildren. Gerald Newman, ERA's legal counsel, says, "He was always optimistic, uplifting, creative and could sell ice in the winter. {He was} a great supporter of the rep system of going to market in the electronics industry."

... the death in early January of **Joe Valentine**, whose rep firm Valentine Associates of Greenwood, Ind., was a 25-year member of ERA. He was 92. He began his career working for R. O. Whitesell & Associates and then established his own firm which he managed until his retirement in 1993. He was a World War II veteran who fought in the Battle of the Bulge and helped free U.S. airmen who were imprisoned in the Dulag-Luft POW camp in Wexlar, Germany. Memorial donations can be made to: the Joe Valentine Endowed Scholarship Fund at the Rose-Hulman Institute of Technology, Office of Development, 5500 Wabash Ave., Terre Haute, IN 47803; the Greenwood Public Library (greenwoodlibrary.us); or United Service Organizations (uso.org).

... the loss in mid-January of **Jo-Ann MacInnis**, the wife of Norm MacInnis, CPMR, who is now retired from the MacInnis Company and serving as the manager of New England ERA. Her brother-in-law, Ron MacInnis, CPMR, says, "She fought a long and brave battle with cancer." Memorial donations can be made to the Nottingham Community Church, 108 Church St., Nottingham, NH 03290.



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JJM SEARCH is the global executive search firm founded by Carla Mahrt, a 20-year electronics industry veteran. JJM is part of the MRI Network – leaders in the search and recruitment industry for over 40 years. Let Carla connect your company with bright, qualified candidates for your openings. For details on JJM, go to jjmsearch.com. Carla is also one of ERA's Expert Access resources, so members can call her for a free telephone consultation at 402-721-6590.

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ELECTRONIC SYSTEMS INTEGRATION

Gary Ponto, CPMR
GP Marketing
Kirkland, Wash.

**2015 looks like a strong
year for AV and electronic
security markets**

The first quarter of 2015 has been promising for a strong year in the AV and electronic security markets. This is due to new construction and upgrades to IP from analog systems.

The industry is seeing new products being introduced after a bit of a dry spell during the economic slowdown. There is a lot of momentum behind OnViF-compliant cameras. This is an IP-based security standard in CCTV that allows an integrator to use multiple brands of CCTV camera manufacturers on their VMS for customer installations.

I am seeing more AV installations headed towards bluetooth connectivity so any device can be shared to a small huddle group or presentation room. IP is also gaining ground in AV installations. This is true not only for control systems, but there are companies that are offering IP addressable speakers for a complete digital installation.

There is no doubt that the lines between IT, AV and CCTV continue to become blurred. A trend that is emerging from these market synergies is that more low-voltage accounts are purchasing their products from the distribution channel where possible. As a sales rep, if you are not working closely with your distribution branches, you should rethink how you are supporting your local branches.

There is still a shortage of seasoned technicians available in this industry. Several of the integrators I spoke with say that the work they have already booked will occupy most, if not all, of 2015, and they are not looking for any additional work unless they can find more qualified personnel. It is looking like it will take several years to replace the technicians who departed the AV and electronic security markets during the recession, which will impact the rate of market growth year over year.

In summary, 2015 looks like it will be a growth year across the board. It truly looks like we are finally climbing out of the economic slowdown. Competition is greater than ever, and prices are being pushed down across the board. However, there are lots of opportunities in the markets, so this should be a good year for all of us.

INSTRUMENTATION AUTOMATION & CONTROLS

Tom Diercksmeir, CPMR
A. G. Technologies, LLC
Scottsdale, Ariz.

**Markets are relatively
flat, but increased testing
may bring an uptick**

Alternative energy, oil production and the testing required remain very active lately. Hydraulic fracturing is predominant in Montana, North Dakota and western Idaho. Solar and wind power are also leading the way. Electric vehicles and battery technology continue to be active and now include commercial power generation.

Many industries, such as electric utilities, mining and water/waste water processing, are expanding their control systems via ethernet-based I/O products. With the rising price of gold and silver, many mines are requesting capital funds for plant upgrades and expansion. Even titanium processing plants are upgrading their facilities in anticipation of future increased prices. Ethernet and wireless I/O are very cost effective methods of adding to existing legacy control networks.

Throughout many plants, especially in the food and beverage industry, there is an increase in the number of parameters that are being measured. In food and beverage, the usage of individual ingredients is being monitored very precisely to maintain their individual recipes. There are two reasons for this — the accuracy of the batch for the recipe and to eliminate waste of materials.

Sensor calibration hardware sales are on the increase. Again, there are two reasons for this upturn — ensuring accuracy of the measurements in the field and increased agency regulations. Documenting calibrators are leading the way in calibrator sales. These types of calibrators store the measured values automatically which eliminates the human error aspect of measurement.

The market for sensors and instrumentation is flat or on a very slight increase. As companies try to increase efficiencies of their products, they are conducting more testing. This is the main industry driver for sensors and instrumentation.

If there are any questions, please contact me by phone at 602-329-2147 or by email at tom@agtechnologiesllc.com.

Technology makes life better. Well ... most of the time. In the last issue, I mentioned that we had decided to move a good portion of our IT operation into the “cloud.” The decision was made, and we just had to take the time to make the transfer. Well, as is so often the case, we procrastinated, and the inevitable happened. The server died, and we were out of service until we could scramble to get the transfer done and a new server installed to handle the “inside” stuff. As I write this, the essentials are in the cloud, and the IT guy is supposed to be here within the hour with the new server. I never had a Rolodex crash or the old manual Royal typewriter let me down.

All that is said to point out how vulnerable we are in this digital, cyber-based world we live in. Just ask Sony, Target, Home Depot and a host of others about that.

It’s going to get a lot more interesting, and quickly. Here is some food for thought on what may be just around the corner. Medical wearable items are already a reality. What if those get combined with a GPS so when you buy that Big Mac or a nice plate of fettuccine, information is sent to your insurance company, and five cents is added to your insurance premium. If you smoke, when you buy a pack of cigarettes, another nickel is added. Closer to home, my insurance company asked if I wanted to install a device in my car that could help lower my premiums. This sounds good on the surface, but the device will track speed, how many quick braking stops I make, etc., and there’s a disclaimer that it could impact my insurance rates.

In the MAPS world, we see robots/automation doing much of the work in assembly — for the most part more efficiently and certainly faster than their human counterparts. We are seeing vision sensors inspect things once done by human eyes — again more efficiently and faster. One headline that caught my eye was “3D vision-guided robot cuts chicken fillets.” That will probably eliminate a lot of cut fingers. Another was, “Google introduces operational self-driving car.” I’m not quite sure I’m ready for that one.

The title of an article I recently read about the technology subject pretty well described it as “The Double-Edged Sword.” We certainly embrace technological advances, but we also need a lot of safeguards in place to prevent them from destroying, rather than enhancing, our lives.

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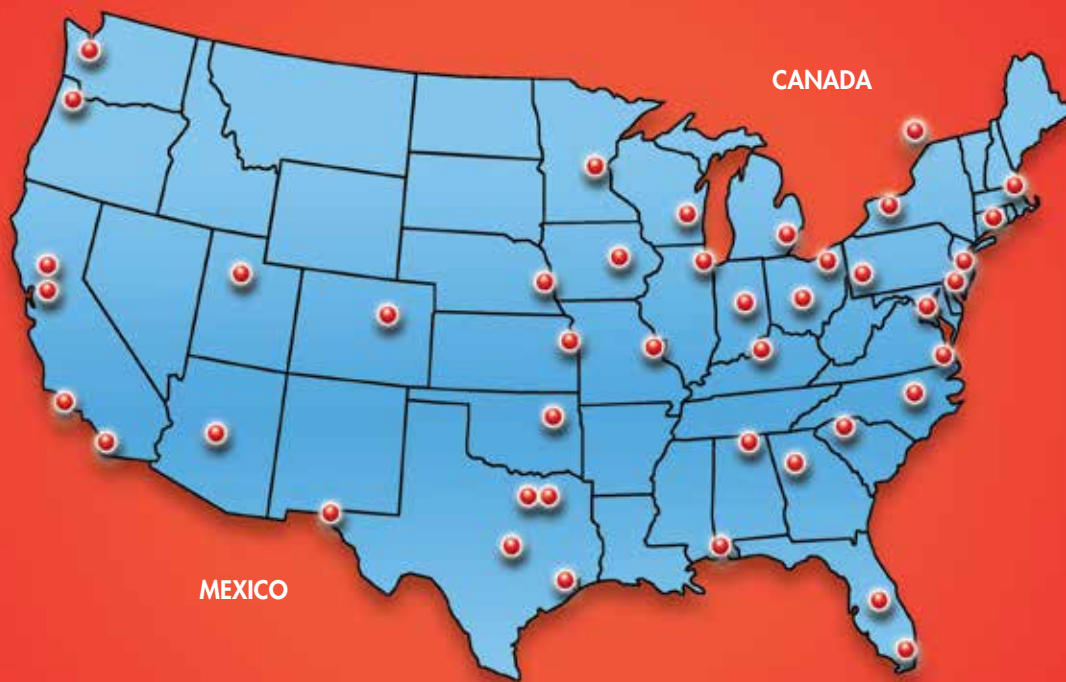
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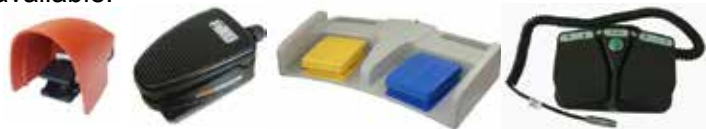
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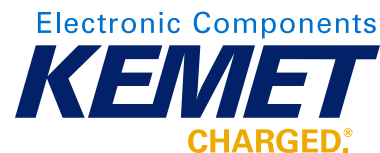
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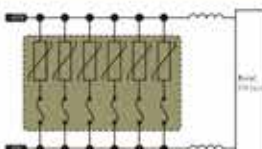
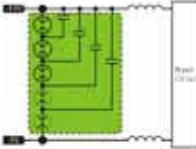
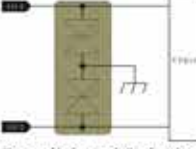
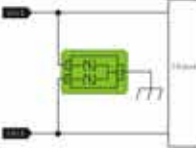
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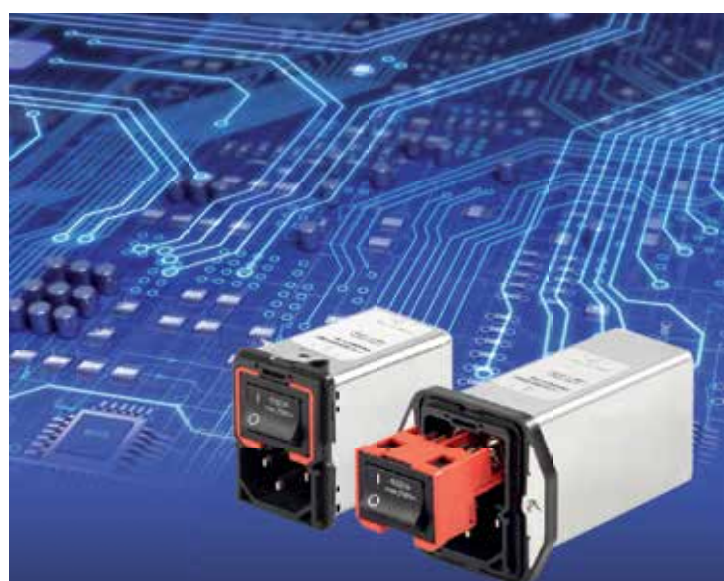
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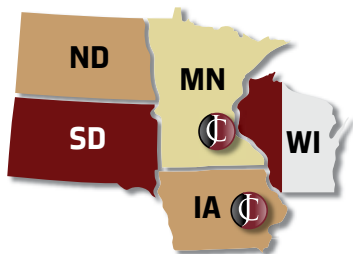
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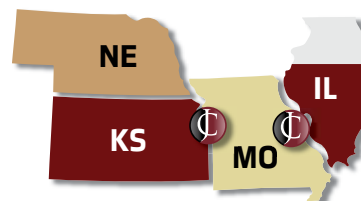


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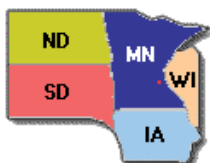
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