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by ERA Chairman Paul Nielsen, CPMR

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WINTER 2016

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Meeting Key
Business
Challenges
in 2016

In the seven years that ERA has been offering its members free educational teleforums — a total of 39 programs as of the close of 2015 — none of those has been “converted” to an article for *The Representor* ... until now. The content of the December 2015 teleforum, titled “Meeting the Business Challenges of 2016,” strongly dictated that it be shared more widely than among only the 100 registrants who listened to the discussion live and/or later downloaded the audio file.

The facilitators of the teleforum conversation, who had varied opinions about the key challenges that lay ahead this year, are: Dan Parks, CPMR, of West Electronic Sales, president of ERA; one of Parks’ principals, Monica Highfill, vice president of sales for the Americas of KEMET; and Nicki Weiss of Saleswise, ERA’s sales consultant and a professional coach who has worked with thousands of reps, manufacturers and distributors. Their discussion focused primarily on these issues:

- recruiting and developing new talent for all types and sizes of electronics companies;
- mentoring and training new personnel, including those often-puzzling Millennials, while also helping veteran employees continue their training and education;
- dealing with a flat market, including the impacts of global pricing and other factors that generate margin pressure for manufacturers and commission issues for reps.

Highlights of the teleforum conversation follow. (*ERA members can access the full audio file in the Teleforum Library at era.org/?p=2684.*)

Recruiting and developing new talent

“Certainly there are many challenges ahead, but talent development is one of the largest,” began Highfill. “There are many opportunities in our industry, but it is challenging to attract people with stiff competition from ‘cooler’ companies, like Google and Tesla.” She elaborates how these types of technology companies do a good job of recruiting talented students right out of college, bringing them on board and offering them both great benefits and a nurturing environment that Millennials seem to crave.

“In our industry,” she continues, “we tend to not make time for harvesting new talent ... we tend to look for ‘plug-and-play,’ and we tend to

recycle people” from one segment of the industry to another or one company to another.

Highfill relates how KEMET has had some success in bringing in new people directly from school. She cites several examples of newly-graduated hires who then became high-level managers. However, she concedes, “It’s so much easier and faster to hire experienced people ... they get up and running quickly. In the long term, though,

we are missing opportunities as we’re not bringing in fresh talent.”

How does Parks view the talent recruiting and development problem for reps? He echoes Highfill’s comments and says, “I just came out of a [rep] study group where this topic came up, and I’m not even sure we’re using the right methods to contact people. The traditional methods ... are not yielding the results we want, so we need to look at alternative ways to tap into this pool of talent.”

He notes that technical trade or vocational schools that offer two-year courses may be a

viable avenue to find students who do not want to pursue a four-year degree but want to move into a trade. “Don’t walk past this possibility as a source of good candidates,” he urges. A teleforum attendee also suggests that other opportunities for finding new hires can be found in the high tech forums now operating in many major cities to showcase start-up companies and new products being developed. These forums hold regular meetings and attract people from throughout the business world who are specifically interested in up-and-coming enterprises and ventures that are seeking investments.

Another idea from Weiss is “tapping your existing personnel and maybe even paying them” for referring candidates who are eventually hired. “Eagles fly with eagles,” she affirms, “so good people gravitate to each other.”

She also notes that, among the rep firms she has assisted, there’s a reluctance to hire “20-somethings” or others with no experience. However, she adds, “I do know rep firms that are successful in recruiting new talent. They target engineering schools or those with electronics [courses] and go to job fairs, talk to career counselors and advertise on those college bulletin boards. They are willing to hire and develop new talent. What is not attractive in the rep world is the unwillingness to

(continued on next page)

“I know of rep firms that are successful in recruiting new talent. They target engineering schools or those with electronics [courses] and go to job fairs, talk to career counselors and advertise on those college bulletin boards.”
— Nicki Weiss

COVER STORY: Business challenges in 2016

(continued from previous page)

invest money in new talent. That's not attractive to Millennials."

Parks relates a success story at West that was initiated by a principal. His firm was asked to hire a new graduate to teach him the rep business, with support for his salary provided by the manufacturer. After several years with West, learning the business "from the ground up," that individual is now the rep firm's regional manager for that principal.

This process, Parks explains, caused West to develop a comprehensive training program, agreed to and approved by the principal. "The time spent was considerable," he acknowledges, including for Parks personally as a mentor to that young man, "but it was well worth it. We imparted a great deal of knowledge and information ... but got a great deal back.

Young people bring a lot to the party, and you'll be amazed at how much you can learn about efficiencies of operation in your company." Now Parks hopes to work with a local college to create an intern plan for his firm.

Weiss interjects that the "considerable time"

Parks' firm spent on this new hire is "what attracts people to an organization. I believe it's a mind shift, a culture shift, in the industry ... part of your job as a leader is to find good candidates and then spend a ton of time developing them, rather than hiring someone mid-career."

Highfill observes that Parks' firm obviously had a "very strong onboarding program, which many of us could do a better job of." She also notes that some companies often "fall back from hiring inexperienced people in tough times," when there tends to be a greater

urgency to boost sales and profits. She believes it's vital to combat that tendency and make resources consistently available for new talent development.

Parks adds that recruiting new talent for a rep firm is a "tougher sell than for manufacturers because almost no one understands the business." Highfill recommends that college job fairs are an ideal place to educate students about the rep business model.

Weiss points out that most universities do not understand or teach the sales function as a profession. "As leaders," she urges, "we should be advocating the teaching of sales, even in high school or definitely at the university level. It's shocking to me that salespeople have huge earning potential, like so many fields, but their education seems to be hit or miss."

Ongoing training of all personnel

From the topic of recruiting new talent, Highfill segues to the importance of ongoing product and sales training for all personnel so they can continue to grow professionally. "Let's not assume people who have been with the company 10 or 20 years know everything. We need to be sure to give those personnel opportunities and the knowledge to be successful."

Referring to Parks' mentoring of the new hire, Highfill says it is important for all employees, new or veteran, to have mentors within their companies — those they can rely on for advice and guidance.

Weiss adds, "So as a leader, your mind-set should be, whomever is on your team, develop them. Spend money on them for training and making that a budget item."

As a guideline, Weiss continues, "Small to mid-sized companies generally invest about \$2,000 to \$3,000 per person per year, year after year, for ongoing professional development. Your needs may change over time, but your budget should not. There should always be money there for training." She agrees with Highfill, noting that people can "get stale in the middle of or later in their careers if they are not constantly challenged to learn new things. It's a small investment with a huge payoff."

Describing KEMET's training process, Highfill relates, "Like many companies, we do monthly training via [webinars]. But if we're all honest, it often seems that people are half-listening and missing lots of information. So I have tasked our field application engineers to use the [webinar] information and hold trainings in their regions to make it more targeted. There's more interaction, and I'm finding this works a lot better. Technology is great, but [it can cause us

"The time spent [training a new graduate] was considerable, but it was well worth it. We imparted a great deal of knowledge and information ... but we got a great deal back."
— Dan Parks, CPMR



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to] sometimes lose touch.”

About his rep firm’s training programs, Parks describes, “We’re lucky to have a few people on our staff who have master’s degrees in electrical engineering, including our president, Mark Hahn. He has taken on the training of our inside people on products and applications. A lot of times, a customer’s first contact is with inside salespeople, so we’ve found that, if an inside person can go one, two or three questions deep with a customer, that’s more efficient.”

In the training provided for outside salespeople, Parks adds, Hahn “goes into great detail on one product each month. Sometimes we work with both inside and outside people at the same time. I think most reps spend a lot of time on product training, but [our firm] may spend more time with our inside folks than others do.”

When asked if his personnel have undergone specific training in sales, Parks replies they did so a year ago at the request of a principal, but formal sales training is not something his firm provides on a regular basis. Weiss notes, “This could be a place where it’s the gold mine you’re sitting on,” explaining that, with the extensive product training West personnel undergo, the next step could be exploring how their product and application knowledge can translate into a sales conversation.

Coping with a flat market

The third area of the challenges discussion tackled by Parks, Highfill and Weiss began with the concession that, even though the North American economy is growing, the electronics market has remained flat and is projected by most industry analysts to rise by only a small percentage in 2016. That flat market is a given, says Parks. And now that the design function has, in many instances, moved offshore, along with significant amounts of manufacturing, “that’s a definite challenge for us.”

With offshoring, a flat market and global competition, Weiss asks about the margin pressure being experienced. “This is a subject we could talk about for days,” Highfill admits. With no end in sight to the flat market, KEMET is trying to be first to market with products that yield a better margin, often thanks to less competition.

Given the “world you work in” and the margin pressure, Weiss asks about the importance of selling value for both new and existing products. Highfill considers it critical to establish value to all customers by “making sure all our teams are aware of what sets KEMET apart.” She acknowledges a comment from a teleforum attendee that, sometimes when the sales conversation is totally focused on price, the rep and the principal need

to understand when to walk away. However, her experience confirms, “There are still lots and lots of customers who do appreciate and understand that value — quality, customer service and innovation — regardless of price. For our customers at all levels of the sales process, it is our job to help them understand the product and how it fits into their project or business model.”

What Highfill describes, according to Weiss, is the “art of selling.” If everyone were capable “artists” of selling, she believes that margin pressure would decrease. “And yet,” she says, “I see people talking to customers and throwing a lot of stuff against the wall [rather than knowing] what questions they should be asking and how they should respond. It’s easy to say ‘establish value,’ but it’s very hard to do and to keep working it behind the scenes.”

Highfill replies that “it’s not an easy task, but I see top salespeople sell on value every day. They go into customers’ offices and lay out what they and their companies do for them every day. If something goes wrong, who’s the first person in the door to take care of you?” She describes how top salespeople “demand” their customers’ attention — and the purchase order — by continually reinforcing the value they bring and selling it to all levels of their customers.

Weiss comments, “You make a good point. Salespeople may assume the customer knows what they do for them, or they assume all salespeople are providing the same levels of service and value, so they do not bother reiterating their company’s and their personal values to the customer. So this is a best practice we all need to pay attention to.”

“I think too,” says Highfill, “that when the market flattens out, those who are successful continue to be demanding, in a professional, ap-

(continued on page 22)

“There are still lots and lots of customers who appreciate that value — quality, customer service and innovation — regardless of price. For our customers at all levels of the sales process, it is our job to help them understand the product and how it fits into their project or business model.”

— Monica Highfill

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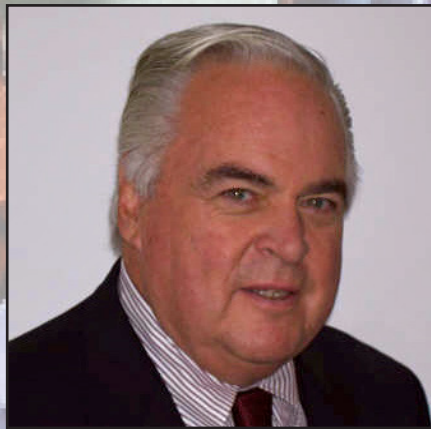
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From the brink to a new era for ERA... thank you, TOM SHANAHAN!

by ERA Chairman Paul Nielsen, CPMR



Tom Shanahan

Some people can't resist a challenge. They run toward the problem. When faced with a dilemma, they embrace it.

That's where Tom Shanahan found himself more than 10 years ago. His dear friend, Ray Hall, had retired as ERA CEO after 40 years, and Ray's successor backed away from the challenge that was the ERA of 2005. ERA was financially unstable and very close to the brink. The insurance laws had changed, devastating the highly successful and profitable ERA Insurance Trust, our main source of income. Membership was plummeting because ERA could no longer offer group medical insurance. Nevertheless, when asked to fill in while another CEO was sought, Tom embraced the crisis.

Tom made his first acquaintance with ERA in 1984 when he accepted Ray's invitation to "stop by" the ERA Conference in London. Tom did just that and recalls that, as the late Jess Spoonts promised him upon his arrival, he met "many terrific people." Not long afterward, the former federal prosecutor and then a prominent Chicago defense attorney began handling some legal work for both ERA and the Insurance Trust.

Tom and many of our members first got to know each other very well at the 1998 ERA Conference in Scottsdale, Ariz. He was half of a conference program called "Shanahan vs. Shanahan," a memorable session that created a courtroom atmosphere, complete with opposing lawyers and attendees serving as jurors. The "case" being litigated involved then-still-relatively-new technology, including the Internet, e-commerce and email issues.

During ensuing years, Tom stayed involved with ERA on the periphery and made many friends. He says he admired the independent attitude and energy of the reps. I suspect the fun, the creative abilities and the reps' desire to constantly improve also drew Tom closer to the fire.

He eventually became ERA's COO, and then, in 2006, he was named the CEO — with no pay! Talk about embracing a challenge! That was 10 years, countless challenges and a slew of stories, laughs and meetings ago.

Today we say thank you, Tom — despite your sincere wish that your retirement should be allowed to pass with no public recognition. You believe that, in a volunteer organization, all the gratitude should go to the members. In this instance, however, the "jury" of your ERA friends has overruled you.

While he won't take credit for it, Tom came in, stabilized ERA's finances, stopped the membership plunge, kept a talented staff in place and guided us through a period of turmoil. As many have said, in many ways, "Tom took over ERA at a most tumultuous time and held the organization together, putting back the pieces in a positive way."

Tom's selfless leadership has reinvigorated ERA to the point where we can attract and hire an industry force like Walter Tobin

as our new CEO. Tom's contributions have brought us to a new era for ERA.

But, if you know Tom, you know that the following sentiments, all regarding him personally, are much more important to him. When I talked to others about Tom, just some of the comments and descriptions I received were: "fortunate and blessed to have him;" "mentor;" "true rep advocate;" "stood up for ERA, even when he or his position wasn't popular;" "great friend and great boss;" "friends for life;" "will always be in his debt;" "he always bled ERA;" "he's a people person;" "he's a rep person."

While these are sentiments anyone would be proud of, there are two words that will be forever associated with Tom Shanahan:

family and stories! His wonderful wife, Lorene, was there at the beginning. An outstanding corporate lawyer herself, she was the other Shanahan in "Shanahan vs. Shanahan." And, most will say, she was the debate and court case winner that day in Scottsdale — by a mile!

Since that presentation, we have all benefitted from Lorene's organizational skills, hospitality and infectious laugh. At conferences, board meetings, EDS and many other ERA functions, Lorene has been an unsung (and unpaid) ERA supporter. Thank you, Lorene!

And then there's Meg! Or, to many, "Mugs." Meaghan, the youngest of Tom's four children, has grown up in ERA and

calls many reps "uncle." Through conferences, meetings and local gatherings, she was always there to lend a hand. As we have had the pleasure of watching Meg mature — she is now a senior at the University of Iowa — she has watched us grow as well, always with a smile, a story and a funny remark. (She is definitely her Dad's daughter!) Thank you, Meg.

As for the stories? Oh, the stories! You all know there is not enough time, or paper, to adequately describe the stories. You name it — family, old and new friends, his Dad, his 100-year-old, sharp-as-a-tack Mom, Chicago, Germany, politicians, Italy, ERA, law and the price of tea in China! There was always a story, filled with great laughs and even better memories. Thank you, Tom.

In the end, some will say ERA still has many challenges. Of course we do! What company, government or entity doesn't? Pick your favorite U.S. President. (Ronnie, please come back!) Were there challenges when he left office? Will there be challenges when the current and the next president leave? Of course, there will be.

ERA lived to fight another day. We're better off today than we were 10 years ago.

Walt Tobin is storming the country, carrying the torch and delivering the message! Thank you, Tom!

Here's one final quote from one of Tom's countless friends in ERA: "We should all be grateful!" Agreed. One more time ... thank you, Tom!

*[Tom] eventually became
ERA's COO, and then, in
2006, he was named the CEO
— with no pay! ...
Today we say thank you,
Tom — despite your sincere
wish that your retirement
should be allowed to pass with
no public recognition.*

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Gregory Pace
President
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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 Greg Pace, the president of Ohmite, the Chicago area-based, 90-year-old manufacturer of resistive products. He's been active in ERA since joining the firm in 2003.

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

Tell us a little bit about yourself.

I am the proud father of two sons — John Henry and Greg Jr. — and proud grandfather of baby Addison, daughter of Greg Jr. and lovely wife Jenny. I've been married to Patsy for more than 38 years, most of them happily, according to Patsy! I've had three careers in one — banking, food manufacturing and components manufacturing. I was educated at the University of Illinois and have an MBA from Northwestern University.

What are some things you enjoy outside of the workplace?

I truly enjoy being with friends and family in off time. While golf is fun, it is terrific to play with my sons who were football players in their younger years and now adore the game. All of a sudden, I have become the third best player in the family and love it. Time with family is the best. I enjoy coffee Saturdays and Sundays with wife Patsy, especially if we can walk over to my son's house and take our granddaughter for a long walk.

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

Ohmite, a "90-year-old startup company," has been an active member of ERA for as long as I can remember. We have had executives present at ERA conferences for a number of years. I have been in the components manufacturing business since 2003. The time flies!

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

Honestly? I was GM of another affiliated company, and it burned to the ground! Evidently we were properly insured and all worked out. I was sent to Ohmite as western regional sales manager and mentored by Ohmite's Kirk Schwiebert. Luckily, we had terrific reps, and through their tutoring we were able to grow the business. I was fortunate enough to be named Ohmite's fifth president in its 90 years.

What have you found to be most rewarding about being in the manufacturing business and/or the electronics industry?

Many of my friends and associates have heard me say again and again that this is the most ethical business I have ever been a part of. From commitments of support to purchas-

ing promises, in this business I have found a handshake and a promise to be worth their weight in gold, whether it is the customer, our reps or our authorized distributors making the commitment. I enjoy any size piece of business as we get a front row seat into new designs, some of which are actually making a real difference in our own lifestyles, like "green power," electronic vehicles and grid technology. I love the design wins we get to see!

Briefly describe your company.

The Ohmite working culture is that of an extended family. We keep an eye on one another and try to grow the business properly. It is in our DNA to have an intellectual curiosity for design opportunities no matter what the size of the business. We thrive on doing what we say we will do for the customer. Working closely with our rep and distribution partners is fun and rewarding. Our customers can be in consumer goods, heavy industries, underwater cameras and even golf carts. While the product focus is mainly in resistors and heat sink technology, we excel in offering a complete component solution.

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

While we are a family-based and close knit company, we also keep only those associates and work partners who are willing to work every day for a common cause. We have undertaken the challenge to become a lean manufacturer after existing 90 years. We think it is never too late! Our best practices focus on the customer with innovative, value-added solutions, supported by our reps and distribution partners. Ohmite has an open door policy and excels in showing off its superior manufacturing facility.

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?

When I came into the business years ago, I was at least familiar with the rep and distribution models from my previous years in the food industry. I knew that, to learn the business, I needed to be in the field as much as possible and to carry a bag alongside our reps. I believe we have the best rep team in the world, and I am very proud that so many of our relationships span numerous decades. We

(continued on page 24)



These companies joined ERA during the second half of 2015.

(The ERA chapter of each rep firm headquarters office is listed in italics after the company name.)

REP FIRMS

Blair Engineering, Inc. (*Southwestern*)
Jim Upchurch, CPMR
blaireng.com

CompRep (*New England*)
Stephen Mullin, CPMR
comprep.com

EMR Northwest (*Pacific Northwest*)
Tom Enfield
eltsol.com

FabSource (*Carolinas*)
Keith Schermerhorn
keith724376@gmail.com

Gregory and Associates (*Arizona*)
Steve Gauer
gregoryandassociates.com

Harper and Two (*Southern California*)
Dan Kilstofte
harperandtwo.com

The Hofstetter Company (*Ohio*)
Jeff Fisher
thcrep.com

MarkTech (*Canada*)
Gilbert Leblond
marktech.ca

PEI Electronics Sales (*Southwestern*)
John Hunter
peieletronicsales.com

Seltec Sales Corporation (*Spirit of St. Louis*)
Michael Long, CPMR
seltecsales.com

Sigma Component Design, Ltd. (*Canada*)
John Grobanopoulos
sigmacomponent.com

Victory Sales (*Chicagoland-Wisconsin*)
Phil Meiss
victorysales.com

MANUFACTURERS

Allis Communications
Robert Sung
alliswireless.com

Boardtech Solutions
Jared Duckworth
boardtechsolutions.com

Butler Winding
Denny Wist
Butlerwinding.com

Crydom, Inc.
David Foster
crydom.com

Degson Electronics Company, Ltd.
Iven Zhu
degson.com

E E URD Design & Manufacturing, Inc.
Lawrence Sultan
eeurd.net

5S Components, Inc.
John Siefken
5scomponents.com

Isotek Corporation
Tom Sojda
isotekcorp.com

LinkCom USA, Inc.
Newman Chen
linkcomusa.com

LZY Technology USA, Inc.
Harry Hou
lzy.com

Memsic, Inc.
John Pyle
memsic.com

Northeastern Electronics Company, Inc.
Colin Carroll
ne-electronics.com

Precise Time and Frequency, Inc.
Daniel Whelan
ptfinc.com

Precision Resistive Products, Inc.
Richard Willaert
prpinc.com

Silicon Labs
Sherri Fox
silabs.com

SMC Diode Solutions
Mark LaPointe
smc-diodes.com

Sungmun Electronics Company, Ltd.
Won Lee
sungmun.co.kr

Syrma Technology
Gary Barnier
syrmatech.com

Tellurian Technologies, LLC
James Fischer
telluriantech.com

TEWA Sensors, LLC
Joe Sgambato
tewa-sensors.com

Topsun Electronic Singapore Pte, Ltd.
Martin Tan
topsun-fpc.com

Recapping my first 90 days as ERA CEO

My first 90 days as CEO ... wow! Where do I begin? The 90 days went by so fast ... and that is a good thing! Let me try to give you a brief summary of my thoughts, perspectives and activities as I began this very exciting role.

People: The staff at ERA have all been wonderful. As you know, most of them have been with ERA for many years. They have been VERY patient with me as I continued to ask some very basic questions of them about the ways of the association as I pick their brains about the history of ERA and how we got to where we are today. So, without this tireless team, my first 90 days would not have been as productive as I feel it has been. They are a great source of all sorts of good stuff!

Executive Committee: Like the ERA staff, the XCOM has been both supportive and informative. Our collective conversations and many individual chats on specific topics have allowed ERA to move forward on many fronts — to make assessments and decisions to affect the needed changes to help take this organization into the “**New Era at ERA.**” We are blessed to have such an active and involved XCOM. They always manage to find the time for ERA while doing their “other full-time jobs” of running their rep companies.

Website: A website is a window into the very soul of the organization. If it is hard to navigate or ineffective in allowing the user to access the information that they are looking for in as few clicks as possible, folks will “click out,” vote with their feet and walk away from the organization. Our staff website team members have been tireless (and a bit relentless!) in listening to my “suggestions” as to how to make our site “best in class.” I hope ALL of you have been to era.org to see for yourself! Come in and kick the tires — and expect an

amazing experience! I have been very impressed with our face on the Internet.

Chapters: I have been “on the road” visiting our chapters as a part of my “listening tour” — to get the inputs, criticisms, comments, suggestions, etc., from both members and non-members. I have visited the following chapters or regions: Canada, Ohio, Mid-Lantic, Chesapeake, Minnesota, New England, Empire State and Texas. Some of the chapters have been more active than others. However, in ALL cases, the people have been both warm and welcoming to me and displayed a strong desire to help make their ERA chapter even stronger in 2016. As we all know, the chapter structure is unique to ERA. It is what makes us a strong organization, and the strength of any chapter lies on its members. I leave each territory even more pumped up than when I arrived.

New Rep Membership Drive: The ERA staff emailed out nearly 6,000 messages to former members and prospective “never been” members to help drive new membership. The response to this initiative has been strong so far, and we expect to add many new rep members over the next several weeks as the follow up efforts continue.

New Manufacturer Membership Drive: We are also continuing our drive to add new manufacturer members to our ranks. Once we sign a manufacturer up, we then look at its rep network and see which reps are NOT members. We then work “upstream” to convince them to join ERA along with their manufacturer. The drive for new manufacturers has been very effective.

For both reps and manufacturers, look for the listing of “New Members” on the scrolling box on our website home page. The list

(continued on page 24)



by **Walter E. Tobin**
ERA CEO / EVP
e: wtobin@era.org
p: 617-901-4088

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This is the ideal time to develop your business plan for 2016

I can't believe it's already 2016. I was just getting comfortable with writing 2015 on my checks. But alas "Father Time" waits for no one in our industry. If your company had a similar year to ours, you are probably happy to see 2015 go away — far away.

It also occurs to me that, with the days being shorter and darker, now is a good time for some serious business reflection. If you haven't already done so, it's a great time to look at 2015 to determine what happened and why. It's also time to consider formal business planning for 2016.

In my opinion, the rep model is under attack like never before. I strongly suggest that, no matter what your firm's size, you need to consider some type of business planning. If you do not want to develop a written plan for the upcoming year, please consider some type of planning. I urge you to do so, as this process forces you to look at your business in a more critical manner.

Your plan can be as simple as setting some personal and business goals for 2016. These goals should be specific and must be measurable to have any meaning or value.

Another fairly simple plan might include analyzing what went well and what didn't go so well last year. Obviously, with this type of plan, you should try to enhance and get even better at what you did well last year and search for ways to identify what needs to be improved upon or done differently this year.

Another option is a more formal plan, complete with a variety of financial and sales analysis steps that might provide you and your team with some clarity. Your analyses should focus on where you have been and, more importantly, where you are going as an entity.

Integral to this type of plan would be the always-fun SWOT (strengths, weaknesses, opportunities, threats) analysis. As 2015 has been characterized as a flat to off year, and the

forecast for the first half of this year is looking like more of the same, we all need to take a good hard look at our businesses to make certain we are positioned correctly.

If you are interested in looking into facilitated business planning, I can recommend Bob Terwall and Bryan Shirley as great resources in this area. Both Bob and Bryan can be reached through ERA's office.

I also urge you to attend our 47th Management and Marketing Conference — Feb. 28 to March 1, in Austin, Tex. Just some of the program sessions will cover topics such as:

- Building Relationships with Connected Customers;
- How Distribution Trends Are Affecting the Electronics Industry;
- If You're Wired, Don't Get Fired! HR Guidelines for Managing All Types of Electronic Messages;
- Millennials: Working with/for and Selling to/ Buying from — How to Maximize Your Efforts with This Exciting Group;
- Rep Swap Shop: Who's

Using What Software Tools and How?

- Optimizing Your Online Presence: Make Your Website a Winner;
- How LinkedIn's Sales Navigator Is Reinventing Social Selling;
- How to Be a Dynamite Digital Marketer;
- Creating Custom Apps for Tablets and Smartphones: Why and How;
- Time Out! Coping with Connection Overload; and
- Reps' Value As Seen through the Eyes of Manufacturers: Fact or Fantasy?

As I mentioned earlier, the rep business model is under attack, and the information provided at this conference will go a long way to boosting and ensuring your company's viability going forward. We all need to get better to survive, and this is one way, a great way, to get better.



by Dan Parks, CPMR
West Electronic Sales
ERA President
e: dan@westelec.com

As 2015 has been characterized as a flat to off year, and the forecast for the first half of this year is looking like more of the same, we all need to take a good, hard look at our businesses to make certain we are positioned correctly.



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Brad Thinnies, CPMR
brad_thinnies@whitesell.com
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For information about **MICHIGAN ERA**,
contact Matt Cohen, CPMR, at 734-455-0000 or matt_cohen@ccrep.com.

Breaking up is hard to do, but defaming the outgoing rep carries consequences

It was the author and journalist Helen Rowland who said, “Nowadays love is a matter of chance, matrimony a matter of money and divorce a matter of course.”

More than once, rep-principal relationships have been compared to marriages. When the partners’ interests are aligned and times are good, it is easy to seem happy and in love. When external pressures test the relationship, however, one party may quickly seek a divorce, and the scorned party often lashes out. Only one of these scenarios is worth writing about, of course.

The breakup

The lashing out of the moment involved Summit DNA, LLC, a New Hampshire-based medical consulting firm specializing in DNA testing. Summit signed a “Non-Exclusive Independent Sales Organization Agreement” with Proove Biosciences, Inc., a Southern California-based provider of proprietary genetic testing to physicians.

The parties’ dispute recently played out in federal court in Baltimore, where Proove also maintains offices. After an initial year of Summit generating accounts for Proove in exchange for commissions, the payments stopped. Before Summit could respond to the non-payments, Proove also terminated its agreement, and accused Summit of violating the agreement’s conflict of interest provision.

Summit promptly provided Proove with a notice of cure and asserted it was in full compliance with its agreement. Having safely restored the parties’ agreement, but recognizing their irreconcilable differences, Summit proceeded to terminate, ratcheting up the dispute even more.

In response, Proove allegedly contacted a Summit customer with disparaging and false statements. Proove’s president, Brian Meshkin, sent the following email.

“Additionally, it has come to our attention from multiple representatives of Summit Diagnostic that Summit has been marketing A1 Botech and Genomind genetic testing — which is an overt breach of our conflict of interest provision in Summit’s contract with Proove.

“Thus, we have terminated our contract with Summit Diagnostics and are seeking legal action on related damages.”

The aftermath

Immediately, Summit brought a nine-count complaint against both Proove and Meshkin in-

dividually. The more prominent charges alleged were “breach of contract” for failing to pay the commissions due and “defamation” for sending the above email falsely accusing Summit of breaching the parties’ agreement.

Naturally, the defendants moved to dismiss. While a common defense strategy, motions to dismiss that seek to throw out a complaint as the first order of business generally face a high threshold. Courts are often reluctant to dismiss before a plaintiff has the opportunity to take discovery to help prove up the allegations.

The bickering, Part I: Breach of contract

Rather than make any effort to show it did pay the commissions due to Summit, defendants went on the offensive and argued that, by violating the agreement’s conflict of interest provision, Summit cannot show it complied with a prerequisite to recovery, in legal terms, a “condition precedent.” The operative conflict of interest terms in the agreement provided: “Summit shall not represent any individual or company directly or indirectly competing with Proove by offering same or similar services during the term of this agreement and in accordance with the ‘Confidential Information, Trade Secrets and Competition’ provision in the agreement.”

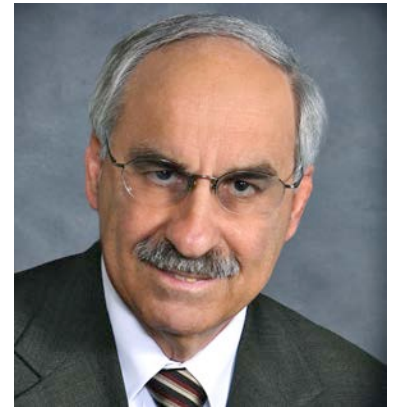
As the court noted in ruling on the motion to dismiss, a condition precedent is defined in Maryland as a fact “which, unless excused, must exist or occur before a duty of immediate performance of a promise arises.” In other words, defendants urged the court to rule that, by representing a competing company during the term of the agreement, Summit disqualified itself from suing for non-payment of commissions.

Looking at the conflict of interest provision, the court disagreed and found nothing suggesting it amounted to a condition precedent to recovery. Should Proove prove its assertion down the road, it might have available a defense to the complaint, but the language of the provision did not suggest it was a condition precedent to having to pay commissions. The motion to dismiss Summit’s breach of contract claim was denied.

The bickering, Part II: Defamation

Among the elements a plaintiff alleging defamation in Maryland must plead, in order to withstand a motion to dismiss, are that the defendant made a statement to a third person that is both defamatory and false. “Defamatory”

(continued on page 30)



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 them at gerald.newman@sfnr.com or adam.glazer@sfnr.com.



Adam Glazer

A book review and recommendation by Dan Beaulieu

Leading with Cultural Intelligence: The Real Secret to Success, Second Edition

by David Livermore

Copyright: 2015 by Amacom

Price: \$26.95 • 255 pages with index

A passageway to Global Leadership

Cultural intelligence (CQ) is a measurement of your ability, based on knowledge and experience, to lead across cultural lines. It is the ability to communicate and lead with companies and organizations around the globe. It is having an understanding of which cultures will look you in the eye the longest and which will not look you in the eye at all. It is the ability to communicate with people in Africa as easily as with people in Nebraska. It is the ability to understand what it means to apologize in Canada and to apologize in China.

I was impressed with this wonderful new book by David Livermore, the second edition of *Leading with Cultural Intelligence*. Full disclosure: I did not read the first edition of this book, so I have no base for comparison. The author tells us in the forward that the second edition is much changed from the original, and I'll take his word for it.

The timeliness of this book is critical as more and more of us are doing business globally. Truth be known, I did not even think that there was a book that covered this subject until I saw this one on the shelf, and even then, I was not quite sure of its pertinence in my life. Once I started to read it, however, it all made sense.

I remembered an experience I had a number of years ago when I was asked to take on the management of three electronic design service bureaus and the adaptations I had to make to communicate properly with left-brain people with my right-brain approach. Being a sales manager all my life, I could see it in the eyes of the 20 or so designers I spoke to at my first meeting. They were lost. They did not know what I was talking about, and they seemed to hate the speed at which I was saying things. A good friend of mine, the design sales manager actually, took me aside and told me to slow down. He told me that I was coming off as a fast-talking, back-slapping huckster to these fine people who were used to dealing with the well-defined measurements of laying out printed circuit boards. I quickly realized that if I was going to lead these folks, I was going to have to learn and adapt to their culture in order to have any credibility as their leader. And they were in Pennsylvania — never mind halfway around the world.

This is what this book is all about — building up your cultural intelligence so that you can successfully communicate and do business with people of different cultures all over the world. If I had read this book a few years ago, before I went in and spoke to my new design team, I could have read David Livermore's list of strategies when addressing an audience of non-native English speakers, or in my case, people of a different brain polarity.

Here are just a few highlights from the book.

- Slow down. Slow down. Slow down. Sllllllloooooow d.o.w.n.
- Use clear, slow speech. Enunciate carefully.



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Other ERA Services & Publications

(Call 312-419-1432 or go to era.org.)

- Locator Online Directory of Manufacturers' Reps
- Lines Available Service
- Guidelines for: Becoming a Successful Rep; Establishing and Benefiting from Rep Councils; Agreements between Sales Reps and Manufacturers; Agreements between Stocking Reps and Manufacturers; Agreements between Reps and Sub-Reps; Agreements between a Rep Firm and Its Salespeople; Evaluating a Prospective Principal; Evaluating a Prospective Rep; Developing New Markets with Professional Field Sales Reps
- Line Portfolio Evaluation
- Outsourced Field Sales: Adding Value for the Customer (CD)
- Outsourcing Field Sales (Fortune Magazine Reprint)
- The Value of Outsourced Field Sales (EBN Reprint)
- Selling Through Manufacturers' Representatives
- ERA Code of Ethics
- ERA Commitment to Performance (Information and Certificates)
- Recommended Technical Standards for Distribution Point-of-Sale Reporting
- FAQs Manufacturers Ask About Representatives
- Split Influence Recommendations for the Electronics Industry
- State Rep Commission Protection Acts
- Manufacturer Membership (Roster and Information)
- Principal Information Exchange (P.I.E.)
- ERA Membership Pins

ERA Meetings & Programs

- Board of Directors Meetings (Next Meeting: March 2, 2016)
- ERA Conference - Feb. 28 - March 1, 2016

(continued on page 24)

Check out these favorite videos from TED Talks and YouTube

My colleagues Mary Ellen, Joanne and I have developed a curriculum and a suite of programs to help progressive, entrepreneurial organizations expand their leaders' leadership capacity. It's been a lot of fun, and along the way, we've viewed some inspirational TED Talks videos on leadership, collaboration, how to motivate employees, connection and how to self manage.

TED is a small, nonprofit organization devoted to ideas worth spreading. It started out in 1984 as a conference bringing together people from three worlds: technology, entertainment and design. Since then, its scope has become ever broader. Along with two annual conferences — the TED Conference in Long Beach and Palm Springs, Calif., each spring, and the TEDGlobal conference in Edinburgh, U.K., each summer — TED includes the award-winning TED Talks video site, the Open Translation Project and Open TV Project, the inspiring TED Fellows and TEDx programs, and the annual TED Prize.

TED Talks offers riveting lectures by remarkable people that are free to the world. You may have run across some of them in your own work. I'm always looking for inspiring, funny, and just plain interesting videos and articles, so please send me your top votes.

Here are mine.

Bob Newhart – Stop it. This video is my all-time favorite — not a TED Talks, but a TV comedy sketch. Bob Newhart gives some practical advice on how to get the things that might be in your way ... out of your way.

Dan Pink – Drive: The surprising truth about what motivates us. This lively video illustrates the hidden truths behind what really motivates us at home and at work. Daniel H. Pink is the author of four provocative best-selling books about the changing world of work.

Joachim de Posada – Don't eat the marshmallow. Dr. Joachim de Posada shares a landmark experiment on delayed gratification and how it can predict future success. You will enjoy his infectious energy and humor, captured in this priceless video of kids trying their hardest not to eat the marshmallow. You need to ask yourself, "Am I still eating the marshmallows?"

Dr. Posada created the curriculum for the University of Miami's Sales Institute, and this video has lots of application for salespeople and leaders.

Viktor Frankl – Youth in search of meaning. Viktor E. Frankl was professor of neurology and psychiatry at the University of Vienna Medical School. He spent three years

during World War II in concentration camps, including Theresienstadt, Auschwitz and Dachau, where he formulated many of his key ideas. Logotherapy, his psychotherapeutic school, is founded on the belief that striving to find meaning in life is the most powerful motivation for human beings.

This is a grainy, black-and-white, six-minute video that is fascinating. Shoot for the stars so you can hit the moon.

Brene Brown - Vulnerability. Brene Brown is a research professor at the University of Houston Graduate College of Social Work. She has spent the past 10 years studying vulnerability, courage, authenticity and shame. She spent the first five years of her decade-long study focusing on shame and empathy, and she is now using that work to explore a concept that she calls "Wholeheartedness."

She poses the questions: How do we learn to embrace our vulnerabilities and imperfections so that we can engage in our lives from a place of authenticity and worthiness? How do we cultivate the courage, compassion and connection that we need to recognize that we are enough — that we are worthy of love, belonging and joy?

She is an engaging and humorous speaker whose ideas will help entrepreneurs, business leaders and, well, absolutely everyone.

Elizabeth Gilbert – A new way to think about creativity. *Eat, Pray, Love* author Elizabeth Gilbert muses on the impossible things we expect from artists and geniuses, and she shares the radical idea that, instead of the rare person "being" a genius, all of us "have" a genius. It's a funny, personal and surprisingly moving talk.

Sir Ken Robinson: Do schools kill creativity? Sir Ken Robinson makes an entertaining and profoundly moving case for creating an education system that nurtures, rather than undermines, creativity.

Jill Bolte Taylor - How it feels to have a stroke. Neuroanatomist Jill Bolte Taylor had an opportunity few brain scientists would wish for. One morning, she realized she was having a massive stroke. As it happened — as she felt her brain functions slip away one by one, speech, movement and understanding — she studied and remembered every moment. This is a powerful story about how our brains define us and connect us to the world and to one another.

To view these videos, browse the TED Talks video library at www.Ted.com/Talks or visit www.YouTube.com.



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 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

ERA CONFERENCE COMMITTEE FINALIZES PROGRAM

The ERA Conference Committee has wrapped up its program development and is putting the finishing touches on the details of ERA's 47th Management and Marketing Conference, scheduled from the evening of Feb. 28 through the afternoon of March 1, 2016, at the University of Texas AT&T Conference Center in Austin. A new general session has recently been added to the agenda. It features ERA reps Mike Swenson, CPMR, of the Mel Foster Company and Mike Lasley of ION, joined by consultant Cesare Giammarco in a presentation titled "Reps' Value As Seen through the Eyes of Manufacturers: Fact or Fantasy?" This session will focus on manufacturers' decision-making and evaluation regarding reps, the ever-changing selling function in today's global industry and how reps can best serve that evolving process.

For details on the conference and to register online, go to era.org. ERA's room block at the hotel is filling rapidly, so the committee recommends that rooms be reserved as soon as possible.

MYERS TO RECEIVE 2015 JESS SPOONTS - ERA WHITE PIN AWARD

Holly Myers, CPMR, of Wallace Electronics Sales, Kernersville, N.C., has been named the recipient of the 2015 Jess Spoonsts - ERA White Pin Scholarship Award. She was nominated by the Carolinas ERA Board in recognition of her volunteer contributions since 2010 on the ERA Conference Committee and her outreach efforts on behalf of the association at Electronica, the world's largest electronics trade show, held in Munich, Germany. Myers will receive the award during the next White Pin Reunion, to be held during ERA's upcoming national conference in Austin, Texas.

The award is named for the late Jess Spoonsts, an ERA past president, member of the organization's Hall of Fame and past coordinator of the White Pin Groups. Myers will receive a \$1,000 grant to be used for continuing education as a professional rep.

STUDENTS' VIEW OF MANUFACTURING CAREERS IS IMPROVING

Manufacturing DaySM 2015, an array of more than 2,600 events held across North America throughout the year, yielded an improvement in perceptions about manufacturing as a career. The events reached more than 225,000 students and 55,000 teachers, parents and other influencers as well as employers. A survey developed by Deloitte to measure the year-long project indicates that 81 percent of student respondents are more convinced that manufacturing provides careers that are both interesting and rewarding. Among educators surveyed, 90 percent said they are more likely to encourage students to pursue careers in manufacturing. Manufacturing Day 2015 was supported by more than 20 sponsoring companies and organizations. For further information on Manufacturing Day, visit mfgday.com.

EMPLOYEES CAN CRITICIZE EMPLOYERS ON SOCIAL MEDIA

The Chicago law firm of Howe and Hutton reports that the U.S. Court of Appeals for the Second Circuit has upheld a National Labor Relations Board decision that employees' profanity-laced Facebook criticism of their employer's tax withholding errors was protected activity under the National Labor Relations Act. The employees were therefore entitled to reinstatement with back pay after they were terminated for being in violation of the employer's Internet and Blogging Policy. The court held that the policy violated the employees' rights under the NLRA because it could reasonably be construed as prohibiting any employee discussion of the terms and conditions of employment. The court also noted that the employees could have been terminated legally if their comments were "sufficiently disloyal or defamatory." However, the court found that the employees' comments in this case did not rise to such a level because they did not disparage the employer's products and services and were not "maliciously untrue." The lesson, the law firm notes, is that employers need to be careful about disciplining employees for uses of social media. Policies on the subject should make it clear that employees are not prohibited from discussing terms and conditions of employment among themselves.

MRERF SCHEDULES 2016 COURSES

The Manufacturers' Representatives Educational Research Foundation (MRERF) has scheduled these 2016 Certified Sales Professional (CSP) classes: March 8-11 in Minneapolis; April 12-15 in Dallas; Sept. 13-16 in Baltimore; and Oct. 11-14 in Phoenix. Manufacturer's Best Practices classes are slated March 22-23 in Los Angeles and Sept. 27-28 in Orlando. For details on these programs and to register, go to mrerf.org.

IN MEMORIAM: ERA mourns ...

... the death on Dec. 21 of *Tom McCarthy*, CPMR, owner of QuadRep Technologies in Southern California. He was 77. He was a founder of both San Diego ERA and the San Diego Electronics Show, was inducted as a White Pin member in 1979 and earned his CPMR designation in 1993. In the mid-2000s, he also chaired ERA's International Development Committee for Asia. At press time of this issue, a service was tentatively planned in mid-January.

... the loss on Dec. 11 of *Sarah Rooker* of the Minnesota ERA rep firm Arkco Sales, Inc. She was 42 and had battled brain cancer for more than four years. Since 2011, her story had inspired countless ERA friends and industry associates to "Be a Warrior Today." Survivors include her husband Tom, sons Isaac and Luke, father Robert Karr and brother Steve Karr. Memorial donations can be made to the Church of St. Michael, 611 Third St. South, Stillwater, MN 55082, or to the Stillwater Relay for Life (relayforlife.org/stillwatermn) earmarked for Sarah's Brainstorm.

... the passing on Oct. 30 of *Henry W. Phillips*, CPMR, the retired rep who owned the Henry W. Phillips Company of Alpharetta, Ga., for more than 30 years. He was 87. He was active in Dixie ERA and served in many offices, including as the delegate to the ERA Board of Directors. He was one of the first ERA reps to earn the CPMR designation and was inducted into the White Pin Group in 1980. Survivors include his wife of 65 years, Elsie, his daughter and grandson. To post a note of condolence or make a memorial donation, go to ingrsmfuneralhome.com.

... the loss on Dec. 5 of *Robert Knight*, the founder and former president of the long-time ERA rep firm SW Marketing Associates of Dallas. He was 77. The graduate of the U.S. Merchant Marine Academy and Navy veteran established his rep firm in 1979 along with Knight Electronics and Orion Fans. He is survived by his wife Eugenia, two sons and three grandchildren. Memorial donations can be made to the Merchant Marine Alumni Association at usmmaaf.com or to the American Heart Association at donatenow.heart.org.

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COVER STORY: Business challenges in 2016

(continued from page 7)

“... we work very hard on preaching the total cost of acquisition, not just the purchase price ... That’s a [company] culture, and you have to continue to beat on that customer service all the time.”

— Dan Parks, CPMR

appropriate way ... Sometimes we need to sell a product multiple times and ways.”

Selling value for his rep firm is similar, according to Parks, but he draws a distinction between commodity and custom-designed products. “For [commodity] lines where pricing is very important and there is little differentiation,” he relates, “we work very hard on preaching the total cost of acquisition, not just the purchase price. My capacitor may be half a mil higher than the competition, but my customer service is much better and my quality is better. When there’s trouble, you can get me on the phone. That’s a [company] culture, and you have to continue to beat on that customer service all the time.”

Another avenue that reps can pursue to help offset margin pressure, Parks adds, is to look at those niche types of lines where “you don’t have quite the margin pressure because there aren’t 47 ‘me too’ products out there.”

Many other points were made during this teleforum, and there are certainly other major challenges

that lay ahead in 2016 that time would not allow to be covered. And some challenges, of course, may be unknown at this time.

Parks, Highfill and Weiss hope that an idea or two from this conversation will be helpful to those who heard the live broadcast and to readers of *The Representor* as they forge ahead into the new year,

Also, as a follow-up to this discussion, ERA’s next two free teleforums for members will expand on two subjects raised by Parks, Highfill and Weiss. On Jan. 26, the teleforum will feature Weiss and Rick LaPiana of the Cain-Forlaw Company in a conversation about conducting internal sales training meetings. On March 21, Weiss and ERA CEO Walter Tobin will tackle the topic of how to stop selling on price and start selling on value. Details of these events will be announced about four weeks prior to each broadcast date, and as always, the audio files of the teleforums will be available online. ■

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

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Reviewing early developments and IRS rulings for 2016

As *The Representor* goes to print, we await the passage of an “extender bill” to extend a number of items that have been a part of the IRS code for years but require annual reauthorization.

For 2014, the measure was not passed until January 2014. Hopefully, by the time you read this column, the extenders will be law. So this article is about other developments and rulings to look out for in 2016.

As an important concession to small businesses, the IRS announced that its initial rules for “capitalization” have been revised. Originally, any firm that wanted to expense an item that might last more than one year — other than something bought for resale — had to instead capitalize it and depreciate it over a period of several years if the item costs more than \$500. Cell phones, iPads, everything over \$500 was included, unless the firm had an audited financial statement where the amount was \$5,000.

The IRS heard some loud objections, so it has now raised the level to \$2,500. A company can now write off any item of \$2,500 or less. But be careful. The IRS refers to “invoice.” If you buy three computers on one invoice for \$4,500, you have a capital event. They must be individually listed (i.e., not three computers for \$4,500). Of course, there is a “Section 179 write-off” available — up to whatever the limit on purchases Congress approves — but this is also limited to the net income of the company. Section 179 cannot cause a loss. The balance must be carried forward against future profits.

The increase to \$2,500 is probably as far as the IRS will go, so it is something we must live with. Finally, the IRS has decided that this \$2,500 amount is an “election” that has to be exercised by a statement filed with the first-year tax return in which use is made of this \$2,500 provision.

A strange ruling came recently from the IRS pertaining to net operating loss carrybacks. Up until now, we have always assumed that Form 1139 was the method to obtain a refund for payment of prior year losses when a regular corporation incurs a current year loss. The IRS now says the official form is an 1120X. I don’t know if this means that the IRS intends to discontinue Form 1139, but at least it appears to mean that you are on notice that if you don’t receive a refund by filing Form 1139, you should be prepared to file Form 1120X.

The IRS also has decided to look more closely at auto expenses in the course of an IRS examination. The rules for auto verification have not changed, but many people overlook the requirements. Drivers are to maintain a log of mileage on a current basis, stating who the trip was to — demarcating personal use — and the trip purpose; only the business percentage is deductible. Keep invoices for gas, repairs, parking, insurance and other auto expenses. Record keeping is required even if you are using the “standard mileage” option because only the “verified” business mileage is deductible.

Finally, the following things have been determined for 2016:

- the Social Security tax wage base is \$118,500;
- maximum contribution to a profit sharing plan or SEP is \$53,000 based on top compensation of \$265,000 (20 percent);
- an employee becomes “highly compensated” at \$120,000;
- the estate tax exemption, which started at \$5,000,000 in 2011, is now \$5,430,000 for 2016; and
- the gift tax exclusion remains \$14,000.



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 email him at sherzog@theahagroup.com.



Don’t miss this issue’s CLASSIFIED ADS on pages 33-34.

SOMEONE YOU SHOULD KNOW: Gregory Pace

(continued from page 11)

learned a lot about the selling cycle through ERA and were fortunate enough to form our own rep council years ago. To this day, the council advises us on best practices (and how to stay out of trouble!).

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

I am not active on Facebook, but Ohmite has a terrific Facebook page. I do use LinkedIn as it is more of a professional networking site and keeps me close to our industry relationships. I read all of the ERA releases and related industry data.

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

I may be the last straight-on, non-soccer-style kicker in the Big 10 Conference (graduating in 1977). I was so good, the Illini let me kick off in order to protect the other kicker, who was an All American. ■

EXECUTIVE COMMENTARY: First 90 days

(continued from page 13)

continues to grow!

National Conference: ERA's 47th Management and Marketing Conference continues to gain momentum. Tom Griffin has assembled a great conference committee and has positioned this event to be our best ever! I have been thoroughly impressed with the passion and professionalism of the members and the end-product that they have assembled. We expect a record turnout, so book your travel and hotel as soon as possible. You do not want to miss this! The fact that our conference is in February has helped me a lot in explaining what we do.

Whew! I am exhausted just reflecting back on my first 90 days, but the exhaustion is abated by the tremendous response from the reps, manufacturers and the industry to the value proposition of ERA. Our members are looking to us to ADVOCATE FOR THEM in these times of change. I realize that ERA members have given the association a sacred trust, and in turn, ERA has a responsibility to provide a tangible, relevant value proposition to all members.

I continue to be amazed at how highly ERA is regarded by all. They want and need us to be strong and to get stronger — one rep and one manufacturer at a time.

Many thanks to all for your support and guidance. Remember: My bags are packed and my phone is always on. ■

BOOK REVIEW: Cultural intelligence

(continued from page 18)

- Avoid colloquial expressions and idioms.
- Repeat important points using different words to explain the same thing.
- Avoid long compound sentences.
- Use visual representations.
- Mix presentations with a balance of stories and principles.
- Hand out written summaries.
- Pause more frequently.

I liked this book and found it very useful. I think you will too. ■

Dan Beaulieu is the president and founder of D.B. Management, LLC, a consulting firm 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 danbbeaulieu@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.

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Debunking five common myths about social media

Nowadays, social media is being accepted by even some of the previously most ardent detractors. Many people are recognizing that social media is not a fad. It is *fab*-ulous.

However, you've got to use it properly to achieve success. To do that, let's kill some of the social media myths that are still floating around which can hold you back and hurt your business. These myths can be very dangerous to your business and need to be debunked. Let's look at these myths and replace them with business-building action steps that can help you.

1) It is easy.

No, social media is not easy, but it is simple once you have a plan in place. More and more I see that true success with social media requires a plan of action that is customized to your needs. It is not just about sending out a bunch of blasts. It is about choosing and investing in what is going to be most beneficial to your business. This focuses on that group of carefully selected friends/followers/connections, or whatever your platform calls these wonderful people who have chosen to be around you in the digital world.

2) It is free.

Social media can be done for the cost of only an Internet connection and a device of your choice. This is true; however, there is a big hidden cost — time. Your time is valuable, and you can't afford to waste it.

3) It is about Facebook/Twitter/YouTube/LinkedIn (or whatever shiny bright object is hot at the moment).

No, social media is about building rela-

tionships and your reputation online. This takes work and diligence. Whatever tools you use, social media is about connecting with real people in a genuinely helpful way.

4) It is about blasting your message.

No, social media is about connecting with others and being a resource, not a broadcaster. You can usually tell who are the “newbies” on social media, who just don't get it. In contrast to the newbies, there are usually the “oldbies” (I like to make up my own words from time to time.) who have practiced blasting a message out through email, television, radio, newspaper, etc. They think social media is just another way to push their message. No, social media is not about push. It is also not about pull. It is about pleasant persuasion. That is how you win fans today who then ultimately convert into paying customers.

Social media is about connecting with people in a meaningful way, providing value to them, not just a sales pitch.

5) It is about me.

No, no, no! Social media is about *them* — your customers, your clients, your prospects — all those wonderful people who have the ability to spend money for the products and services you provide. Those who get it will prosper. Those who don't get it will remain frustrated. Get the answers you need and smash those time-sapping and sales-destroying myths.

Social media is about connecting with people in a meaningful way, providing value to them, not just a sales pitch. Don't let the myths about social media hold you back. Understand them. Get rid of them. Build your business with what works.



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.

COMPONENTS

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ERA Senior VP/Industry

2015's minimal growth may continue in 2016

December is year-end review and new-year planning time for many in the components industry (and I suspect other segments as well), and we are no exception. As I participate in the variety of reviews and business planning discussions on my calendar this month, a couple of things on the review (looking back) side stand out.

- For the most part, 2015 seems to be turning out to be a flat year overall. (Despite my best effort, I couldn't figure out another way to say that). I was reading an industry report recently that showed that the largest percentage of respondents (whether manufacturer, representative or distributor) reported results between 1 and 3 percent down and 1 and 3 percent up. That sounds like flat to me.

- Interestingly, in my travels and discussions, I have not really heard anyone predict that 2016 will be much different overall.

- My impression is that while most accept (or at least understand) the market for what it is, for the majority of companies, flat "doesn't feel very good."

I recall an ERA Conference a number of years ago where the speaker (whose name I do not recall) challenged the audience to consider the following (paraphrased) question: "What would you do if 1 to 2 percent growth was all you could expect in your industry?" (To put this in context, at the time of that conference, the industry had suffered a very down year after a number of double-digit growth years.) This sounds like an appropriate question for all of us to think about and answer. (ERA Conferences are really good for industry appropriate questions and answers, and I expect the upcoming event in Austin, Texas, at the end of this coming February to continue that tradition. Yes, you can consider this a shameless plug. See you there?)

Because minimal growth seems to be where we are, maybe some of the other observations from the planning (looking ahead) side of the review season will help.

- There seems to be an increasing direction toward focusing on targeted markets — call them vertical markets, call them focus markets, call them whatever name you choose. My impression is that most companies are looking for growth in very specific areas as opposed to an overall industry growth.

- What are those targeted markets, and where are the real opportunities? This is, of course, the multi-million dollar question. The answer for each is undoubtedly dependent on the product and position of the respective company, but the markets I hear the most talk about today are IoT, wireless communications, green energy, lighting and medical. Perhaps for you they are different, so I would love to hear your input.

- Picking the winners in these focused segments is increasingly challenging. The pace of activity and change within them is higher than ever. The potential for unrealized great expectations is high, but the rewards can be very satisfying, both financially and otherwise.

I hope these observations have been helpful. As we start 2016, I wish each of you a happy, healthy, productive and rewarding new year — and plenty of opportunity to "feel good" about our industry. See you in Austin!

ELECTRONIC SYSTEMS INTEGRATION

Gary Ponto, CPMR

GP Marketing

Kirkland, Wash.

Mergers and acquisitions are among several trends impacting this market

2015 was a dynamic year for security and audio video sales. It did not follow traditional sales trends from quarter to quarter, leaving many of us wondering why and questioning what is changing in the market.

2015 was expected to be the recovery year from the recession, and for integrators it was, but not for distributors and many manufacturers. Sales did not meet expectations for growth for many. So why were dealers booking business that did not equate to orders?

Services are becoming a greater part of large integrators' business portfolios for a number of reasons. Products are being offered through so many channels, as well as direct in some cases, and margins are very low for integrators. So they need to position themselves for a "value add" to their customers.

Manufacturers are relying more on their "partners" to provide marketing to the channel of their products, shifting the cost from the manufacturer to the channel, whether it is the rep or the dealer, depending on how they go to market. Distribution seems to be relying on the rep firms to provide most of this, either through local trade shows or direct marketing via email.

There were many mergers and acquisition that impacted the markets in 2015, and there are more in the works I would assume. These impact the sales and dealer channels significantly. When two companies join, there are usually two sales forces that need to merge into one, or one is turned loose, and the other needs to pick up the sales jointly from the merger. Sometimes the management's view of how to go to market changes as well with these mergers. Reps or a factory direct model can change quickly.

Brand loyalty has disappeared for price. With some manufacturers entering the markets with low-priced products, integrators cannot compete with high-end products in their proposals on some projects, driving them to lower-cost products and distribution rather than their direct factory relationships.

Distribution overall has become very aggressive in targeting key regional accounts and taking them away from direct factory relationships/accounts. This has been going on for several years, but I am seeing distribution getting more aggressive in targeting accounts and offering terms, pricing and freight deals that factories are not willing to match. Typically, therefore, the same business shifts from a direct account to a distributor at lower margins to the manufacturer. This activity is being encouraged by factories wanting distribution to carry more inventory so the manufacturers do not have to carry such high levels of inventory.

As a rep, I think 2016 will be interesting with respect to seeing if factories come back around to the value in synergistic selling with reps in the security and AV markets. I think that factories that are now hiring a direct sales force to increase their top line will soon realize how big an impact that has on their bottom line.

My experience has been that factories that stay with reps through thick and thin have the most loyal, devoted and connected sales force in the industry. I, as every rep, have been terminated from a line, but the customers know us, not the factory, and their loyalty follows. These mergers and acquisitions are disturbing relationships at not just the rep level but at the customer level. They are breaking long-term bonds with factories and salespeople that could and most likely will impact sales short term.

We, as reps, and ERA need to up our game on why reps are a better sales force solution.

There is a growing trend toward test equipment and instrumentation that surpass data rates of 25 Gbits per second and support amplitude modulation schemes, such as PAM4 (four-level pulse amplitude modulation). This new term is replacing the previous term called PAM2. PAM2 was simply what many in the industry knew as NRZ (non-return-to-zero). This new scheme came into existence as the solution to reduce or eliminate inter-symbol interference (ISI).

This new scheme spans a wide variety of instrumentation. Transmitters, receivers, clock recovery systems (bit synchronizers) and waveform analyzers are just a few of the instruments that will be designed for use with the new scheme. Also, precision power supplies, both component and bench test varieties, will be critical to this industry's growth.

DesignCon 2016 in Santa Clara, Calif., on Jan. 19-21, 2016, will be a good forum to see this latest technology.

There are a wide variety of companies that are incorporating biometric touch sensors into their products and systems. This is the same type of technology that we are familiar with seeing and using on the Android and iPhone systems. The initial applications will be security for some field controller applications.

Staying on touchscreen technology, there are continued improvements being made on the screens used in automotive applications. Improvements in the capacitive sensing technology and waterproof sealing will also allow actuation with a gloved finger.

There is also a new trend for Bluetooth-based pressure sensors. I know of two manufacturers that have this technology already incorporated into their general purpose line of sensors. There are iPhone and Android apps that can read the outputs of these sensors.

If you have any questions, please contact me at tom@agtechnologiesllc.com.

(continued on page 32)

INSTRUMENTATION, AUTOMATION & CONTROLS

Tom Diercksmeier, CPMR
AG Technologies, LLC
Scottsdale, Ariz.

**Here are the new trends
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Chapter News reports the local activities of the 20 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.

Chapter of the Year entries due March 1

The online entry form for 2016 Chapter of the Year entries (for 2015 activities) will be posted in January. All chapters are urged to submit one or more projects or programs for recognition. All award recipients in each of four categories — Education, Membership/Member Services, Marketing Services and Special Projects — receive a full-tuition scholarship for the Chapter Officers Leadership Training (COLT) program in 2016. Questions? Contact Tess Hill at thill@era.org.

CAROLINAS

Carolinas ERA is continuing its monthly networking breakfasts for reps and distributors in Raleigh and Charlotte. The chapter board held its annual fall planning retreat in late October in Wilmington, N.C. All chapter officers and directors were recently reelected for two-year terms, and Jean Rosa of TTI, Inc., was elected as a new director.

CHICAGOLAND - WISCONSIN

The chapter held a breakfast round table on Nov. 13 that focused on the topic of “When Principals Merge: How to Prepare, What to Expect, What to Do (or Not Do).” After the event, one attendee was randomly selected to use Chicagoland-Wisconsin’s Gold Sponsorship free registration for the ERA 2016 Conference. Eric Sagendorph, the outgoing chapter chairman, was chosen in the drawing.

On Feb. 4, this group is hosting an all-industry program featuring ERA’s CEO, Walter Tobin, as the speaker. His presentation is titled “How ERA Can Help Reps, Manufacturers and Distributors Adapt to the Future of the Industry.”

EMPIRE STATE

The Empire State chapter continues to host monthly networking breakfasts and lunches focused on state of the industry topics and best practices for running rep firms in its marketplace. ERA’s CEO, Walter Tobin, joined the members and guests for Empire’s annual holiday luncheon on Dec. 11. At that event, Jim Gleason, chapter president, presented a service award to Dave Dason, CPMR, CSP, the immediate past president.



Jim Gleason (left) presented a service award to Dave Dason, CPMR, CSP, at the Empire State holiday luncheon.

MID-LANTIC

The Mid-Lantic chapter held a networking event on Nov. 16 with ERA’s CEO, Walter Tobin, as a special guest. New membership is a focus for the chapter.

MINNESOTA

On Dec. 9, Minnesota ERA sponsored a holiday gathering with ERA CEO Walter Tobin joining nearly 30 reps. Tobin received a University of Minnesota Gophers hat as a welcome gift.



Walter Tobin shows off his new Minnesota Gophers hat.

NEW YORK

New York members came together in early December for a holiday networking party. Chapter officers John Beaver and Steve Alford delivered a presentation focused on tech topics that will help to reduce operating costs and increase personal and organizational efficiency.

NORTHERN CALIFORNIA

Northern California recently hosted its 55th annual Electronic Industry Christmas Party and Charity event, the oldest function of its kind in ERA. Each ticket included a donation to two local children’s hospitals.

SOUTHERN CALIFORNIA

Southern California ERA sponsored several of its Electro Tech table top shows in late October. Future shows are scheduled in late January in South Bay and in late February in Orange County.

SPIRIT OF ST. LOUIS

The Spirit of St. Louis chapter is heavy into planning for its 2016 Electronics, Electrical, Engineering and Manufacturing Show. It runs on April 6 at the Orlando Gardens Event Center. (See the ad on page 21 in this issue.)

SOUTHWESTERN

ERA members in Texas attended a Dec. 16 “Meet and Greet” event in Dallas with Walter Tobin, ERA’s CEO. This was a free program for all attendees and was focused on networking, membership and spending time with both old and new friends.

LEGALLY SPEAKING: Breaking up is hard to do

(continued from page 17)

means a statement which tends to expose the plaintiff to “public scorn, hatred, contempt or ridicule,” and which discourages others from having a good opinion of, or from associating with, the plaintiff.

Proove’s motion asserted that its email, sent to a single Summit customer, did not subject it to public scorn, hatred, contempt or ridicule. Not surprisingly, the court quickly rejected this technical argument. The law recognizes that a corporation can be defamed by a statement that casts aspersions on its honesty, credit, efficiency, standing or prestige. The Meshkin email casting aspersions on Summit’s business practices and honesty certainly qualified as defamatory.

Defendants also urged that the email was not false because Summit acknowledged working for two competing genetic testing companies. Such representation, they argued, plainly violated the conflict of interest provision’s “shall not represent any individual or company directly or indirectly competing with Proove” language.

Summit, in turn, relied on other language from this same conflict of interest provision, contending the provision was only violated if, while representing a competing concern, it made improper use of the referenced “Confidential Information, Trade Secrets and Competition.”

Summit noted this interpretation was consistent with the non-exclusive nature of the parties’ “Non-Exclusive Independent Sales Organization Agreement,” which always contemplated that Summit might represent competitors and only required that it preserve Proove’s proprietary data.

The court essentially found both parties’ positions reasonable, and it deemed the agreement ambiguous. In light of the conflicting interpretations, and because the case was at the early motion to dismiss stage, no determination could be made as to whether Summit violated the conflict of interest provision.

Therefore, the court could not decide if the emailed statements were false, and the defamation claim would survive the motion to dismiss.

The bickering, Part III: Individual liability

A related issue was the defendants’ effort to defeat the defamation claim’s extension to Meshkin individually and not just in his capacity as president of Proove. Ordinarily, officers of a corporation are not liable for torts committed by, or contractual obligations acquired by, the corporation. As the court noted, however, in Maryland, a corporate officer who “personally commits, inspires or participates” in a wrongful act, even though performed in the corporation’s name, may be found personally liable.

By adequately pleading that Meshkin personally sent the subject email, Summit successfully exposed him to personal liability in the action. Keeping Meshkin in the case in his individual capacity, and not allowing him to use the corporation as a shield, was a highly effective move by Summit. The importance of having a director’s personal assets on the line cannot be overstated for settlement considerations.

The upshot

Other (overreaching) claims attempted by Summit, including for tortious interference with business relationships, fraud and conversion, did not fare as well on the motion to dismiss, but the heart of the case against Proove and Meshkin survived. This meant that both would face the burden of discovery and of continued, potentially extensive litigation as Summit maintained its effort to recover the commissions due under the agreement and the damages caused by the defamatory email.

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Troy Gunnin
Sun Rep, Inc.
Tampa, Fla.

Business isn't 'bad,' but it's definitely cooled off

When you read this, 2015 is in your rearview mirror. As I write it, I'm reflecting on what we experienced in 2015 — what was good, what was bad and how we could have influenced it. More importantly, how can we benefit from our experience and make 2016 more productive and profitable?

Just today, while talking with one of our good customers, he asked, "What are you seeing out there?" That triggered my thought process. In looking back over the year, I see a really mixed bag. As an example, last month we participated in two trade shows. One was a locally-produced and well-promoted SMTA Expo. For a local show, it was well attended, and we felt that the benefits certainly repaid the costs. On the other hand, there was a regional show that was a pretty large event. It seemed to me that attendance was sparse, to say the least. There was a lot of "down time" in the booth, and a lot of vendors talking to each other.

That customer went on to say that things were not "bad," just that the excitement that seemed to be present earlier in the year just was not there now and really has not been for the past few months. That made me think that, in retrospect, we have not felt the vibrant activity level in the past few months that we did earlier in the year. It's not "bad," but it just seems to have cooled off a bit.

We just came through the past few days that encompassed Black Friday, Small Business Saturday and CyberMonday, all of which didn't quite live up to the hype. I think much of that is due to everybody trying to get a jump on competition and offer Black Friday specials for an entire week, and of course CyberMonday is now "cyber everyday," so perhaps the hype is just not there. We see Amazon.com giving same day delivery, so why go to the brick and mortar store when you can get it "now" without leaving home.

That "Amazon mentality" is, I believe, present in our industry as well. We see our online customers doing very well with those items that lend themselves well to online shopping (and really some that don't). Thankfully, there are still a lot of brick and mortars that are doing well. They remain relevant by keeping in touch with customer needs and offering services that you just can't get online.

This has nothing really to do with the above discussion, but here are other observations that I found interesting in looking at the status of electronic distribution. *Electronic Design* each year publishes a list of the top 50 electronic distributors. The number one distributor's revenue was \$28.1 billion. Number 50's revenue was \$12.8 million. What a whopping difference! It points out the haves and have nots. To carry that a little further, number three was about half the revenue of number one. Number four was about half the revenue of number three and number five was about half the revenue of number four. And, of course it took a nose dive from there.

Some of this is fueled by mergers and acquisitions. This is true not only in electronic distribution, but in industrial, electrical and security as well. There have been some major shifts over the past year that have realigned distribution in several areas. I think that will likely continue into 2016.

How do we fit into that? Obviously, mergers can create opportunities but also dilemmas. Agreements that are in place in one distribution channel may create problems when combined into another channel.

As we move forward into 2016, I'm reminded of the one-third, one-third, one-third concept about sales. The writer observed that in the wonderful world of sales, about one-third of sales to your customers would probably come to you anyway; about one-third you would not get, no matter what; and the remaining one-third is the really important part. Those are the ones you can influence.

We need to do our best to recognize those three facets of our business and put a lot of effort into the one-third that we can hope to move into the sales column. And, don't assume that the first one-third is automatic. Take care of those customers to be sure you will retain that business. ■

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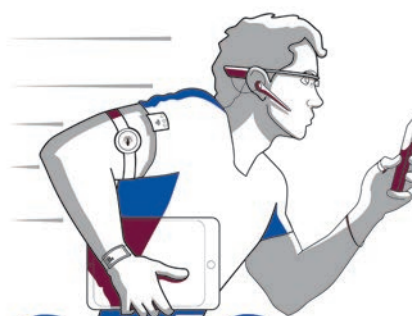
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