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SPRING 2023

ESG: ESTABLISHING A PATHWAY TO SUCCESS

A sound ESG strategy can power electronics organizations to build customer loyalty, attract talent and improve long-term financial performance



INSIDE:

Rising Stars Q&A, p. 8

2023 ERA Conference Recap, p. 14

Executive Commentary, p. 17

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ERA IS A MEMBER OF THE:
• Alliance of Manufacturers' Representatives Associations
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■ THE REPRESENTOR (ISSN 1057-0373) (Vol. 34, Issue 2), is published by Electronics Representatives Association, 1325 S. Arlington Heights Road, Suite 204, Elk Grove Village, IL 60007. First annual subscription per ERA member company or manufacturer member is \$15.00. Additional ERA member company or manufacturer member annual subscriptions are \$12.00 each. Non-member annual subscriptions are \$24.00. Foreign annual subscriptions are \$40.00. Single copies are available at \$6.00 per copy. (All prices quoted are payable in U.S. dollars.) American Express, MasterCard, Visa and Discover charges accepted.

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TABLE OF CONTENTS

- 4 COVER STORY
ESG: Establishing a pathway to success
- 14 2023 ERA CONFERENCE
Highlights from the conference
- 34 FEATURE ARTICLE
Let's talk about trust

COLUMNS & DEPARTMENTS

- 8 RISING STARS
Young Silicon Valley rep relies on support, mentorship and building connections to thrive
- 10 SOMEONE YOU SHOULD KNOW
Chris Tucker
- 16 WELCOME, NEW MEMBERS!
- 17 EXECUTIVE COMMENTARY
A view from the top
- 19 VIEWPOINTS
Implementing big goals and ideas
- 21 FROM THE TOP
Like déjà vu all over again
- 22 EDS SUPPLEMENT
- 29 ERA XCOM DIGEST
 - Industry Update
 - Education Update
 - Distribution Update
 - Manufacturing Update
 - Membership Update
- 33 MARKETING GROUP DIGEST
Materials, Assembly, Production & Supply
- 33 MEMBER SERVICES
- 36 LEGALLY SPEAKING
One of the strongest rep decisions—ever
- 37 TAX MATTERS
Tax strategies for the charitable donor
- 40 CHAPTER NEWS
- 42 NEWS BEAT

SPRING 2023

ESG: ESTABLISHING A PATHWAY TO SUCCESS

A sound ESG strategy can power electronics organizations to build customer loyalty, attract talent and improve long-term financial performance



COVER STORY

By Chris Beeson

The electronic components industry has encountered some turbulent conditions in the past few years. The COVID-19 pandemic, followed in quick succession by global geo-political tensions and economic uncertainty, has put intense pressure on supply chains – making us rethink how we work and the role of business in society at large.

Moving forward, the world faces ever-increasing complexity, with the threat of climate change and ecosystem loss requiring unified action on a never-before-seen scale. How exactly do we come together to overcome these immense challenges, collaborating for people, planet and profit?

The importance of ESG

The answer, for many organizations, starts with a re-evaluation of ESG (environmental, social and governance) initiatives. ESG is a set of standards measuring a business' impact on society and the environment and how transparent and accountable it is – based on the understanding that those that operate more responsibly and sustainably will rapidly outperform those that don't in the years ahead.

Increasingly, ESG is a critical driver for companies that want to build customer loyalty, attract new talent and improve their financial performance. The statistics tell the story: research shows that 85 percent of people have shifted their purchasing behavior towards more sustainable choices in the past five years alone.¹ According to a LinkedIn survey, 73 percent of professionals who identify as working for a purpose-driven business are satisfied with their jobs. In addition, companies with a sustainability action plan have considerably higher employee satisfaction ratings than those that don't.² In simple terms, commitment to ESG makes sound business sense.

Building an ESG framework

How are leading companies going about establishing a meaningful ESG action plan? What sort of goals and supporting initiatives might sustain the successful application of such a plan over the long term? These have been pertinent questions recently inside RS Group, which launched its 2030 ESG action plan, "For a Better World," in 2021.

A strong ESG approach can deliver some significant benefits – internally and externally. Crucially, it can drive responsible and sustainable growth while reducing operational

costs and promoting resilience. But it is about so much more than that. ESG can help an organization differentiate its brand and provide a commercial advantage. And it can help companies attract, retain and motivate employees. This is particularly true of the younger generation, who often rank working for a purpose-led culture as highly as factors such as remuneration.

The exact structure of an ESG action plan will inevitably differ from one company to another – depending on a host of factors such as size and scope and the specific nature of business operations. Some central pillars, though, can be commonly applied across electronics organizations.

First pillar: Advancing sustainability

The first pillar might be advancing sustainability by developing more sustainable operations. For an electronic components manufacturer, this could be underpinned by creating a checklist of pointers worth considering when assessing a new product's environmental, social and economic impact – from the initial phase to the end of life. These might include:

Materials/traceability. Where have materials come from? Are they ethically extracted and made? Can the embodied energy associated with material extraction, processing, production and delivery be calculated?

Manufacturing efficiency/energy mix. Have your manufacturing processes been optimized to minimize environmental impacts? Has the energy mix been decarbonized to any extent? Have continuous improvement techniques been implemented?

Water usage. Do you have an annually reviewed water management strategy in place? Can a water simulation model be performed to establish a "what-if" scenario for water reduction? Can wastewater be recycled and reused?

Modularity. Is it possible to design for modularity to encourage component replacement and upgrade? Do you understand the environmental impact of each modular product's lifecycle stage, including the user's role, in deciding whether modularity is a suitable sustainable strategy?

Repairability/obsolescence. Can components be easily reached and repaired with readily available replacements that are not likely to become unavailable soon? What impact will repairability have on business models and revenues?

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Packaging. Has the packaging design been optimized, and plastic been replaced with biodegradable materials, where possible, to reduce its environmental footprint? Are you keeping ahead of the curve regarding packaging materials development that could deliver any quick wins?

Distribution. Are your products being shipped to market in an environmentally responsible manner, with minimal usage of fossil fuels? Have transport and logistics companies committed to a process of electrification?

Disassembly. Can your products be quickly taken apart at the end of life, encouraging the reuse of relevant components rather than sending them to landfill?

End-of-life reuse. Have you adopted any take-back programs, encouraging recovery and recycling as part of the circular economy? Can you effectively measure the success of extended producer responsibility programs?

Engineering impact assessment. Have you performed any real-world product performance evaluation, feeding back data into a design loop? Can this data increase the durability and performance of existing or future products?

Second pillar: Championing education and innovation

A second pillar of a sound ESG strategy could be championing education and innovation. The aim would be to build the requisite skills to foster new solutions that genuinely improve lives. For this strategy, an enabler might be forming collaborative networks that encourage more sustainable thinking – often at a practical level. RS, for example, has had success with its DesignSpark #ActivistEngineering program – a global initiative launched last year to inspire engineers to put engineering responsibility at the heart of their product designs, using their skills to make a positive impact on the lives of people and the planet.

The program encourages engineers to work together to solve specific problems and think about how products can fit harmoniously into the environment with minimal disruption or

degradation of natural ecosystems. The first community project using the concept of citizen science to tackle poor air quality resulted in various innovative ideas from the engineering community, exploring unusual ways to monitor or improve air quality.

Third pillar: Empowering people

A third essential pillar of a successful ESG strategy is empowering people – creating a safe, inclusive and dynamic culture where employees can thrive and grow. But that

begs the question: how can electronics companies engender a pervasive culture of creative thinking and empower their engineers to think sustainably? The answer comes initially by unlocking the space for critical reflection on “business as usual” and giving engineers the time, space, skills and encouragement they need.

Product development is complex

and fast-paced, but often companies need to take a step back and give their people the time to self-educate, develop new competencies and question the norm. It is unlikely that traditional practices and processes will work effectively in creating more sustainable and equitable outcomes. People need time and space to come together and think creatively.

One important acknowledgement inside organizations looking to embed a culture of more sustainable design is that levels of awareness and understanding of sustainability inside each organization vary dramatically. Many people often have zero knowledge and understanding, progressing from basic to intermediate and advanced. Companies often need to take stock and assess where the expertise resides. Only then can an organization identify the sustainability skills requirement and consider putting new structures in place.

Fourth pillar: Doing business responsibly

Finally, the fourth pillar could involve doing business responsibly and ensuring the

highest ethical standards throughout a company and global value chain. This might involve increasing screening and ESG objectives for suppliers while embedding ESG metrics in employee rewards.

Companies that have excelled in this area have been shown to provide transparent ESG information as part of the supplier qualification process. Commitment to ethical trading declarations is a vital step, too — underpinning governance, compliance frameworks, and ethical and environmental standards while setting out the minimum mandatory requirements for doing business with the company. This can act as the first point of call regarding how business is conducted with suppliers.

Transforming your business

These approaches to establishing a sound and multi-faceted ESG strategy can reap rewards. These are the sorts of pillars that have underpinned RS Group's own ESG Action Plan to 2030. But while we have made solid strides, we cannot move forward alone. We rely on our valued partners to provide the 700,000+ products for our global customers daily.

By working together, we can help our people to succeed, decarbonize our global supply chain and provide sustainable products and service solutions for customers. Having a meaningful ESG strategy is critical to accelerating action to positively position our industry for the future. ■

Sources

- 1 Simon-Kucher & Partners, Global Sustainability Study
- 2 March McLennan; ESG as a Workforce Strategy

About the author



Chris Beeson is president, electronics and strategic global suppliers, at RS Group. Chris joined RS in 2020 and has been responsible for shaping the electronics strategy and helping to accelerate the performance of the electronics business. Previously, Chris spent 15 years at Digi-Key culminating in the role of executive vice president of sales, supplier management and business development. His extensive experience of the global distribution market also includes roles at Avnet, Kent Electronics and Future Electronics.

A sound ESG strategy can power electronics organizations to build customer loyalty, attract new talent, and improve long-term financial performance in a sustainable manner.

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Young Silicon Valley rep relies on support, mentorship and building connections to thrive



Erin Fox
Distribution Sales and Marketing
Manager
TAARCOM

To gain better insight into how young professionals in the electronics industry have turned challenges into opportunities to ensure continued growth, The Representor interviewed Erin Fox, distribution sales and marketing manager for TAARCOM.

Fox shared how she believes resilience, adaptability and gratitude have helped her overcome challenges of being new in the rep business.

Please tell us a little bit about yourself, personally and professionally.

I am a 2019 graduate of Santa Clara University, where I studied marketing and journalism. On campus, I was the managing editor of the newspaper and a four-year member of the university orchestra. I'm originally from New Jersey, but now live in San Francisco and spend my free time playing soccer, doing pub trivia, and attending concerts and musical theatre productions.

I am the distribution sales and marketing manager at TAARCOM, a manufacturer's representative firm based in Santa Clara. We cover the Northern California and Northern Nevada territory. It is my second year serving as the secretary of the Northern California ERA chapter.

How long have you worked in the electronics industry?

I started working full-time for TAARCOM's inside sales team in 2020. I took on my current distribution-facing role in 2021.

What made you choose this industry as your current career path?

I had the great fortune of joining TAARCOM due to a personal connection, but now I can't imagine doing anything else!

I was familiar with the electronics industry, as I attended college in the heart of Silicon Valley and was aware of the high-tech innovation around me. The companies we count as

neighbors are among the top employers of SCU graduates—big names like Google and Apple, and startups too.

What are some of the main challenges you encountered as you embarked on your career journey?

I joined the industry in Q3 of 2020, so it was a challenging time for many professionals. However, their "new normal" was just my "normal." TAARCOM had a hybrid work model, so I did not feel isolated from my colleagues but yearned to meet others my age.

A challenge I still have is digging into the more technical side of things. However, my colleagues are patient and willing to help me learn.

What are some steps that you have taken to overcome these challenges and to ensure that you can establish and nurture a successful career?

I believe resilience, adaptability and gratitude are essential to overcome a challenge. Because in-person

networking was limited in my first few months, I built many relationships virtually. I connected with others on LinkedIn and asked for informational interviews. I then gained insights from experienced professionals about what it takes to succeed and mistakes they made—and even got feedback on my career trajectory.

The Northern California territory took longer to reopen after the pandemic than other parts of the country, and I was so excited when I could start meeting people face-to-face. I must acknowledge the support and mentorship from local industry women—shout out to the Distribution Dollies!

What are training tools or networking/industry events you find beneficial to your professional growth?

I have participated in programs like Spark 1.0, 2022 ERA Virtual Sales Training and the ERA NEXGEN group. I found in-person events like the 2022 EDS Summit and 2023

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ERA Conference engaging and beneficial.

However, the real growth lies in learning from my peers. Over the past few years, I have amassed a friend group of 50+ early career industry professionals in Northern California. We work for local reps, distributors, suppliers and contract manufacturers. I organized a happy hour for us in the fall of 2022 and hope to do another in the spring of 2023. I also have quarterly calls with other female reps across the country. We exchange ideas and introduce each other to influential people within the industry.

Do you think there is enough new talent entering the electronics industry, and what could make this field more attractive to future young professionals?

The industry is continuously evolving and demands a constant influx of new talent. In Northern California, I think there is a perception that the industry is not as glamorous as other fields, such as software development or finance. Attracting and retaining new talent is an endeavor that reps, distributors and suppliers must prioritize.

I am concerned the lack of diversity could be discouraging to young professionals. The underrepresentation of certain groups can make it more challenging for those communities to envision themselves succeeding in the industry. To address these issues, we must build a more diverse and inclusive workforce to help ensure a more vibrant and dynamic future for the industry.

Some other ways companies can attract young talent is by investing in training and development programs, embracing emerging trends and technologies (Canva, Grammarly, ZoomInfo, ChatGPT), and being flexible with remote work. We must highlight the exciting and impactful work done in the industry and better showcase the potential for innovation and societal benefits.

Where do you see your profession and the industry 10 to 20 years from now?

Ultimately, I believe that the future of the electronics industry is full of potential, and manufacturers' reps that are able to stay agile and innovative will continue to play an important role for many years to come.

Professionally, what keeps you up at night?

Sometimes I have a hard time turning off my brain at night because I'm so excited about what's next. But to me, that's a good thing—it means I'm passionate about my work and thinking about how I can do better, learn more and make a bigger impact. ■



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SOMEONE YOU SHOULD KNOW



Chris Tucker
Product Marketing Manager
Cornell Dubilier Electronics

With so many ERA members, it is not easy to get to know every rep, manufacturer and distributor 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 Chris Tucker, product marketing manager for Cornell Dubilier Electronics.

The Representor asked Tucker a few questions about his time in the electronics manufacturing business and his experiences with ERA. Here is what he had to say.

Tell us a little bit about yourself.

I am married to my lovely wife, Marlene. During the week we live in Easley, S.C., near Cornell Dubilier Electronics (CDE) headquarters in Liberty, S.C. We travel three hours back on the weekends to our hometown Rocky Top, Tennessee (near Knoxville). I currently manage the South Carolina CDE product marketing team that handles aluminum electrolytic and transmitting mica products.

How long have you been in the manufacturing business?

My career started 22 years ago as a supplier to my current company, CDE. When I joined CDE, it was an opportunity to learn more about our industry’s sales and marketing side. In my previous experiences, I had primarily been in plant management and operations. Before joining CDE, I worked for Becromal in their U.S. and European facilities until finishing the last six years residing/working in Akureyri, Iceland – located 60 km outside the arctic circle.

How did you become interested in the electronics industry?

Growing up, I enjoyed taking everything apart that used any form of electricity! It left me with a fascination with learning about circuits. My first job out of school was for a company that designed, sold and installed controls used in utility grids for the Tennessee Valley Authority on distribution and transmission delivery. That experience solidified my interest.

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

Our ability to understand, translate, design, manufacture and service the needs of all our customers. We work with the leading DOD contractors in some of the most rewarding projects of great magnitude. We also enjoy working with customers repairing vintage equipment and running across our still-working capacitors. Personally, these are very proud and rewarding engagements.

Briefly describe your organization.

CDE is a 114-year-old privately owned

and operated company and is a powerhouse in research and development. Our ability to solve a problem in the modeling stage and lab before it becomes a problem in the field is paramount to our reputation. Cornell Dubilier’s name and reputation resonate as a global leader in designing and manufacturing high-performance capacitors in military, industrial and green energy applications.

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

Our most recent innovations have come from designing and manufacturing pulse power modules to support fusion power research. This is the advantage of being privately owned and operated: it promotes innovation at its cutting edge.

Regarding best practices, CDE has acquired two legacy companies over the past three years to support our position in commodity and custom film markets. These acquisitions have brought new people and resources to our company. We have seen production lines moving to different CDE locations, foreign and domestic, based on our Center of Excellence model. We developed the Center of Excellence model by partnering with a world-class Operational Excellence company, synthesizing LEAN manufacturing, Six Sigma and Toyota Kata. Our managers drive continuous process improvement daily with their teams, and I feel it gives us an edge. This edge has allowed us to continue innovating and synergizing our product lines and capabilities across multiple locations.

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?

For me, the ERA Conference is the most rewarding and forward-paying event that I participate in. The ERA conference allows us to spend time with the reps and distributors we work with. Better yet, we get to meet and collaborate with other industry professionals we do not engage with routinely. I am incredibly grateful to the speakers, teachers and industry experts, such as the published economists and futurists the ERA procures

(continued on page 39)

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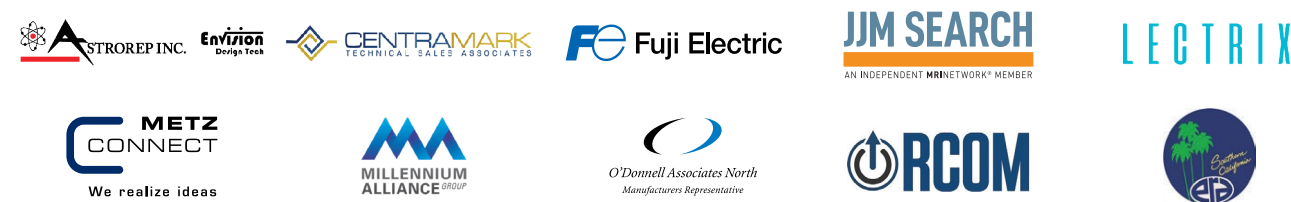
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Save the date! We hope to see you at the 2024 ERA Conference, scheduled for Feb. 25 – 27 in Austin, TX!

2023 ERA Conference

Moving On, Moving Beyond



The 2023 ERA Conference took place Feb. 26-28 in Austin, Texas, and was a sold-out event, with a record-breaking 625 people in attendance!

Manufacturers, distributors, reps and consultants gathered at the AT&T Hotel & Conference Center and dedicated two-and-a-half days to learning, collaborating and networking. The conference agenda included a welcome reception, an opening keynote speaker, four general session speakers, 15 breakout sessions and an off-site party at Punch Bowl Social.

Save the date for the 2024 ERA Conference, which will be held Feb. 25-27, returning to the AT&T Hotel & Conference Center in Austin, Texas.



Top: Electronics industry reps, manufacturers and distributors mix and mingle before a Monday general session.

Top left: Ellen Coan, CPMR, is presented with the 2023 Tess Hill Award.

Top center right: Gary Smith, CPMR, accepts the 2022 Ray Hall Spirit of ERA Award.

Center right: Michael Knight, president and CEO of Endries International, is presented with the 2023 Tobin Bridge Award.

Center middle: Conference attendees enjoyed the Monday night party at Punch Bowl Social.

Bottom left: Attendees discuss in small groups during a breakout session.

Bottom right: The Sunday evening welcome reception was held in the AT&T Hotel & Conference Center courtyard.

Conference survey results showed that 99% of 2023 Conference attendees would recommend the ERA Conference to a colleague!

Top: ERA thanks its 150 sponsors for their generous support of the Conference.

Center: Attendees listen intently to the panelists at a breakout session.

Center right: Dave Winner, CPMR, accepts the 2022 Jess Spoonts Award and Scholarship on behalf of Annette Paden of SACS, Inc.

Bottom left: ERA CEO Walter Tobin presents Michael J. Long of Arrow Electronics the ERA Lifetime Achievement Award.

Bottom right: ERA Chairman of the Board John O'Brien, CPMR, and ERA Board President Chuck Tanzola, CPMR, induct Paul Nielsen, CPMR, into the ERA Hall of Fame.



95% of 2023 ERA conference attendees plan to attend next year's Conference!





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EXECUTIVE COMMENTARY

A view from the top

We are back from the 2023 ERA Conference in Austin. It was a great three days.

Here are some of my thoughts as I look back on all that went on.

Economy

The economy is strong and there is little, if any, chance of a recession. Yet, the economic world continues to be upside down. Adding jobs is bad for the economy. (Huh?) Rising interest rates slowed inflation but caused a few banks to fail. Will interest rates keep rising to slow inflation but possibly weaken more banks? A strong U.S. dollar may be bad. (Huh, what?) Common sense may be out the window! The war in Ukraine is bad for everyone worldwide. There is no upside to this and no winners at all – this will only fuel global uncertainty. Yet, there is cautious optimism. Folks want to have a strong year but headwinds are blowing. How is your windmill coming along?

New tools and technology

There are many new and exciting software tools available now – get great at using them and do not fear them! (e.g. ERA SearchLink.ai) ChatGPT has been here for six months. It will only get stronger and perhaps a bit scarier; look into this and manage it; do not let it manage you and do not fear it. Times are both scary and exciting. Allow yourself to be scared but use this fear as fuel to change. New markets and new worlds are before us – e.g., EV vehicles. These new markets present huge new opportunities for the electronics industry. Change and adapt, or become irrelevant. Embrace reps doing marketing and market research. Do not rely on anyone else to find new customers or opportunities for you — you must do it!

Our industry

The rep model is getting stronger and is here to stay in a big way.

In-person selling is back but virtual selling is here to stay. Do not revert to the old ways prior to the pandemic. Selling is still a full-contact sport, we are just changing the tools we need to use. Do not become irrelevant or a fossil!

Business travel is back. Pick your spots and make sure the reason for your trip could not be done on a Zoom call. Do not waste your silver bullet with your supplier or customer.

Social media: What is your social media image? Do you have one? Get great at social media! Do not mix your personal footprint with your business footprint.

ERA Conference

I'm proud that there were so many smart and confident female general session and breakout session panelists at the 2023 ERA Conference. This is long overdue! There were also many more young folks in Austin. We must empower them, nurture them and mentor them. Do not fear them – they are the future of your company.

Our industry has never been more exciting – what other industry would you want to be a part of?

Final thoughts

Our customers and manufacturers want more out of their rep network and their channel partners. We need to clearly understand their wants before they have to tell us what they are. Then we must work hard to meet/exceed their expectations or we will be replaced by someone else who is embracing the future, using new tools and providing new services before we are asked to by our customers. Trust and honesty never go out of fashion. Keep your eye on both of these attributes every day.

Who will be at the ERA Conference in 2028? Will you be there? Do you and your company have a clearly defined succession plan? Who will represent your company's leadership in five years?

Sharpen your skates and get your game face on!

See you in 2028! ■

Author's note: This article was written by me and not by ChatGPT or another “bot.” So, blame me if you do not like it!



by Walter E. Tobin
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A message from our president, Penny Langdon: On October 7, 2022, the Carolinas ERA Chapter hosted our well-attended annual golf tournament. We chose the central location of Tot Hill Farm as the location, which offered participants an extremely challenging and beautiful course. Reps, distributors, manufacturers and customers competed well, sharing stories of the fantastic day, camaraderie and great fun! On behalf of CERA, we extend our overwhelming appreciation for our sponsors from manufacturers, representatives and distributors. Proceeds benefited the American Cancer Society as well as two \$1,500 scholarships for college students that are dependents of CERA reps and distributors in the Carolinas.

CERA's 20th Annual Golf Tournament will take place at the Challenge Golf Club, in Graham N.C., on Friday, October 6, 2023. Challenge Golf Club is rated in the top 100 best golf courses in North Carolina! Sculpted from the surrounding rolling hills, this scenic course winds along the Haw River.

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VIEWPOINTS

Implementing big goals and ideas

Fresh off a record setting 2023 ERA Conference, I find myself wondering how I'm going to implement everything I learned and thought of at this year's Conference. If you're anything like me, I have more action items than I could ever accomplish before the 2024 ERA Conference. So here are some of my thoughts on how to prioritize what I learned:

1. Sometimes I believe less is more. If I can accomplish 2-3 of the big goals I envisioned at the Conference, that will have the greatest impact on my organization and those are the ones on which I need to focus.

2. Don't go it alone. Find people in your organization that you can bring into the discussions and can provide valuable insight into implementation. The mark of a good leader is someone who can take inputs from the team and coordinate it all to fit within the company's vision.

3. Define what changes are driving you and your organization and work with your team to decide how these changes will affect your organization.

a. Our principals are always changing either through mergers and acquisitions, leadership restructuring, new product introductions and industry trends.

b. Our markets are constantly changing. Whether it's robotics/AI, electrification or 5G evolution, our customers are looking to us to help navigate these changes.

4. Realize that a good decision made today may not be a good decision three months from now. I've stressed the need for flexibility and adaptability in previous articles. These changes will continue and they will accelerate.

5. Embrace new technologies. I had only heard of ChatGPT immediately prior to the 2023 Conference. Now I find myself referencing it for any number of things that come up in my day to day. I've been reluctant to utilize video, if for no other reason than I don't like the way I look or sound in it. I've gotten over that and am working on my first video shoot as we speak.

The ERA Conference really provides an opportunity to not necessarily work in your business, but work on your business, so use those ideas to make an impact on your company. Embrace the changes and use them as opportunities to grow. ■



by John O'Brien, CPMR
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FROM THE TOP

Like déjà vu all over again

As I start writing, I am struck by the feeling that this is “like déjà vu all over again.” Just as I was four years ago, I am truly honored and humbled to have the distinction of being elected your President at the ERA Board meeting, following the 2023 ERA Conference; and as a result, I find myself once again writing *The Representor’s* “From the Top” article as opposed to the “Viewpoints” column.

Before I go further, let me also ask each of you to join me in offering thanks, congratulations and well wishes to both Dave Fitzgerald and Craig Sanderson for their insight, wisdom and service to ERA as they end their terms as members on the ERA Executive Committee. We welcome John Hutson and Gary Zullo as they bring their incredible talents in filling those positions.

Speaking of the ERA Conference, I can only say kudos to the entire team for producing a world-class event full of opportunity to learn, network and exchange ideas. My LinkedIn feed has been overflowing with an ongoing recap of the many great moments shared by the record-breaking crowd of attendees.

One of the subjects that I found particularly interesting from Austin was the discussion of OpenAI and specifically ChatGPT. I opened this article with what I know as a “Yogi”ism – and as I thought about both of these factors, I decided to experiment. I asked ChatGPT, “What is a yogi-ism?”

The result:

“A yogi-ism typically refers to a phrase or saying that embodies the teachings and philosophy of yoga. These sayings are often attributed to prominent yoga teachers or gurus and are meant to inspire and guide practitioners in their yoga practice and in their daily lives.

Some examples of yogi-isms include ‘Be present in all things and thankful for all things,’ ‘The present moment is the only moment available to us, and it is the door to all moments,’ and ‘Yoga is not about touching your toes, it’s about what you learn on the way down.’

These phrases often emphasize the importance of mindfulness, self-awareness, compassion and acceptance, and are meant to help practitioners deepen their understanding of themselves and the world around them.”

That was not the result I expected, so I

made a subtle, yet what proved to be significant, change to my question and asked, “What is a Yogi-ism?” (See what I did there?)

“A Yogi-ism is a witty, humorous, or insightful statement made by the late American baseball player Yogi Berra. He was known for his unconventional statements that were often paradoxical or contradictory but contained underlying wisdom and truth.

Examples of Yogi-isms include ‘It ain’t over till it’s over,’ ‘When you come to a fork in the road, take it,’ and ‘It’s like déjà vu all over again.’ While these statements may seem nonsensical or confusing at first, they often have a deeper meaning and can be interpreted in different ways depending on the context.

Yogi Berra’s unique way of expressing himself has made him a beloved figure in American popular culture, and his Yogi-isms have become famous and widely quoted.”

Better.

If the world has Yogi-isms, ERA is blessed with the memorable and witty sayings of our CEO that we affectionately call “Walter-isms” – some of which leave me shaking my head with amusement; others of which leave me in awe for their wisdom and intelligence (I’m certain none of which is artificial).

So, not being content to leave my ChatGPT exercise where it was, and thinking of ERA, I decided to go a little further and asked, “What is a Walter-ism?”

The result:

“I’m sorry, but I’m not aware of any specific term or concept called ‘Walter-ism.’ Can you please provide more context or information about what you are referring to?”

Okay. I went further and asked, “What are Walter Tobin’s favorite sayings?”

“I’m sorry, but as an AI language model, I do not have access to personal information about individuals. I don’t know who Walter Tobin is, nor do I have any way of determining his favorite sayings.”

Your loss, OpenAI!

One favorite saying that Walter has been using consistently in leading us, and I find most profound is, “Skate where the puck is going.”

This direction has served ERA well, such that as we move forward as an association, we do so from a position of unprecedented strength.



by Chuck Tanzola, CPMR
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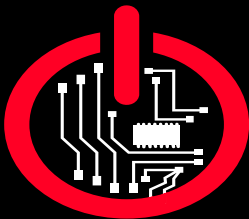
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Florida-Sunshine ERA.....	28
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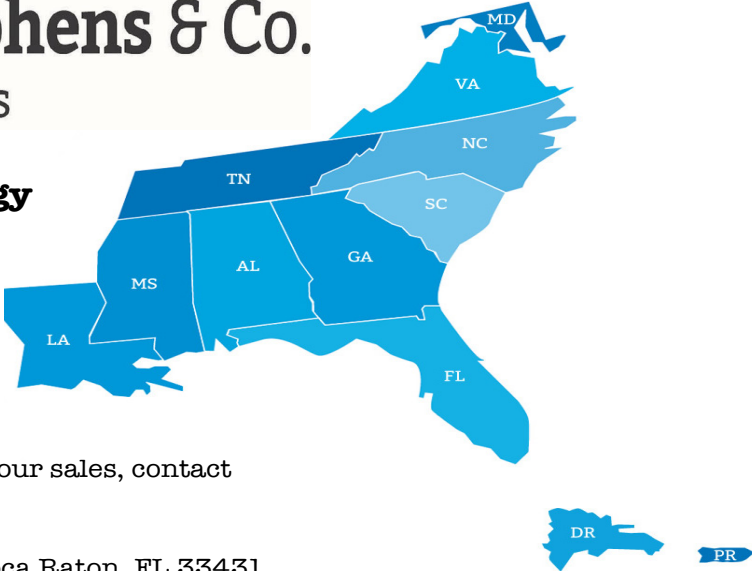
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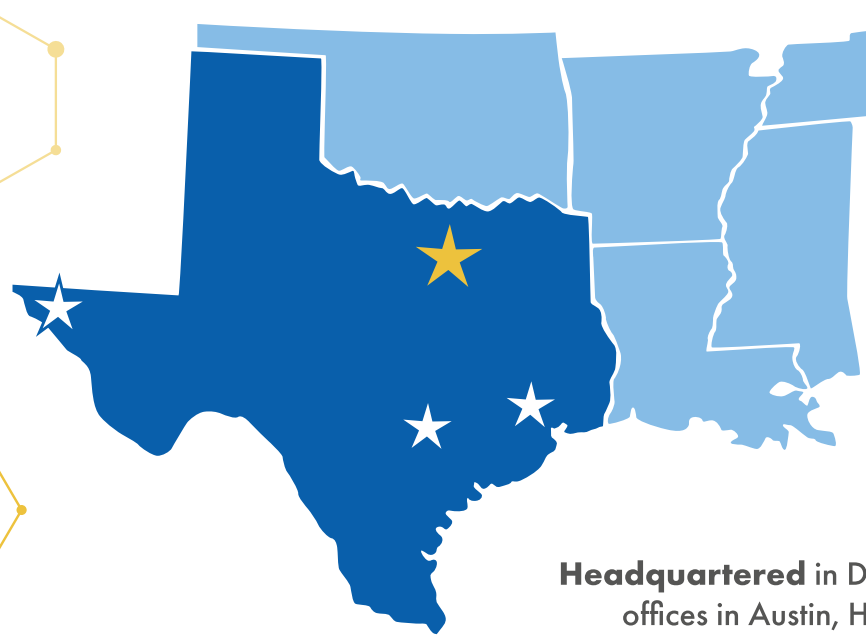
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ERA XCOM DIGEST

I am not a subject matter expert, only a rep owner trying to wrap my brain around the electric vehicle (EV) charging infrastructure market. In doing so, I have spent a fair amount of time searching the internet and talking to industry contacts. This is my current understanding of some of the implications for reps arising from public investment in the EV infrastructure.

With over three million EVs on the road and projections of over 26 million by 2030, the time for highway charging infrastructure has arrived. Meeting the ambitious goal of a network of highways with EV charging stations every 50 miles will require substantial public and private investment – by some estimates as much as \$40 billion.

If you are like me, February's announcement of the U.S. Department of Transportation NEVI (National Electric Vehicle Infrastructure Formula) program got your attention. It is a five-year, \$5 billion commitment to funding EV charging infrastructure. NEVI establishes a framework that includes rigorous standards; for instance, a 97 percent station uptime and a minimum of four 150kW Level 3 DCFCs (DC fast chargers) per location. States will distribute the federal funding to installation projects, and some states are requiring 350kW DCFCs in anticipation of the growth of medium and heavy duty EVs.

As a compliment to the NEVI program, Congress also announced the Charging and Fueling Infrastructure ("CFI") discretionary grant program. The CFI Program will provide \$2.5 billion over five years to applicants, including cities, counties, local governments and tribes, for the strategic deployment of electric vehicle charging and an alternative vehicle-fueling infrastructure. Much of the grants are meant to fund Level 2 AC chargers which are less expensive and easier to install.

Importantly, NEVI and CFI funds are tied directly to Build America, Buy America. All EV chargers funded through this program must be built in the U.S. and, by July 2024, at least 55 percent of the cost of all components will need to be manufactured domestically as well.

The opportunity for EVSE (EV supply equipment), more commonly known as EV chargers, is immense. You may already see the impact. U.S. startups and established EV charger manufacturers from the U.S., Europe and Asia could be in your territories building factories or partnering with CMs, incentivized by Buy America requirements,

government grants, and state and local tax credits. Other potential customers buying components for EV chargers are large industrial manufacturers, EMS providers, wire and cable assemblers and power companies looking to support the power transfer technology to the EV chargers.

In order to provide power to the EVSEs, each NEVI EV charger location (4 charger minimum) will require a distribution transformer (480 Vac utility power to the site), switchgear (receives 480 Vac utility power and distributes it to on-site equipment), a transformer (converts 480 Vac power to 120/240 Vac to supply low voltage site equipment), and possibly an EV power cabinet (converts AC to DC power if the fast charger does not convert AC to DC on its own).

A location with at least four 150kW DCFCs may require a large-scale stationary power utility infrastructure. This will most likely involve running new power and new utility service to sites which can take 18 to 24 months.

Some of the components inside DCFCs include a power conversion system (thermal management system, fans, an inverter and enclosure), passive components (relays, contactors, motion sensors, switches, filters), displays, vehicle interface thru PWM and CANbus communication, remote connectivity (GPRS/4G) and power supplies.

To date, EVSE manufacturers have been building chargers with a wide variety of connector types, requiring EV owners to carry adapters with them. Federal dollars will be directed toward creating a predictable and relatable experience, in part by standardizing connector types.

Key provisions in the final NEVI rule require that each DCFC charging port must be able to charge any combined charging system (CCS)-compliant vehicle. (CCS compliance allows for both AC and DC charging through the same input port.) Each DCFC charging port must have at least one permanently attached CCS1 connector.

NEVI provisions also require that each AC Level 2 charging port must have a permanently attached J1772 connector and must charge any J1772-compliant vehicle.

I spoke with Murtaza Fidaali, business development manager at ITT Cannon, LLC, a connector solution provider who has been at the forefront of EV charging technology for over a decade.

INDUSTRY UPDATE

Kingsland Coombs,
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EV charging infrastructure:
What does it mean for your territory?



EDUCATION UPDATE

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Back in the whirlwind



Back in the whirlwind and looking for the calm waters but aware of the boulders I may hit...
If you attended ERA's "Moving On, Moving Beyond" 2023 Conference in Austin in February, or not – you understand! As a rep, my "WIG" – Wildly Important Goal – is to be the best rep for all my principals and distributors and together for our customers! I say "Yes, AND" (not "Yes, but") as I communicate and collaborate. I listen like a dog and stay curious. I have choices (and the chance to change) and use them wisely. All of these statements were made at one point in a general session, breakout or table discussion at the ERA Conference. (Please note I did NOT write this using ChatGPT. But I thought about it – ha!) My head is always spinning when I return to the office after the Conference and my team hides for a few days to miss my target practice hits of new ideas, but we all gain from the experience. I know we sold out (fire codes are important for a reason) and that was disappointing to some – but register early next year and join us! We might be competitors but we all want to take the tips and tricks we've learned back home and incorporate them accordingly. Together we are better!
ERA education continues with the STEP

(Sales Training for Electronic Professionals) program (previously called Virtual Sales Training) and new live training and materials scheduled for the fall of 2023. ERA now offers archived training on the website as well. Ask info@era.org for more information on how to use the archived modules to train new employees and/or sharpen your skills. Look for the 2023 module topics and save the date for Oct. 17-19, 2023. If you have any input on what you would like to learn, please email us at info@era.org.
ERA is known for education and networking. Many ERA NEXGEN members met face-to-face in Austin. As this group of new talent from ERA reps across the country meets virtually each quarter to discuss their successes and concerns across the country, they are forming the ERA of tomorrow. Reps can nominate an individual for the NEXGEN group on era.org.
Thank you to all the volunteers at ERA – reps, distributors and manufacturers! We all know the importance of working together and understanding all the challenges in every segment of our businesses. Thank you to ERA and the amazing staff for understanding your members and being there with us every step of the way! ■

DISTRIBUTION UPDATE

Gary Zullo
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Sharpening the focus on our priorities



As I sat to draft my introductory update as a new member of the ERA XCOM team, I couldn't help but reflect and recognize the tremendous support and commitment of my predecessor, Craig Sanderson. I have big shoes to fill.
It's hard to believe the first quarter of 2023 will be behind us by the time this reaches publication. The new year started with a market in transition and we continue to deal with a level of uncertainty for the foreseeable future. It has sharpened the focus on our priorities and how, where and when do we invest.
We're very fortunate as an extended organization that our community broadly invested in the 2023 ERA Conference, with over 600 attendees setting a new attendance record. I was personally struck by the number of attendees that were experiencing the event for the first or second time. The driving force of ERA is education, and it was on full display in Austin. Whether it came from thoughtful general session content targeted at thriving in uncertain times, or the many breakout sessions with subject matter experts, openly sharing best practices for the benefit of all – the timing for us all to be together to align on attacking the opportunities in 2023 was perfect!
We're also fortunate to have another opportunity to engage face-to-face in May at the

EDS Summit in Las Vegas. Again, the timing is perfect. We'll be halfway through the second quarter of 2023 and should begin to have additional clarity on how the back half of the year will shape up. Whereas the ERA Conference is largely focused on education, EDS provides an opportunity for more targeted business strategy and performance sessions. It's an opportunity for us all to take stock of the first half of the year and align on any needed adjustments for the remainder of the year. It's a whirlwind of a few days, as we all typically stack the schedule with manufacturer/distributor/rep sessions, but it's an extremely productive week and probably even more important this year.
Approaching forty years of industry experience, I feel uniquely qualified to highlight the importance of building influential and trusted relationships across the manufacturer/distributor/rep spectrum. Our collective customers are best served when our teams are aligned and focused on providing leading edge solutions. I look forward to the opportunity to engage in a more meaningful way with ERA XCOM and to support the charter of providing continuing education, the sharing of best practices and for providing opportunities to enhance relationships broadly across our membership. ■

One of the many key issues facing our industry today for all manufacturers, representatives and distributors is successful succession planning within their organization. It is vital that the right people join any organization that can continue with the same strategies and plans implemented without any interruption. With many of us aging quickly and planning our retirement and exit from the industry, younger and more energetic talent is needed to provide consistency. For manufacturers specifically this is a main concern that their rep organizations may be aging with no plan in sight. This can become the reason for either termination or a forced change.
Succession planning is a critical process for any organization, including manufacturers' representative organizations. It involves identifying and developing talent within the organization to ensure that there are qualified individuals ready to take over leadership positions in the event of retirement, promotion or unexpected departures.
Here are some steps to implementing a good succession plan for manufacturers' representative organizations:
1. Identify key positions. Identify critical positions within the organization, such as sales managers, marketing directors or technical experts.
2. Assess current talent. Evaluate the strengths and weaknesses of current employees to determine who has the potential to fill these key positions in the future. This could include reviewing performance evaluations, conducting interviews or assessments and examining employee development plans.
3. Develop talent. Once potential candidates are identified, provide them with development opportunities to help them acquire the necessary skills and knowledge for future roles. This could include training programs, mentoring and job shadowing.
4. Communicate the plan. Once the plan is developed, communicate it to all employees to ensure they understand their role in the process and feel invested in the organization's future.
5. Monitor progress. Continuously

monitor the progress of the plan to ensure it is working effectively. This could involve regular performance evaluations, feedback sessions and revising development plans as needed.
6. Adjust as needed. As the organization grows and changes, the succession plan may need to be adjusted to accommodate new positions, changing job requirements or emerging skill sets.
For Schaffner, as a manufacturer, we will be addressing these issues in the next several years. For me it is very personal and important to leave the organization in a state of complete control and connectivity to a new team. Over the next few years this will be a priority for me as a manager and as a leader who wants the best for the entire organization and channel. When this kind of attention is given to a business, it can only lead to a more consistent transition not only for the rep but for the manufacturer as well.
In summary, an effective succession plan in a manufacturers' representative organization requires a clear understanding of key positions, a thorough assessment of current talent and a commitment to ongoing development and monitoring. By taking these steps, organizations can ensure a smooth transition of leadership and continued success for the organization. This is expected and will continue to be monitored by all manufacturers using the rep model for their sales channel.
As always if you would like to reach out to me directly, please do not hesitate to email me at ken.bellero@schaffner.com or give me a call 732-910-1717 anytime. ■

MANUFACTURING UPDATE

Ken Bellero
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How important is succession planning within your organization?



MEMBERSHIP UPDATE

John Hutson, CPMR
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Growing membership
across the channel



I am thrilled to have the opportunity to serve on the ERA XCOM Board as senior vice president of membership. It is an absolute honor to follow in the footsteps of my predecessor, Dave Fitzgerald, managing partner with WESCO Sales. Dave's passion and dedication to ERA membership is truly inspiring, and I want to thank him for all he has done to advance the organization. I am committed to building on his vision for creating value for reps, distributors and manufacturers.

I am taking on this role at a time when ERA membership is on the rise, and there is a tremendous buzz around the organization. We recently had a record-breaking conference, and our members are benefiting from tools that provide an immediate return on investment. This is an exciting time to be part of ERA, and I am committed to ensuring that we continue to deliver value to our members.

However, we cannot rest on our laurels. Membership requires continual improvement to remain fresh and valuable.

I welcome any ideas and suggestions from our members that will help us reinforce the value of an ERA membership today and in the future. The freshest ideas come from the collective, and I am eager to hear your thoughts.

I am grateful for the opportunity to represent you on the ERA XCOM Board and pledge to work hard to grow membership across the channel while identifying ways to ensure that our membership remains valuable. I appreciate any ideas you may have to help me achieve these goals.

Thank you again for entrusting me with this important role. I look forward to a productive and prosperous 2023. ■

ERA STEP

Sales Training for Electronics Professionals

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Take a "step" up in your professional career with this live, virtual training!

Stay tuned for mid-summer announcements on STEP registration, session topics, times and speakers!

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I am a veteran of quite a few "trips around the sun." During the course of those many trips, I have witnessed a lot of "stuff," both good and bad. These past three years have been unlike anything I have ever experienced. I think we would all agree that it has been difficult to say the very least. With restrictions eased and travel, tradeshow and somewhat normal activities (translated: we are able to visit customers in their facilities) resumed, we anticipated that 2023 would see a return to familiar day-to-day business. To an extent, that is happening. But let's take a look at a few things that may impact that, both in the short-term and long-term.

Just as I am writing this, we have witnessed two large banks declared insolvent, causing havoc in the industry and making the market nervous. Speaking of the market, I'm sure you have followed the serious drop. Along with that, the Fed is likely to continue to raise interest rates to curb persistent inflation (6 percent as I write this). Yet there is a mixed bag. Unemployment is very low and there are more jobs posted than people looking for jobs. This causes salaries to rise, but not fast enough to keep up with soaring prices. All of this poses the very good possibility of a recession. Add to this the current geo-political climate and there is certainly cause for concern.

With all of that negative, there is still a lot of positive. We are seeing a somewhat return to normal in plant visits. Sales remain fairly strong, particularly in the military and medical markets, and there seems to be cautious optimism. The supply chain, although not fully recovered, is better. We are seeing a lot of dollars invested in domestic manufacturing. These are positive signs that will hopefully continue.

I leave you with the same closing that I shared in the winter issue of *The Representer*: Stay positive and open to change, and enjoy the ride. It's going to be (and has already proven to be) an interesting and challenging year. ■

For a complete list of ERA's **Recognized Resources**, check out the Member Services page at era.org. Then link to a service provider's home page for more information. Or take advantage of services from companies like **Avis and Hertz Car Rentals** (which are accessible ONLY via the ERA website).

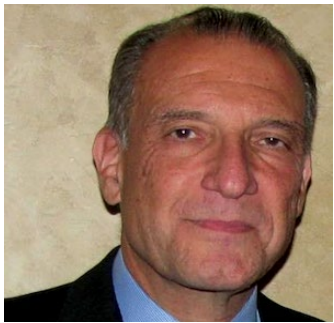
- **SCHOENBERG FINKEL BEEDERMAN BELL & GLAZER LLC** offers legal Expert Access services to all ERA members. Visit sfbbg.com or call Adam Glazer at 312-648-2300.
- **REPFABRIC** is a mobile efficiency tool that speeds up the entire workflow of business. Contact Repfabric at info@repfabric.com, or call 844-737-7253, x225, to schedule a consultation.
- **SPYRE GROUP** offers resources that help sales rep firms provide value to the manufacturers they represent and increase efficiencies for their sales teams. Contact Patrick Knoelke at 913-499-6014 or visit spyregroup.com/reps.
- **EMPOWERING SYSTEMS'** cloud solutions are designed for reps and how reps work. Contact Carroll Boysen at 888-297-2750 x709 or visit empoweringsystems.com.
- **BUDDE MARKETING SYSTEMS** is a leading provider of point-of-sale (POS) reporting. Call 708-301-2111 or email sales@buddemarketing.com.
- **LECTRIX** is a results-driven marketing company that serves electronics manufacturers, suppliers and representatives. Visit lectrixgroup.com.
- **JJM SEARCH** is the global executive search firm founded by Carla Mahrt, a 20-year electronics industry veteran. Visit jjmsearch.com.
- **UPS** is an ERA member service provider for shipping of all kinds. For discounts of up to 34 percent, call 800-MEMBERS (636-2377). ■

MATERIALS,
ASSEMBLY,
PRODUCTION
& SUPPLY

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Cautious
optimism

Let’s talk about trust



by Cesare Giammarco
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by John Simari
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Trust. No other word is so frequently uttered during any ERA Conference. At prior conferences, the RDM (rep, distributor, manufacturer) Pulse Check breakout sessions gave participants a forum to raise issues that impact or hinder business. Trust – or lack of it – was mentioned in nearly every session.

As planning began for 2023 ERA Conference breakout sessions, we felt it was essential that we continue discussion on this topic. But how? Trust is not something that can be taught. We didn’t want to stoop to an exercise where people fell backwards trusting that someone would catch them. Instead, we chose to have a session where small groups could continue a discussion on trust. We appropriately named it “Let’s Talk about Trust...”

Nearly 150 conference attendees joined us for the sessions. We hoped that people would gain a better grasp of recognizing and addressing trust issues. And we challenged people to do a self-assessment on common trust attributes.

We posed several questions for each of the teams to discuss. We then debriefed, letting tables share what they discussed and we documented the input. Here’s a summary of what those responses were when we asked the following questions. (Note: These comments were taken from session participants. They do not necessarily reflect the view of the authors or ERA.)

How do you know if you can trust the people you work with or not?

“To determine whether you can trust people you work with, several factors should be considered.”

“Trust everyone until, or unless, they violate that trust.”

“Reputation and intuition are important. Important to validate issues with facts.”

“Read people’s body language. Do they ‘walk the talk?’”

“Look for consistency over time; history can establish credibility.”

“Honesty in delivering both good and bad news. Willing to find answers.”

“Individuals who are defensive, lack self-awareness, bad-mouth co-workers, or other reps or distributors may not be trustworthy.”

How does trust or a lack of it impact how you interact with others?

“Lack of trust has a significant impact on how one interacts with others. It can turn a collaborative relationship into a transactional one. This can result in lost opportunities and decreased motivation.”

“Lack of trust can lead to limited transparency, less time collaborating and inefficient processes. [It] can also result in more micro-management and skepticism.”

“People are less willing to collaborate with people they may not trust.”

“Entire process can slow down and become energy-draining and unproductive.”

What can you do to present yourself as trustworthy?

“Formal accreditation confirms a level of expertise which can enhance trust; make sure to share this.”

“Present oneself with transparency; do not over-promise but work to over-deliver.”

“Approach each opportunity through the perspective of others. Consider how your actions will benefit others.”

“Listening. Empathizing.”

“Planning for eventualities and pitfalls. Admit mistakes. Apologize when necessary.”

“Proactive communication. Communicate changes. Keep commitments.”

“Be mindful of your own body language, eye contact and professional behavior.”

“Be respectful [and] on-time.”

“Set realistic expectations. Avoid negative talk.”

“Proactively address problems and take ownership in resolving issues.”

How do you regain trust that has been lost?

“Consistent, trustworthy actions over time.”

“Be open, honest and self-aware of prior interactions.”

“Work through any open or pending issues with personal, face-to-face communications.”

“Accept responsibility for any trust-breaking actions.”

A recap of the "Let's Talk About Trust" breakout session at the 2023 ERA Conference

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“It’s important to understand why others may believe that trust has been broken, recognizing alternative viewpoints and perspectives.”

“Stepping up when there is an opportunity to regain trust in the future.”

“When appropriate, appeal to trusted people to vouch for you based on their experience with you.”

“Giving people a second chance and setting a plan to regain trust with defined actions can be useful in regaining trust.”

Foundations of trust

The noted group responses provide excellent guidance on ways to address the issue of trust, whether it is related to those you work with or positioning yourself as a trustworthy business associate. We summarized the group feedback into four fundamental building blocks that we reference here as the “foundations of trust” and would apply to all your business interactions to facilitate a trusting, productive business relationship:

Transparency and openness. Proactively sharing non-proprietary information and activities can positively influence business relationships. For example: manufacturers, consider sharing strategy and policy changes with your reps and distributors. Reps, share organizational changes and/or line strategies with your principals and distributors. Distributors, share any personnel, strategic or product-focused activity with suppliers and reps.

Honesty. In all interactions, be honest when sharing information or responding to requests for information or questions from your business partner. This reinforces trust and reflects integrity in the business relationship.

Inclusion. Invite your business partners to be included proactively in any policy or strategic decisions that would have a significant impact on them and your collective business relationship. It will allow for all parties to understand the impact and provide for alternative approaches for consideration if needed.

“Walk the talk.” Consistently do what you will say you will do. This is the essence of establishing long term-trust and integrity.

Each of these 75-minute sessions enabled participants to think about and share how trust – or lack of it – impacts their business. The goal of the sessions was to have people walk away thinking about how they might recognize and address trust issues in the future and develop a simple checklist to gauge their own trustworthiness as they look in the mirror each morning. ■

FROM THE TOP: Like déjà vu all over again

(continued from page 21)

Our financial position is strong. ERA membership across all segments of our industry is broad and growing. Our educational programming, both at the local and national levels, continues to provide valuable opportunity to our members for personal and professional growth and development. After many years of industry lament about the lack of new people entering our profession, our Association has taken tangible and productive steps to address this issue. Our chapters are increasingly active within the industry, as well as making significant charitable contributions to their local communities. We have benefitted from the wisdom and increasing input of our manufacturers and distributor partners, and within the structure of our organization, we will be encouraging expansion of those inputs. Finally, our ERA staff is simply unparalleled. By every measure, we have reason to celebrate!

We have great opportunity ahead of us as well. Consider the introduction of ERA SearchLink.ai at the conference. This tool will prove to not only be a great differentiator and a valuable resource for our members, but a model for future efforts. If you are not aware of ERA SearchLink.ai, I strongly encourage you to reach out to the ERA staff for an introduction. And thank you, Sam Richter, for your partnership with ERA!

As we move forward, we will undoubtedly come to forks in the road, and we will take them, but in closing, I want to leave you with another hockey reference from the 2004 movie, “Miracle.” Kurt Russell, portraying 1980 U.S. Olympic hockey coach Herb Brooks, said, “Great moments are born from great opportunity.”

As always, I can be reached at ctanzola@fusionsourcing.com and welcome your comments and feedback. (I’d enjoy them much more than speaking to a machine!) If you attended the ERA Conference, I would love to hear your thoughts. If you didn’t attend, you will get another chance next February and I encourage you not to miss it. More great moments to come...but sign up early!

Oh, and in the meantime, I hope to see you all in Las Vegas at EDS! ■

One of the strongest rep decisions — ever



by Adam Glazer
ERA General Counsel

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“They will be surprised to learn that, under the default rule the Court adopts today, an at-will salesperson is entitled to commissions for any sale – here, perhaps hundreds of thousands of sales – a jury determines the salesperson ‘set in motion.’ And they will be stunned to learn that, under the default rule, the entitlement to commissions may extend years after their employment relationship ended.”

This somewhat indignant language comes from the dissenting opinion’s description of a major pro-rep decision handed down last year in *Perthuis v. Baylor Miraca Genetics Laboratories, LLC*.

It’s a hugely important decision – and comes from a most unexpected source: the Supreme Court of Texas. With this ruling, Texas reaffirms its membership among a growing number of jurisdictions recognizing that if rep contracts do not expressly limit the sales rep’s right to post-termination commission payments, then those commissions remain payable.

Textbook mistreatment

The facts leading up to the decision are egregious and classic: Brandon Perthuis’s written contract with Baylor Miraca Genetics Laboratories, LLC (BMGL), a genetic testing company, provided simply: “Your commission will be 3.5% of your net sales.” It did not define “net sales,” did not elaborate on BMGL’s commission obligation and did not say one word about what would happen upon termination.

Perthuis successfully pursued purchase contracts for the genetic tests with channel partners, in particular to Natera, Inc. BMGL would pay Perthuis on all sales to Natera, and calculated the commissions by multiplying the “net sales” by 3.5 percent. Natera quickly exceeded the minimum-purchase requirements of its contract, and BMGL naturally wanted to cut a new deal with this prized customer. BMGL charged Perthuis with negotiating a new agreement.

Over the next several months, Perthuis hammered out the second largest contract in BMGL’s history, a deal substantially increasing Natera’s minimum-purchase requirements. When Perthuis could finally deliver the good news to BMGL, its CEO requested

to meet with him.

Experienced reps know what happened next: Instead of celebrating Perthuis’s huge deal for BMGL, the CEO fired him. And the very next day, the CEO executed the deal with Natera that Perthuis negotiated.

The rep fights back

Rather than offer any compensation to Perthuis, BMGL refused to pay commissions on any sales finalized after termination, including on Natera under its new deal. Perthuis sued for breach of contract, asserting he was the procuring cause of all Natera sales, and sales to certain other channel partners made between his January 2017 termination and the October 2018 trial date.

Disputing both that Perthuis procured the sales and the viability of the procuring cause doctrine, BMGL took the case all the way to trial. The Houston jury, however, ruled solidly for Perthuis, awarding the sales commissions, but less than the full amount. This still comprised a major victory for a rep whose contract said not a word about recovering post-termination commissions.

On appeal, BMGL found greater success. Although the contract said no more than “Your commission will be 3.5% of your net sales,” the Texas appellate court found it unambiguously allowed for commissions only during Perthuis’s employment by BMGL, and not after termination.

Perthuis then took the case up to the Texas Supreme Court, which found that a three-part test applies when a plaintiff seeks to recover commissions not by relying on contract language, but under the procuring cause rule.

Part I of the Procuring Cause Doctrine analysis

The first step in the analysis is to determine if the parties had “the kind of contractual relationship to which the procuring-cause doctrine applies.” The Texas high court ruled that “the minimum prerequisite for the doctrine to apply is an agreement to pay a commission on a sale.”

Citing century-old Texas precedent, the court recognized that the procuring cause doctrine is “a rule of fairness and right.” Its

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purpose is “to credit a broker (or salesman, or other agent) for a commission-generating sale when a purchaser was produced through the broker’s efforts.” Per this doctrine, “the broker’s entitlement to a commission vests on his having procured the sale, not on his actual involvement in a sale’s execution or continued employment through the final consummation of the sale.”

Returning to the present day, the court ruled: “Because the employment contract here promises commissions for sales, BMGL and Perthuis’s contractual relationship is the kind to which the procuring-cause doctrine applies.”

Part II of the Procuring Cause Doctrine analysis

As a “default rule,” the procuring cause doctrine only applies to rep contracts if they contain no language displacing it. Displacing the default rule is typically done with a provision reading something like: “Upon termination, the manufacturer will only pay commissions on orders received from the sales representative’s territory for 90 days following the effective date of termination.” Absent language displacing the default procuring cause doctrine, it remains intact, and the rep is eligible to recover commissions on sales generated pre-termination.

Here, BMGL tried to convince the court that “Your commission will be 3.5% of your net sales” somehow displaced the default rule. The Texas Supremes would have none of it: “Far from displacing the procuring-cause doctrine, the employment agreement’s statement that Perthuis would receive a ‘commission’ for his ‘net sales’ is the very text that implicates the doctrine.”

The court then added some very useful points for sales reps, including that independent contractors as well as direct employees are covered by the doctrine. “Distinctions in employment status – for example, whether Perthuis was an at-will employee or an independent contractor or something else – have nothing to do with the question that implicates the procuring-cause doctrine.”

Perhaps even more importantly for purposes of the doctrine, the court recognized how working for commissions is different from receiving a salary. Sales commissions “rewarded the fruits of Perthuis’s past labor.” To receive those commissions, “nothing more was necessary from him. He did not need to be involved in the details of individual sales or the invoicing and processing of batches of genetic tests. No such roles are inherently necessary for entitlement to sales commissions.”

Dusting off another Texas court decision – this one from 1943 – the court quoted: “The fact that the owner himself has negotiated the sale does not prevent the broker from being regarded in law as the procuring cause of the transaction.”

Applying this law, the court noted how BMGL had signed the deal with customer Natera one day after firing Perthuis and without further work. If Perthuis had fully performed his duties under the contract when he was fired by landing the new deal with Natera, then his termination made no difference and he was due his commissions. “BMGL had extracted from Perthuis essentially everything that it would have gotten from him vis-à-vis the new Natera deal whether he was fired or not.”

The resounding point is that termination does not diminish the rep’s right to commissions already earned. “Just as salary may be owed for days of work completed before termination, so too may commission fees be owed for sales to buyers procured from work completed before termination.”

One last point made by the Texas high court was to reject a common argument made by principals that because the rep contract did not expressly adopt the procuring cause standard, they should not be bound to it. The court held “no such ‘opt-in’ is required,” and instead “the default rule requires opting out, not the other way around.”

Nothing in the Perthuis-BMGL agreement served to displace the procuring cause doctrine.

Part III of the Procuring Cause Doctrine analysis

When the doctrine is shown to apply to a contractual relationship and is not displaced, “the plaintiff still must show that he was in fact the procuring cause of specific sales.” Under Texas law, the “general rule” provides that a commission is earned when the broker’s efforts “were the primary, proximate and procuring cause of the deal negotiated,” and “the transaction is directly attributable to the broker.”

A plaintiff can meet this standard “by proving that he was the procuring cause of a single contract that, without further negotiations or modifications, produced a stream of sales. Or he could show that any changes to the contract were immaterial and his role was still the primary and direct cause of the sales.”

Determining whether the rep was the procuring cause of a sale is usually a question for trial, meaning that this issue will not ordinarily get decided on a pre-trial motion. Suppliers disputing the rep’s role in generating a disputed sale like BMGL should expect to take that dispute all the way to trial and see their fate decided by a jury.

The Supreme Court of Texas reversed the appellate court’s ruling that the procuring cause rule did not apply and by decisively reinvigorating the doctrine, benefitted both Perthuis and potentially many other sales reps. ■

Tax strategies for the charitable donor



by Bruce Bell, CPA/Attorney

Bruce E. Bell is a CPA/Attorney practicing at the Chicago law firm of Schoenberg Finkel Beederman Bell Glazer LLC. A founding member of the firm, Bruce chairs the firm's transactional and tax practices. He concentrates on federal tax, estate planning and general business matters. Bruce can be reached at 312-648-2300 or bruce.bell@sfbbg.com.

The Tax Cut and Jobs Act of 2017, which raised the standard deduction and placed limitations on itemized deductions for individual taxpayers, has impacted the ability of many taxpayers to deduct charitable contributions. Married taxpayers who file joint income tax returns with their spouses in 2023 must aggregate more than \$27,700 to reap the benefit of itemized deductions on their individual income tax returns. Coupled with the \$10,000 cap on state and local income tax deductions and deduction limits on mortgage interest and medical deductions, taxpayers now face greater challenges in deducting contributions to charitable organizations. Some of the strategies which charitably inclined taxpayers should consider are the following:

Bunching itemized deductions. Taxpayers should be savvy as to how and when they pay their charitable contributions. It may no longer make sense to make annual contributions to one or more favorite charities if the donations will not yield a tax benefit. A more prudent strategy may be to donate large amounts in one year and defer making charitable contributions in other years. For example, if a married taxpayer filing a joint income tax return with his or her spouse who has \$17,000 of non-charitable itemized deductions normally contributes \$10,000 per year to charitable organizations, the taxpayer will reap no tax benefit from the charitable contributions since only itemized deductions in excess of \$27,700 are deductible. If instead, the taxpayer contributes \$20,000 to charity in one year and nothing in the following year, the itemized deductions in excess of \$27,700 can be claimed on the taxpayer's tax returns in the year the \$20,000 contribution is made.

Creation of private foundation. Donors who make meaningful, annual contributions to charity should consider creating their own private foundations. As a standalone

charitable organization, taxpayers can deduct contributions made to the foundation and, subject to payout and other statutory requirements, the foundation can make payments to other charitable organizations at one or more times in the future. One important advantage of a private foundation is that taxpayer contributions are deductible when payments are made to the foundation, not when the foundation makes payments to other charitable organizations. This permits a charitable donor to make a large, deductible contribution to a foundation in one year while allowing the foundation to continue making contributions on an annual or more frequent basis to other charitable organizations. Foundations offer other benefits such as the right to control the organization and the opportunity for salaries to be paid to the donor and other family members as well as third parties for services rendered.

Donor advised funds. Similar results can be achieved by creating a donor advised fund (a "DAF"). A DAF is a separate fund created with a financial institution or charitable organization where contributions can be made at any time and disbursements, while subject to the institution's or organization's approval, are generally made at the donor's request. Just as with the private foundation or with a donor who bunches itemized deductions, the donor can make large contributions to a DAF in one year and benefit from the tax deduction in that year. DAFs are less costly to administer than private foundations but, in some cases, do not offer the same flexibility as private foundations.

Qualified charitable distributions. Taxpayers who have attained age 70 1/2 can authorize their individual retirement accounts (IRAs) to make qualified charitable distributions (QCDs) to charitable organizations. These are direct payments by an IRA to a charity. A taxpayer who

Taxpayers now face greater challenges in deducting contributions to charitable organizations.

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makes charitable contributions with personal funds may not be able to claim the charitable gifts as itemized deductions due to the statutory limitations on itemized deductions. Taxpayers can instead make QCDs aggregating not more than \$100,000 per year. QCDs are not taxable so the result is essentially the same as if the taxpayer under prior law received an IRA distribution, paid the amount received to a charitable organization and reported the payment as an itemized deduction on his/her personal income tax return.

Contribution of appreciated securities. One mistake many taxpayers make is making large charitable contributions in cash to charities when they hold a portfolio of marketable securities which have appreciated in value. The charitably inclined taxpayer who cannot or chooses not to take advantage of any of the above opportunities would be well served by contributing appreciated securities to one or more charitable organizations. A taxpayer who holds appreciated stock and sells the stock will incur a tax on the gain from the sale. If instead, the taxpayer contributes the appreciated stock to a charitable organization, the appreciation on the contributed security will not be taxed. Moreover, the fair market value of the contributed security is eligible for an income tax deduction, subject to the limitations on claiming itemized deductions. The taxpayer who does not wish to part with an appreciated stock position should simply donate the appreciated security to charity and then use the cash that otherwise would have been used for the charitable contribution to replace the donated stock. The taxpayer will benefit as the repurchased security will have a higher tax basis.

Current legislation has no doubt created obstacles for taxpayers who wish to reap tax benefits from charitable contributions. Careful planning, however, can permit taxpayers to continue to enjoy tax benefits from charitable contributions. ■

SOMEONE YOU SHOULD KNOW: Chris Tucker

(continued from page 10)

for their events.

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

I am not active on social media, but I have a LinkedIn account maintained by our social media director. My ERA updates include ERA emails, the website, and *The Representor* magazine. I recently served on the ERA Conference keynote speaker committee. I found the committee assignment brought me closer to the ERA, its staff and its volunteers, who share and practice my same professional interests.

What are some things you enjoy outside of the workplace?

My main passion, above all, is remodeling/restoring my old family property in Tennessee. I enjoy restoring and maintaining vintage boats, cars and motorcycles. My wife and I are certified scuba divers and enjoy downhill and Nordic skiing.

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

I played guitar professionally for 11 years in a regional cover band. I am a retired Wood Badge-trained Boy Scout master, retired lieutenant commander in the U.S. Power Squadron, and retired civilian left-handed rifle coach for the Dept. of the Army. ■



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.

CHAPTERS OF THE YEAR AWARDS

At its annual Conference, held Feb. 26-28 in Austin, Texas, ERA announced the Chapters of the Year award recipients for 2022 activities. There were over 15 entries submitted this year from nine different chapters. The awards were based on four categories: Education, Networking, Marketing and Special Projects.

- The award recipients were:
- Education: Northern California ERA for their online event “Time Management Strategies.”
 - Networking: Southwest ERA for their in-person member happy hour and food bank fundraiser event.
 - Marketing: Arizona ERA for their industry-focused State of the Sonoran Electronics Economy event.
 - Special Projects: Empire State ERA for its Julie Baker Memorial Golf Tournament.
- Congratulations to all recipients!

CAROLINAS

Carolinas ERA continues to engage with their members by holding monthly virtual networking events focused on various industry topics of discussion for each session. The chapter also hosted their annual DTAM and scholarship announcement event virtually on March 24 with nearly 30 people in attendance.

The chapter has also started planning for their successful golf tournament and fundraiser to be hosted this fall. Stay tuned for more information to come!

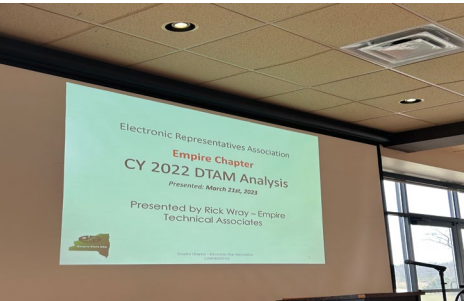
CHICAGOLAND-WISCONSIN

Chicagoland-Wisconsin ERA hosted an in-person board meeting at the beginning of April, followed by a breakfast roundtable discussion that was open to reps, manufacturers and distributors, featuring a review of topics presented at the 2023 ERA Conference and key takeaways. This conference recap discussion offered a way for attendees to take away expert advice from the conference, review it and develop a plan of action.

EMPIRE STATE

Empire State ERA hosted its annual Upstate NY DTAM Analysis in mid-March. There was a total of 35 attendees at this year’s event. Dennis Reed, senior research analyst from Edgewater Research, shared some incredibly insightful updates and outlooks for the industry.

The chapter is grateful for Dennis’ time and expertise.



METRO NEW YORK

Metro New York ERA hosted an event on March 30 at Topgolf in Holtsville, N.Y. The goal of the event was to promote a comfortable and fun atmosphere for networking between area reps and distributors. The chapter took advantage of this in-person event to showcase the power of ERA and gain new membership. There was a great turnout, with 50 people in attendance: 42 golfers and 8 spectators. Included in the price was two hours of golf, dinner, soft drinks and the first round of beer sponsored by the chapter. The chapter also added a large conference room, which worked out well, as it allowed for an intimate setting for everyone to mingle and eat together.

NORTHERN CALIFORNIA

Northern California ERA came out in numbers for the 2023 ERA Conference, “Moving On, Moving Beyond.” Seven rep companies and one manufacturer were in attendance. All of the current chapter officers were present: Terri Straube (Straube Associates), Joe McGovern (Meridian Technical Sales), Erin Fox (TAARCOM) and Elisia Triantos (Digi-Key). Chapter Delegate Lori Bruno (Luscombe Engineering of San Francisco) served as Conference chair. We’re already looking forward to next year!

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On March 30, the chapter hosted a social mixer at Big Al’s, a sports bar and entertainment center in Milpitas, Calif. This event was intended to “strike” up a good time and provided an excellent networking opportunity for local representatives, manufacturers and distributors. Guests enjoyed happy hour appetizers, beverages and bowling. The event organizers made a point to highlight the resources available on the ERA website, from the interactive HoverMap to discounts for services like the new ERA SearchLink.ai tool. The NorCal ERA is committed to supporting the growth and development of the electronics industry and providing valuable resources to its members!

Be sure to give the NorCal Chapter’s new LinkedIn page a “like” at: <https://www.linkedin.com/company/ncalera>.

SOUTHERN CALIFORNIA

Southern California ERA has been busy in 2023!

The chapter started off the year with a Rock N’ 2023 Social at Rock N’ Brew. Despite experiencing rain on the day of the event, the chapter still had almost 100 reps, manufacturers, distributors, principals and OEM customers join us from San Diego, Los Angeles and Orange County. Sponsors promoted the event, and there were over 50 walk-ins from the electronics industry on the day of the event. Guests were able to enjoy a fun evening with a Rock N’ Roll twist thanks to the event’s amazing sponsors! The food and bar tab were even maxed out, and there were generous last-minute donors that wanted to keep the evening going. This was the chapter’s first Orange County social in years, and based on the turnout, it will not be the last. The group was energized to have everyone from the electronics industry under one roof again!

Next up was the chapter’s “Work Smarter, Not Harder” virtual event with Steve Turner of Turner Time Management. During the one-hour session, attendees learned tips to manage their email inbox in minutes, a 60-second rule to be more productive and faster, how to “silo-tize” their work, and tactics to minimize and effectively handle distractions and interruptions. All attendees received a complimentary follow-up session to learn more personalized tips on how they could be more efficient in order to reach their goals for 2023.

At the end of March, the chapter went “old school” and got in front of customers one on one! For the first time ever, the chapter brought the supply chain to the busiest customer base in our territory – Tijuana, Mexico! Reps, distributors and manufacturers were lined up to earn business from customers at the Tijuana Table Top Show. The chapter even dug through the archives and found photos from back in the day to commemorate such a moment.

At the end of April, Southern California ERA and Del Mar Electronics & Manufacturing Show 2023 will be hosting the “Set-Up Day” Social. After a long day of moving boxes and hanging signs, the best from our industry will get to kick back and enjoy libations and food on us. Just another example of a great Southern California ERA membership perk!

Look for more updates coming soon regarding the following upcoming events: Owners’ Forum, Sagebrush Social, Selling in a Virtual Environment, Engaging with Engineers and the Annual Golf Tournament benefiting Operation Homefront. Start practicing now for the golf tournament! Last year, over \$23,600 worth of gifts and prizes were given out and the chapter is trying to top that this year. ■

XCOM DIGEST: EV charging infrastructure

(continued from page 29)

He said: “EVSE manufacturers are very interested in the thinner, cold flex cable design of our connector solutions. With customer ease of use and reliability in mind, our design is IP67 sealed, lightweight and remains flexible in extreme temperatures (-40C). Also, an additional wire feature allows for future customization with sensors and LEDs.”

While the opportunities for reps in this market are consequential, there are also substantial headwinds. There will be high demand for charging equipment as states compete with other states for components.

The Buy America requirement of a 55 percent domestic cost is very aggressive, especially short-term. A strategy for some components suppliers may be to use Mexico assembly as long as 55 percent of the material content is produced in the U.S.

Utility costs are also difficult to predict. All these factors have the potential to increase station installation costs and reduce the number of stations the state can install with NEVI and CFI program funding.

Furthermore, advances in battery technology have the potential to radically impact demand.

The bottom line for reps interested in supporting the EV charging highway infrastructure is to pay close attention to EVSE manufacturers coming into your territory and understanding your states’ EV infrastructure plans (<https://driveelectric.gov/state-plans>). Don’t forget to scrutinize your first time buy data! Good luck to all. It is going to be quite a ride! ■

SAVE THE DATE
FOR STEP

ERA's STEP (Sales Training for Electronics Professionals) will return this fall from Oct. 17-19, 2023 and will offer electronics professionals a chance to take a "step" up in their careers and sharpen their skills. This live, virtual training includes an array of useful topics and is conducted by a mix of professional sales trainers and electronics industry experts. Stay tuned for information regarding registration information and program agenda.

Past training recordings are now archived and available for purchase on the ERA website, for those who did not attend live training in 2021 or 2022. Visit era.org/step for more details.

ERA ANNOUNCES
RECIPIENTS OF 2023 WHITE
PIN INTERNSHIPS

The ERA White Pin Group is pleased to announce the recipients of the 2023 Mark Motsinger White Pin summer internships: Imad Hankour, interning at the John E. Boeing Co. (JEBCO) in Nashua, N.H.; Dylan Phillips, interning at TAARCOM in Santa Clara, Calif.; and Liam Liburdi, interning at C C Electro Sales, Inc., in Detroit, Mich.

This is the second year that the ERA White Pin Group and ERA National have partnered to award three internships to manufacturers' representative companies in the East, Central and West regions of North America to help hire and onboard college students as interns during the summer or academic year. Congratulations to these rep companies and the interns!

ERA ELECTS NEW OFFICERS
FOR THE 2023-2025 TERM

The ERA Board of Directors elected new national officers for the 2023-2025 term during its Board meeting on March 1, 2023.

They are: Chairman of the Board – John O'Brien, CPMR; President – Chuck Tanzola, CPMR; Senior Vice President, Fiscal & Legal – Tom Griffin, CPMR; Sr. Vice President Industry – Cameron English, CPMR; Sr. Vice President, Education – Ellen Coan, CPMR; Sr. Vice President, Membership – John Hutson, CPMR; Sr. Vice President at Large – Kingsland Coombs, CPMR, CSP; Sr. Vice President, Manufacturers – Ken Bellerio; and Sr. Vice President, Distributors – Gary Zullo.

Hutson and Zullo are new members of the ERA Executive Committee. Hutson succeeds outgoing Senior Vice President of Membership Dave Fitzgerald, and Gary Zullo succeeds outgoing Senior Vice President of Distribution Craig Sanderson. Hutson and Zullo were nominated by a special nominating committee and voted into office at the March 2023 Board meeting.

IN MEMORIAM:
NORMAN D. MACINNIS

ERA is saddened to report the February 2023 passing of Norman D. MacInnis, founder of the MacInnis Company, a manufacturer's representative firm in New England.

MacInnis founded the MacInnis Company in 1981 and was president of the company for most of his career. He served as president of the New England ERA chapter and in 1999 was appointed chairman of the national ERA Conference. In 2000, he was elected president of the EDS Summit in Las Vegas. He became a life member of ERA in 2017.

MacInnis grew up in Newton, Mass., and joined the National Guard, then the Air Force, after high school. After service, he completed his education and subsequently began his career in electronics. He lived in Sharon, Mass., and had four grown children and seven grandchildren.

He had many interests including reading, traveling and learning about the Scottish history of the MacInnis clan. He also loved book collecting, particularly Scottish and American history and genealogy. He explored the Highlands area of Scotland several times and spent time in Antigonish, Nova Scotia, every year. He served as commissioner of the North Atlantic region for the Clan MacInnes Society and past president of the International Association of Clan MacInnes.

Expressions of sympathy may be made in his memory to the International Association of Clan MacInnes (IACM) at <https://macinnes.org/> or Scots' Charitable Society at <https://scots-charitable.org/donate/>. ■



WHEN AN OFF-THE-SHELF SOLUTION JUST WON'T DO, YOUR **LATEST INNOVATION** MAY AS WELL BE A LUNCHBOX.



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