



From the President...

El Nino is a strong possibility this winter. The ocean temps this week have broken records that have been holding strong since 1916.

They are catching Wahoo on the 3/4 day boats as we speak. This is a very good sign that we will have rain this winter and some strong south swell for those that surf.

Our golf tournament is just around the corner so hit the range and get your practice on.

With another heat wave this week, make sure your OSHA Heat Illness programs are up to date.

Eric Richardson, SDRCA President

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Upcoming Events

August 2018
SDRCA Build-A-Roof
For Canine Companions

August 27th
SDRCA 52nd Annual Golf Classic

September 19th
Dinner Meeting
Contracts & Warranties

The San Diego Roofing Contractors' Association (SDRCA) has been serving the Roofing Industry for over forty years.

Times, techniques and technology has changed, but the SDRCA Core Values, Code of Ethics, Mission and Vision Statement has not. The 2018 Board of Director Team is committed and dedicated to serving our members and this association with new education, resources, training and savings for the purpose of helping our members continue a tradition of profitability and professionalism in our industry.

It is the intent of this Association to establish and maintain professional standards and practices in the Roofing Industry through education and public awareness. Our members are committed to excellence and they use the benefits offered by the Association to help obtain this goal. The SDRCA encourages you to become fully aware of the potential problems of dealing with an unlicensed, uninsured roofer.

The SDRCA was formed in 1957 to preserve and promote the art of roofing application. SDRCA members recognize that after 60 years of innovation in roofing technology and application, the following goals are as meaningful and relevant today as they were yesterday and will be tomorrow.

The SDRCA remains a strong supporter of open competition and the free enterprise system; indeed, this competitive environment led to the success of its members. SDRCA members recognize that the perpetuation of such a healthy business environment is greatly influenced by their own professional conduct. The SDRCA supports the following practices, and encourages them in its members.

SDRCA Member Code of Ethics:

1. To conduct my business in an ethical manner, so that I will reflect credit and confidence by the public in our industry as well as my own business.
2. To consider my vocation worthy and dignified and thus affording a distinct opportunity to serve society.
3. To hold that the exchange of my goods and service for a fair profit is legitimate and ethical, provided all parties in the exchange are benefited.
4. To elevate the standards of my vocation by exercising a high degree of care in the execution of all work, and correct any defective work as a direct challenge to my ability and integrity.
5. To protect and defend the public from fraudulent and unethical practices affecting our industry.
6. To cooperate with the association in its effort to better conditions in the industry, so that public, management, capital and labor will all mutually benefit.
7. To operate my business in accordance with the rules and regulations of constituted authority at all levels and in a manner which will leave no doubt as to my loyalty to my country and its ideals and fundamental principals.

The SDRCA Mission Statement:

The mission of the San Diego Roofing Contractors' Association is to establish and maintain professional standards and practices in the roofing industry through education and public awareness.
Adopted January 1997

To elevate...To protect and defend...To cooperate...so that all benefit.

BUILD-A-ROOF

As many of you know, the SDRCA is committed to charitable activities in San Diego.

This year we are installing an APOC Armor Flex Silicone system on the structures at Canine Companions for Independence. The project consists of some repairs, including adding drains, followed by the application of the system. APOC will be training the participants on the proper way to install the APOC #585 Armor Flex Silicone system. This will be hands on training for you and/or your employees.

The project is currently scheduled for dates in late August.

Thank you to APOC for donating all the materials and equipment to install the application. Thank you to Sid Scott (Premier Roofing of CA, Inc.), Eric Richardson (Roofing Specialists of San Diego), Wayne Sorensen (Top Line Roofing), Troy Parrott (San Diego County Roofing), David Susi (RSI Roofing), and Tiffany Suwa (Eberhard Benton Roofing) for donating labor for the repairs and participating in the APOC training.

If you wish to send someone from your company for hands on training of this APOC system, please contact the SDRCA office.

Welcome New Member



RCAC Office

Just a quick reminder that the RCAC office has moved to:
2235 Park Towne Cir., Floor 2, Sacramento, CA 95825
Phone: 916-485-6318

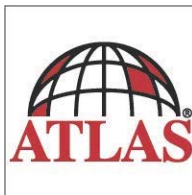
52ND Annual SDRCA Golf Classic

The 52nd Annual SDRCA Golf Classic is schedule for Monday, August 27th at the Lomas Santa Fe Country Club.

The Golf Committee has been working diligently to ensure another successful day of golf and camaraderie amongst roofing industry professionals and associates.

Sponsorship Opportunities are now available, [click here to learn more.](#)

Our Sponsors to date



Certified Contractor Program

In order for our contractor members to achieve Certified status, they must meet the following criteria each calendar year.

A. Community Service – At least 2 community service projects must be performed annually, or, participate in the SDRCA Annual Build-A-Roof project.

B. Association Participation - Each member must attend at least half of the SDRCA Dinner Meetings held each calendar year.

C. Education - Each member must attend at least 4 industry educational programs, seminars, or trainings.

D. Safety - Each member must attend at least two (2) of the safety programs provided by the SDRCA, or, provide evidence of the member's safety program.

The SDRCA keeps attendance records for our Dinner Meetings so there is no need to submit the attendance to achieve item B.

If you participate in the SDRCA Build-A-Roof you do not need to submit any information to achieve item A.

Please submit any documentation on educational programs you or your employees have attended to achieve item C.

Please submit a brief summary of your safety program to achieve item D.

The SDRCA will provide you with professional quality glossy inserts for your bid packets or to use as you see fit. The inserts are designed to inform your potential customer of your commitment to the roofing industry, your commitment to best business practices, and your commitment to community service in San Diego.

If you have any questions, please contact the SDRCA office.

Party Who Participates In Arbitration Cannot Back Out

By Kenneth S Grossbart — Abdulaziz, Grossbart & Rudman

The subject of Arbitration has been discussed by me in previous articles. This article again addresses the concept of Arbitration but with a twist.

Arbitration is an alternative form of resolving disputes. It is an alternative to the filing of a lawsuit and proceeding with your case through the court system. Arbitration is a very popular form of dispute resolution and oftentimes is faster and cheaper than going through the court system.

Arbitration is a consensual process which means in order for the parties to arbitrate a dispute all parties must consent to having the matter arbitrated. Oftentimes that consent comes in the form of an Arbitration Clause that is contained in the contract between the parties. In this set of facts, Company A signed an Advertising Insertion Order with Company B. The Order included an agreement to arbitrate all disputes. During the course of the relationship between Company A and Company B, Company A accumulated an unpaid balance with Company B. Company A filed a Demand for Arbitration seeking damages in the amount of the unpaid balance. Company B agreed that they signed the Order but claimed that the Order was unenforceable because Company A's products were fraudulent. Regardless of the claims of Company B, Company B voluntarily participated in the Arbitration and in fact asked the Arbitrator to issue an Order requiring one of the parties to post a Bond. Company B later rescinded its participation in the Arbitration proceedings when the Arbitrator declined to issue the Order. The Arbitrator ultimately found for Company A and the trial court confirmed the Arbitration Award. Company B challenged the Arbitrator's jurisdiction arguing that he did not consent to arbitrate the dispute.

The matter was reviewed and ruled upon by the appellate court. The appellate court confirmed the lower court's ruling finding that the parties did in fact consent to Arbitration. The appellate court found that Company B's conduct and participation in the Arbitration showed that he clearly and unmistakably consented to Arbitration. First Company B did not object to Arbitration, they willingly participated in the Arbitration proceedings, availed themselves of the Arbitrator's authority when asked to have the Arbitrator rule upon the posting of a Bond and thereafter tried to rescind his voluntarily participation after the Arbitrator denied the request. Thus the court found that Company B's actions constituted clear and unmistakable evidence that he consented to the Arbitration proceedings.

The take away from this set of facts is that if you challenge the jurisdiction of an Arbitration Tribunal, it must be done at the beginning of your case. You cannot temporarily participate in the Arbitration proceedings and then at some point in time when you don't like how the Arbitration is proceeding attempt to back out. Courts will consider your participation to constitute a clear and unmistakable evidence of your consent to arbitrate.

[Download a PDF Copy of Party Who Participates in Arbitration Cannot Thereafter Back Out](#)

NRCA UPDATE

[Career and technical education reform bill may get committee vote.](#) The Senate Committee on Health, Education, Labor and Pensions is expected to vote on legislation to help address industry workforce needs by reforming career and technical education.

[House may vote on immigration reform bills.](#) House Republicans are working towards a plan to vote on both hard-line and more moderate immigration reform bills.

[H-2B seasonal worker program.](#) The Department of Homeland Security will grant 15,000 additional visas for the H-2B program in 2018, far short of the nearly 70,000 requested.

[Legislation would increase work requirements for assistance.](#) A House committee approved legislation to institute new work requirements for recipients of federal assistance under the Temporary Assistance for Needy Families (TANF) program.

[Tariffs on imported steel and aluminum.](#) The Trump administration allowed exemptions to steel and aluminum tariffs on imports from Canada, Mexico and the European Union to expire, deepening a potential trade war with U.S. allies.

[Financial regulatory reform.](#) The House approved bipartisan legislation, already approved by the Senate, to provide regulatory relief to community banks and potentially increase access to credit for employers. The bill was signed into law by the president.

[Immigrations and Customs Enforcement \(ICE\) plans further increases in employer audits.](#) ICE doubled the amount of employer enforcement actions during fiscal year 2018 and plans further increases this summer and beyond.

[Health Insurance Tax \(HIT\) delay legislation introduced.](#) Bipartisan legislation to delay HIT, which NRCA has long opposed, for 2020 has been introduced in the House.

[Affordable Care Act \(ACA\) employer mandate.](#) The IRS continues enforcing the requirement that all employers with 50 or more employees provide qualified health insurance to their employees, despite efforts by the Trump administration to ease burdens of the mandate.

[ROOFPAC will host "Top of the Town" during NRCA's Midyear Meetings in Chicago.](#) Don't miss this reception at the John Hancock Center for the opportunity to network with your NRCA colleagues while supporting ROOFPAC.

For those of you who like to plan ahead, future IRE dates are as follows;

Feb 4-6, 2020 – Dallas; **Feb. 24-26, 2021 – Las Vegas;** **Feb. 21-23, 2022 – New Orleans**

Thank You to the 2018 Advocate Sponsors

Diamond



Emerald



Pearl



The SDRCA wishes to Thank our contributing Sponsors. The ability to bring ongoing, valuable educational, social and professional benefits and training is dependent upon our sponsors. We look forward to the new sponsorships and training opportunities 2018 will bring our members.

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