



THE CYBA NEWS

February 2006

The California Yacht Brokers Association Newsletter

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30th Anniversary Dinner Dance Weekend... A Great Time Had By All!

Over 100 attendees were at the Pechanga Resort in Temecula Valley to celebrate the past three decades of the CYBA, and to welcome the 2006 Board of Directors, as well as the CYBA's new President Michael Wiest, who was attired in his tuxedo, possibly setting new precedent.

Many of the Members arrived on Thursday or Friday to enjoy the great weather and any number of activities: balloon rides, horseback riding, spectacular golf and of course the gaming tables at the resort casino.

Most people, however, arrived on Saturday and all were quite active. Seven foursomes arrived

for the golf tournament run by Cris Wenthur and Ty Mellott. Another group headed to the wineries, another to Old Town Temecula and then there were those that never left the casino.

Duncan McIntosh did it again - dinner on him!!!! And a wonderful meal it was! Again, Duncan, many thanks! We have never had more generous door prizes, please see the list of donors published in this issue.

And the loudest round of applause came for the recipient of the Merle B. Park award for outstanding service to the CYBA, and this year's winner has done it all - Jim Johnson!
(cont. on pg. 3)



From left to right: A great turnout for 30th Annual Dinner, Michael Wiest recognizes Guy Newmark's contributions, Jeff Long presents the Merle B. Park Award to Jim Johnson and afterwards everyone danced the night away. Photos by Patty Brown.



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from the PRESIDENT



The CYBA Annual Dinner at Pachanga was a rousing success. I want to thank everyone that made the weekend a success.

Thank you, Guy and Andrea Newmark of Newmark's Yacht Sales in Wilmington for spending the weeks that they did going around to different venues scouting out the best place for this Annual Dinner and Dance. Next we want to thank Don and Verba Abbott of Recreation Publications, Yachts for Sale Magazine for the work with the preparation and for Derrick our DJ for the evening. This man was not just a DJ playing tunes, he had two large screens, two televisions, a video camera, a DVD of walking back through the last 30 years of the CYBA and a fabulous sound system. Frankly, Derrick made the night. He kept us all dancing and partying until late.

Thank you goes to Ty Mellott of Bay and Delta Yachtsman and Cris Wenthur of Wenthur and Chachas for their hard work to make the golf tournament a major success. The golf course in Temecula was incredible and we played at Temecula Creek Golf Course with 26 people playing in a tournament that the winner was determined by a "putt off." Mike Bryant's team from Trident Funding won the tournament by about an inch. Cris Wenthur's team from Wenthur and Chachas put up a good fight. Putting 60 feet and getting the putts within one inch of each other and two inches from

the cup, was exciting. We didn't rival Tiger Woods in some of his fabulous shots; but for a bunch of yacht people we had an exciting tournament and a great finish.

The dinner was wonderful and a big thank you goes out to Duncan and Teresa McIntosh of Sea Magazine, The Log, and Go Boating Magazine for providing the dinner and the bar. Scott Jarvie of Overseas Insurance supplied the wine for the tables. There were fifty plus raffle prizes that were supplied by people all over the state in the yachting business. We will publish a list of people that supplied raffle prizes, so read them over and visit their businesses and give them a thank you. These are the people that make this industry a great place to make a living. I want to thank Morrie Kirk and Don Abbott for helping me through the evening. I am not a public speaker and I was nervous. Morrie and Don helped me with a few hints throughout the night and made things go well. I don't think anyone went to sleep during my time at the podium.

I sure hope that we can get more of the Membership to come to this Annual Dinner next year, as it is truly a great time and the people you meet may be the people you will be doing your next deal with in a month or so. It is so much better if you have talked with the person face to face, and even better if you were able to watch them hit a great golf shot. If you

(cont. on pg. 3)

30th Anniversary Dinner *(cont. from pg. 1)*

Also, we must mention and thank Don & Verba Abbott for the audio visual for the evening – the announcer and his multi-media show was truly amazing! A great time by all during a spectacular weekend celebration!

See you at next year's Annual Dinner at the Monterey Bay Aquarium!

Guy Newmark,
Social Committee Chairman

EDITORIAL

The Question of Mandatory Boater Education

Recently the Department of Boating and Waterways met with the acting Chairman, Mark Rosenker, of the National Transportation Safety Board, which has become the driving force behind a nationwide push for Mandatory Boating Education. The NTSB is encouraging California to propose legislation for Mandatory Boating Education in 2006.

The immediate reaction from most of us to the suggestion of Mandatory Boating Education is probably, and justifiably so, somewhat defensive. Why do we need yet another layer of bureaucratic legal merrymaking in our lives, especially for a recreational activity that serves to deliver us away from the drudgery of rules and regulations.

Licensing of the boating public to use their watercraft has been a heated topic for a very long time and there are many distinct opinions both for and against this kind of regulation. As an experienced boater you've never been required to be licensed to operate a boat, so why do we need to bring this up now. On the other hand, with so many newcomers to the boating lifestyle, encouraged in part by the yacht brokerage industry, perhaps we would all be better off if there was a greater understanding of proper vessel operation and on the water etiquette.

As the question of Mandatory Boater Education is studied in California, we'll probably hear lots of many valid pros and cons on the subject. Regardless of each boater's perspective for the obvious safety benefits versus the detrimental regulatory restrictions is the question of financially supporting yet another self-sustaining bureaucratic entity with our tax dollars. We're sure to hear lots about this.

The evolution of boater education and the licensing
(cont. on pg. 5)

From the President *(cont. from pg. 1)*

have never been to an Annual Dinner make plans to attend next year and I will guarantee that you will have a good time.

My goal for this the 30th year of the CYBA is to bring on fifty new Members and to get 25% more Brokers using the CYBA brokerage forms. We have just completed a rewrite on the brokerage forms and they have been very well received. Call Don Abbott at Recreation Publications, 800-875-2922, to order the forms, if you are not using them now or if you are using the older version you need an update.

The Department of Boating and Waterways is rewriting the Broker and Salesperson's test. If you would like to participate in the review and rewrite sessions please call Gina Ebling at the Department in Sacramento at 916-263-8195. This will be a chance to help shape the industry you work in and advance the skills of the graduates.

I welcome any and all comments please write to me at yachtcowboy@yahoo.com or call me at 510-917-7749 and that phone is on 24/7.

Michael Wiest, CPYB
CYBA President



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Boater Education *(cont. from pg. 3)*

movement here in the United States has been underway for over a decade and California is in the last remaining minority of states to make this issue a legal requirement. Each state is encouraged by the federal government to establish its own rules on boater education and licensing. And now its time for California to choose how it's going to deal with this issue.

It's important that we understand the options available to us and our boating clientele. First of all, we have the choice to participate in the decisions and outcome of this issue. Secondly, we need to learn the difference between traditional licensing, and education, and training that leads to certification. And lastly, but most importantly we should understand that the good folks at the Department of Boating and Waterways are inviting us to participate in the process of choosing the course for Mandatory Boater Education or some other effective solution to increase boating safety.

Take a few moments to read the Report from DBW: *Does California Want Mandatory Boating Safety Education?* It's encouraging to know that we boaters can choose what's best for our boating lifestyle and we have the option to participate in the development process. CYBA News will publish the dates and locations for state sponsored public forums in future newsletters. We look forward to your thoughts as the process begins.

Tim Broderick,
Editor

REPORT FROM DBW **Does California Want Mandatory** **Boating Safety Education?**

When people call the Department of Boating and Waterways (Cal Boating) or walk up to a table at a public event one of the most common questions they ask is, "Do you need a license to drive a boat?"

In California, the answer is no... for now. But there is a movement gearing up to initiate legislation in 2007 for mandatory education for motorboat operators in California. "The possibility of requiring boat operators to take a boating safety course or pass a test is back on the table in California," said Raynor Tsuneyoshi, director of Cal Boating.

The National Transportation Safety Board (NTSB) has become a driving force behind the nationwide movement toward mandatory boat operator

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DBW Boater Education *(cont. from pg. 5)*

education. It has been a priority for NTSB for more than a decade and is on the agency's list of "Most Wanted Transportation Safety Improvements for 2004 and 2005." After working to encourage and support legislation in states nationwide, the NTSB is now turning its attention to California.

In October, Mark Rosenker, Acting Chairman of the NTSB, came to Sacramento to encourage state government officials from Cal Boating and the Resources Agency to propose mandatory boating safety education legislation. Rosenker has stated that "it is imperative that all recreational boat operators demonstrate a clear understanding of boating safety rules, and an ability to appropriately operate their vessel. The Coast Guard continually estimates about 70 percent of accidents involve factors that could have been controlled by the operator and 80 percent of the fatalities occurred on boats operated by individuals who had not completed a boating safety education course."

This is not the first go-round for boating education legislation in California. In 1999, former Assembly member Susan Davis authored a bill that would have required operators of vessels greater than 15 horsepower to carry proof that they have passed a boating safety examination.

The bill was sponsored by the City of San Diego and had support from a wide variety of boating organizations and others with an interest in public safety. It passed both the state Senate and Assembly, but fell to the veto of former-governor Gray Davis for lack of proof. Davis's veto message stated, "There is little evidence that a written test alone will improve the piloting skills of motor boat operators or reduce boating accidents."

Evidence of the impact of mandatory boating safety education has been difficult to come by for several reasons. First, mandatory education is still a relatively new feature. According to the NTSB, the first state law requiring comprehensive operator licensing was enacted in Alabama in 1994. In addition, many states that have mandatory education laws have small boating populations. "In a small state, one major accident or a cooler than normal summer (reducing boating) can skew the boating accident and fatality count far from the annual average," said David Johnson, Cal Boating's deputy director and a participant in the 1999 legislative effort.

Also, although more than 35 states now require some form of mandatory boater safety education, what that means in each state can vary widely. For instance, in

(cont. on pg. 10)

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- 1 night stay (view room)

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2006 CYBA OFFICERS



Newly elected President Michael Wiest receives the gavel from 2005 President Morrie Kirk.



2006 CYBA Board of Directors from left: Dick Angel, Marc Bay, Michael Wiest, Guy Newmark, Tim Broderick, Ron Whitelaw, Nick Friedman, Don Abbott, Jim Johnson and Morrie Kirk

2006 CYBA Committees

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NEWSLETTER: Tim Broderick (Editor)

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DBW Boater Education *(cont. from pg. 6)*

Alabama, all motor boat operators must be certified. But Idaho only requires personal watercraft operators to be certified and Utah only requires children age 12 through 17 who operate a personal watercraft to be certified.

"Common sense tells us that if people are compelled to learn boating safety before they operate a vessel, they and others will be safer," said Tsuneyoshi, "but it has been difficult to prove statistically so far."

"The experience states have had in passing legislation to institute mandatory boating safety education has become pretty predictable nationwide," Tsuneyoshi said. "There are going to be people who recognize the value to public safety and there will be those who see it as a government intrusion or a burden."

One common belief, reflected in mandatory boating education laws in some states, is that young people under 18 years old and personal watercraft operators are the ones who need the training because they are involved in the most accidents. However, according to the 2004 California Boating Safety Report, 21 - 30 year olds are involved in the most accidents, followed by the 41 - 50 age group and then the 31 - 40 age group.

The report also showed that personal watercraft accounted for 25% of accidents, 34% of injuries and 16% of fatalities statewide that year. "In the 1990s, personal watercraft were involved in a higher percent of boating accidents," explained Amy Rigby, Cal Boating safety analyst, "but law changes in 1998 raising the minimum age to operate a PWC and prohibiting unsafe activities such as wake jumping and playing chicken have had a positive impact on the number of PWC-related accidents."

Another widespread sentiment against mandatory boating education is the belief that boaters learn and follow boating laws and safety principles on their own, so boating safety education doesn't need to be mandatory. Voluntary boating safety courses are widely available in hands-on, classroom and online versions through the U.S. Coast Guard Auxiliary, the U.S. Power Squadrons, regional boating safety centers, commercial providers, and Cal Boating.

According to a Boat US survey conducted in 2002, an estimated 40% of California boaters have taken a boating safety course. That leaves roughly 60% of boaters, with no formal boating safety education, at the helm of a motorboat or personal watercraft. People chose to take voluntary courses for a variety of reasons, according to Dolores Farrell, Cal Boating operations chief. "New boaters often take the course to increase their comfort level with the

vessel and understand boating laws and equipment requirements, while most of the more experienced boaters take the course because some insurance companies offer a discount if the vessel owner has taken a safety course," Farrell explained. "People who have been boating their entire lives will tell us that they learned new things about California boating law and practices after taking the course."

A further stumbling block for mandatory boater education is the public's aversion to expanding bureaucracy. Richard Hazelton is the editor of "48° North" a boating magazine in Washington State, where a Boating Safety Education law was enacted this year. In November 2000, Hazelton wrote of his readership's opinions on mandatory boater education, "The consensus seemed to be that, while most people thought that some sort of boat licensing wasn't that bad an idea, might do some good, and was inevitable; the biggest concern was boaters footing the bill for yet another nebulous, self-perpetuating bureaucracy without benefit to anyone."

California currently requires boater education for a vessel operator convicted of a moving violation. The problems with this method, according to Johnson, are that it puts enforcement ahead of prevention and it provides secondary prevention rather than primary prevention. "Court-ordered boating safety education addresses the problem after the fact," he said, "After they've already either caused an accident or operated a vessel in an unsafe manner." Unfortunately, there's no way to tell whether someone knows boating safety laws and has the necessary skills to safely operate a vessel without some combination of training and testing.

According to Tsuneyoshi, a proposal for legislation would have to come from within the boating community. "Although Cal Boating would most likely implement any mandatory boating education law, we are just a partner in the development process," he said. "Our role is essentially to facilitate the discussion."

Toward that end, Cal Boating has contracted with a professional facilitator to work with the boating community and others. This process will most likely involve a series of information-gathering meetings later this year with representatives from the boating community who have expressed an interest in mandatory boating education. "What we are doing right now is finding out whether the boating community wants mandatory education," Johnson said.

If an organization decides to pursue mandatory

(cont. on pg. 11)

DBW Boater Education *(cont. from pg. 10)*

boating education legislation, the bill will have to be carefully crafted to address a number of policy and logistical issues. As we have seen in the variety of education laws existing in other states, there are many variables in how such a law might be crafted. Among the current state laws, the variables include: ages affected, types of vessels and uses, grandfathering in boaters, phasing in implementation, accepting past education courses, allowing exemptions, penalties for non-compliance, content of the course or exam, and fees and costs. There are also logistical concerns to address administering the test, issuing the certificates, and handling rental and non-resident vessel operators.

Resolving these issues will be critical to the success of any mandatory boating safety education effort and it will involve participation by the many interest groups involved in recreational boating in California. "Although the boating community is diverse," said Tsuneyoshi, "we hope that stakeholders can arrive at a shared vision that will ultimately enhance boating safety throughout California. "

By June Iljana,
DBW Public Information Officer

REPORT FROM SACRAMENTO **Legislative Analysis of Offshore Delivery Law** **SB1100**

You all are aware of the major battle we engaged two years ago over the issue of offshore delivery and its taxable impacts for California and local governments. One of the provisions of the final agreement that was reached during the budget debate of 2004 was that the changes currently in effect would only be in place until July 1, 2006, after which time the standards in place prior to the new regulations would be reinstated.

As previously reported, the Governor has unfortunately expressed his intent through the release of his Proposed 2006-07 State Budget to extend the current regulations an additional year. The official summary of the proposal by the Governor's Office follows:

- Extends the "yacht tax" provision by one year for a revenue gain of \$35 million. This provision increased the time that vehicles, vessels, or aircraft must be used out of state before they are brought into California in order to qualify for exemption from the Use Tax.

Based on all my conversations with Legislative budget staff since the release of the Governor's

proposed budget, both political parties summarized the extension proposed by the Governor as "unexpected".

As most of you already know, the timeline, strategy and procedure for battling this issue is different than what it would be if the proposal was just a legislative bill. If the proposal were contained in legislation on its own, that bill would have to go through the entire legislative process, passing several committees in both legislative houses, and then pass muster with the Governor. But since the proposal is being offered by the Governor through the budget act, the opportunities to rally opposition and make a public showing regarding the "cons" of the measure are greatly diminished. Unfortunately, our job has been made that much more difficult from the outset.

The timeline for the budget follows:

- The Governor sets the process into motion with the release of his proposed budget, which must be submitted to the Legislature no later than January 10.
- The Legislative Analyst's Office then analyzes the budget and releases its report offering suggestions and criticisms sometime in February.
- The Legislature then begins hearings on portions of the budget through various budget subcommittees and "marks-up" the proposed budget with changes deemed acceptable to the Legislature.
- Each House in the Legislature then passes its own version of the budget, and any differences must be worked out in a conference committee that has membership from each legislative body.
- June 15 is the Constitutional Deadline for passing a finalized version of the budget to the Governor for consideration. The Governor has until July 1 to sign a balanced budget to begin the state's new fiscal year. These deadlines are often missed since there are no penalties for not meeting them.

As I see things at the moment, the following is either "in motion" or will be a part of the broader strategy to defeat the proposal:

- LAO Report – As part of the original "deal" on this matter in 2004, the Legislative Analyst's Office, a non-partisan, highly regarded analytical entity in Sacramento, is to complete a study on the effects of the "deal" passed almost two years ago. The LAO has already made contact with me regarding the study, and I placed them in contact with several CYBA Members who have been my partners on this issue in the past, and have represented you well. The study should be completed in the near future. The results of that study will have a profound effect

(cont. on pg. 12)

Offshore Delivery Law (cont. from pg. 11)

on our arguments. For instance, if the study states the imposition of the new regulations have caused a loss to the industry or California, that will heavily support our position. Should the report indicate a positive conclusion for our opponents in this matter, our strategy will have to incorporate a mechanism to address and counter their claims.

- Republican Leaders in the Legislature – By far, our greatest allies on this issue in 2004 were the Republican leaders in the State Senate and Assembly. We have already contacted their staff's regarding the Governor's proposal and will begin more formal discussions and hearings with them in the upcoming months.
- Friendly Democratic Leaders – In 2004, we were significantly helped by friendly Democratic members on this issue, most notably Assembly Member Jerome Horton. He acted as mediator for us between the Democratic Leadership, who were adamantly opposed to our position, and the Republicans who supported our efforts. It was Assembly Member Horton's actions on our behalf that eventually implemented the final deal after we held up passage of the state budget for five hours, specifically on this item.

The "next steps" involve us continuing to engage the appropriate individuals, coordinating with the Members of CYBA and creating opportunities that generate positive momentum for our arguments. We will continue to inform you of the progress made on this issue.

As always, please feel free to contact me via email at tony@shawyoder.org with any questions or comments you may have regarding matters in Sacramento.

By Tony Rice,
Legislative Analyst, Shaw/Yoder Inc.



is looking to expand it's presence in the Southern California market and currently has a position available as an **Area Sales Manager.**

We are only looking for **motivated sales oriented individuals.** If you are interested in joining our team, please fax your resume to 800-637-6731 to the attention of Fred Roman.

**Attention all interested
Yacht Brokers and Salespersons:**

CERTIFIED PROFESSIONAL YACHT BROKER (CPYB)

~ STUDY SESSION AND TESTING ~

**Contact Lon Bubeck, Morrie Kirk,
or Dean West for next
study session & exam.**

The CYBA is conducting a study session, immediately followed by the examination, for all those interested in becoming Certified Professional Yacht Brokers. This will be our first available session, in response to the great interest in this worthy program.

If you have a desire to take your business and personal accomplishment up to the next level, you owe it to yourself and your clients to earn the CPYB designation. Join a growing number of the best and brightest brokers nationwide in increasing your knowledge, professionalism, and ethical standards as they relate to your chosen profession.

For complete information, including study materials, applications, and required qualifications, please visit the National Yacht Broker Certification website at www.cpyb.net. There you will find all the forms you need in a downloadable format.

If you have any questions, please contact one of the CYBA's Members on the Certification Advisory Council:

Lon Bubeck, CPYB
Flying Cloud Yachts, Long Beach
562-594-9716
lonbubeck@verizon.net

Morris Kirk, CPYB
Orange Coast Yachts, Newport Beach
949-675-3844
morrie@orangecoastyachts.com

Dean West, CPYB
Dean A. West Marine, San Diego
619-417-9376
Dean_west@yahoo.com

You may also respond to tocpyb@cyba.info or contact any CYBA Board Member. The National Yacht Broker Certification office needs time to process your application and to perform your background check.

Brokers wishing to attend the study session, but who are not testing, are welcome. However you must reserve a space! Seating is limited!

NOTE: This session is for CYBA Members only. If you are not yet a Member, and would like to join, contact the CYBA office immediately @ 800-875-2922.



**Report from Department
of Boating & Waterways**

DBW Requests Volunteers For License Exam Revision Project



The Department of Boating and Waterways (DBW) has contracted with Cooperative Personnel Services (CPS) to revise existing Broker and Salesperson examinations. CPS is an organization dedicated to assisting public agencies with examination development and implementation.



The Department is looking forward to partnering with the Yacht industry to update and improve Broker and Salesperson examinations and is currently recruiting qualified subject matter experts to assist in the development and review of examination questions. DBW has begun accepting applications from industry members willing to volunteer their time to this ambitious project. The Department will select Brokers from all areas of California, to serve as subject matter experts. It is also anticipated that several Salespeople will be recruited to assist with the Salesperson exam revision process.

The examination revision project should begin in early 2006 with an approximate duration of one year. Volunteers should be prepared to make a commitment of at least five 2-day sessions plus time for question revisions which can be e-mailed as necessary. DBW will reimburse all

authorized travel expenses and sessions will take place alternately in Northern and Southern California.

To apply as a volunteer subject matter expert, please complete the form (below) and mail. The Department will contact volunteers in early 2006 with further information and a proposed schedule.

Should you have further questions or concerns regarding participation in this project, please contact Gina Ebling of DBW, at (916) 263-8195. The Department thanks you in advance for your participation and commitment to this important project!

Please detach and mail to:
Department of Boating and Waterways
ATTN: Gina Ebling
2000 Evergreen St., Suite 100
Sacramento, CA 95814

Volunteers For License Exam Revision Project

Yes, I'm interested!

Name (please print): _____

Broker _____ Salesperson _____

Contact Telephone #: _____

Brokerage: _____

Address: _____

Email: _____

CYBA GENERAL MEMBERSHIP MEETING

January 4, 2006

VENUE: Long Beach Yacht Club.

CALL TO ORDER: The Meeting was called to order by President Morrie Kirk at 12:59 PM.

ATTENDING: Don Abbott, Morrie Kirk, Dick Angel, Lon Bubeck, Michael Wiest, Jim Johnson, Ron Whitelaw, Marc Bay and Tim Broderick.

GUESTS: Anita Mays, Jeff Long, Patty Brown, Bob Leslie, Tom Russell, Dave Weil, Nick Friedman.

MINUTES: Minutes of January 5, 2005 General Membership Meeting were approved as previously submitted.

ELECTION: The election of the following to the Board of Directors was approved by the Board: Dick Angel, Michael Wiest, Nick Friedman and Guy Newmark for two year terms.

ADJOURN: The General Membership Meeting was adjourned by President Morrie Kirk at 1:02 PM.

Respectfully submitted by
Marc Bay, Secretary

CYBA BOARD OF DIRECTORS MEETING

January 4, 2006

VENUE: Long Beach Yacht Club.

CALL TO ORDER: Morrie Kirk called the Meeting to order at 1:03 P.M.

ATTENDING: Don Abbott, Morrie Kirk, Dick Angel, Michael Wiest, Jim Johnson, Ron Whitelaw, Marc Bay and Tim Broderick.

GUESTS: Anita Mays, Jeff Long, Patty Brown, Bob Leslie, Lon Bubeck, Tom Russell, Dave Weil, Nick Friedman.

Election results: President – Michael Wiest, 1st Vice President – Tim Broderick, 2nd Vice President – Marc Bay, Secretary (and newly elected to the Board) Nick Friedman, Treasurer – Dick Angel
Directors: Morrie Kirk, Guy Newmark, Ron Whitelaw, Jim Johnson.

Morrie Kirk turned over the Meeting to President Michael Wiest.

MINUTES: Minutes were approved as distributed.

FINANCIAL: Don Abbott presented the financial report and it was approved as presented.

CORRESPONDENCE: There was a note of appreciation to CYBA for hosting the CPYB-CAC meeting in San Diego, Nov 30 – Dec 2.

COMMITTEE ASSIGNMENTS & MEMBERSHIP FOR 2006: (* denotes Committee Chairman) LEGAL: *Tom Russell, Dave Weil; ARBITRATION: *Ron Whitelaw, Dean West, Guy Newmark, Bob Leslie, Dick Angel, Morrie Kirk, Jim Johnson, Lon Bubeck (Bob Merritt?); LEGISLATION: *Dick Angel, Bob Leslie; SOCIAL/PUBLICITY: *Guy Newmark, Michael Wiest, Dean West; MEMBERSHIP: *Marc Bay, Bob Merritt, Don Abbott, Jeff Long; FORMS: *Dave Weil, Michael Wiest, Marc Bay, Nick Friedman; ETHICS: *Dean West, Lon Bubeck, Ron Whitelaw, Guy Newmark, Bob Leslie, Morrie Kirk, Dick Angel, Dave Weil; INTERNET & MEDIA: *Jim Johnson, Bob Merritt, Dean West, Dennis Moran; NEWSLETTER: *Tim Broderick; CPYB: *Lon Bubeck, Dean West, Michael Wiest, Nick Friedman, Morrie Kirk, Dave Weil; SEMINAR: *Tom Russell, Dave Weil, Anita Mays, Dick Angel; BOAT SHOW: Michael Wiest, Marc Bay, Lon Bubeck; BOATING EDUCATION (Newly formed) *Tim Broderick, Michael Wiest, Marc Bay, Guy Newmark.

LEGAL: A motion was made to distribute Dave Weil's article to Sea Magazine, Bay and Delta, The Log and Boating News. Jim Johnson will contact Boating News, Marc Bay will contact Bay and Delta, and Morrie Kirk will contact Sea and The Log.

ARBITRATION: No new arbitrations have come up this month. Jones vs Berkeley appeared settled but fell out at the last minute and is back on calendar. Boats of America vs Marcelio has agreed to settle. Warren vs Boats of America is still waiting a date, Watson VS Marine Emporium is scheduled for the 30th.

Discussion was held to revise some of the costs of arbitration. The Committee will discuss and present ideas at a future meeting.

LEGISLATION: Dave Weil was contacted by the Legislative Analyst office requesting data to help form an opinion for or against extending the current sales tax laws for boats and yachts. Discussion was held to formulate the best strategy for this. Tom Russell had two suggestions. 1) To compare California trends with other States to determine if we are off trend due to the tax laws. 2) Draw information from the State Board of Equalization through the Public Records Request Act to compare revenue for two years before and the current revenue. 3) That the CYBA President send a letter the individual compiling the

data outlining our position. Jim Johnson will follow up with Cris Wenthur to coordinate data submitted by Cris. Tom Russell suggested it is very important to focus Tony Rice on this and Dick Angel volunteered to contact Tony.

SOCIAL/PUBLICITY: A request was made for more sponsors and door prizes. The golf tournament seems very successful, wine and ballooning have only one or two signed up. Attendance is expected to be very good for the golf event. 1st American Title Insurance has contributed \$1,000.00 toward the Dinner.

MEMBERSHIP: Membership of CYBA is about 260 of approximately 750 licensed Salespeople/Brokers.

Jay Veach, Rock Goldreyer, Michael Hayden, Roger Haney, Mark Davenport, Tom Hamilton, Valerie Snyder, Chris Gardner, and Patty Brown were approved.

FORMS: Committee should create a log to record suggestions and problems with the forms.

BY-LAWS/ETHICS: Slow steady progress is being made. Current Code of Ethics has been reworded to clarify it. Now the Committee is looking at new issues around electronic media etc. Upon completion Membership will vote on the new Code of Ethics. No time table was given.

Ron Whitelaw suggested that the Board have an ethics class, which is quite common in other industries.

INTERNET AND MEDIA COMMITTEE (IYC Committee): Discussion was held about the importance of Yacht Council and strongly supported by Don Abbott. A suggestion was made by Jim Johnson that any of us not involved with IYC set aside 1 1/2 hrs to have their representative come to our office for a presentation. The Yachts for Sale website is complete and tied into the IYC site. Discussion was held about Yachtworld's position on who owns the data on their website.

NEWSLETTER: New issue was just mailed. It was suggested an important article would be DBW's position on Yachtworld's PLS option. Also continued promotion of CPYB program.

CPYB: No applicants, discussion was held about the need to promote this program. Lon will talk to The Log about a press release. CPYB program is putting together a letter to go to Brokers, but it is not ready. Lon is going to coordinate a program of calling Brokers to generate interest.

SEMINAR: Tom Russell; Discussion revolved around the growing importance of internet issues and including this as a topic in the Seminar.

BOAT SHOW: Michael Wiest: The problem of a place appears to be solved by a local up in the Bay Area. But where is not clear and discussion is underway to tie that down.

NOMINATING COMMITTEE: No report.

UNFINISHED BUSINESS: Moving Meeting venue to California YC in MDR or staying at LBYC was discussed. Lon assured the Board that LBYC will reserve a lower room for us to avoid obtrusive noise from outside the meeting room. Marc Bay moved to remain at LBYC, 2nd by Lon Bubeck, approved.

2006 Meeting schedule is: 1/4, 2/1, 3/1, 4/6 in San Diego, 5/10, 6/7, 7/19 @ 3:00PM (day before Seminar), No August Meeting, 9/13, 10/4, 11/1 and 12/6.

NEW BUSINESS: Memo from Bob Merritt regarding Mandatory Boater Education.

Bob Leslie introduced a resolution to congratulate Mary Bacon on being elected Commodore of the Southern California Yachting Association and our President will send her a letter of congratulations.

A motion was made and passed strongly encouraging Don Abbott to remain as the Executive Director of the CYBA Board.

Discussion was held regarding Article 7 Section 3 of the CYBA Bylaws and it was resolved that since Orange Coast Yachts North and Orange Coast Yachts South were two separate corporations, different owners and Brokers of Record that there is no conflict.

Discussion was held regarding the issue of mandatory licensing and a greater commitment to boater education. A motion was made and passed to create a Boating Education Committee to look more deeply into this issue. The Boating Education Committee Members are: Tim Broderick Chairman, Michael Wiest, Marc Bay and Guy Newmark.

ADJOURN: 3:05 PM by President Michael Wiest.

Next Meeting on February 1, 2006 1:00 P.M. at the Long Beach Yacht Club.

Respectfully recorded and submitted by
Nick Friedman, Secretary

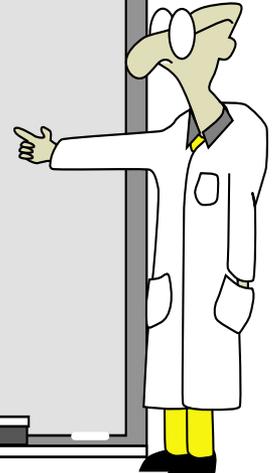
Do Yourself A Favor!

Take the worry out of the purchase or sale of your boat, look for the CYBA logo. For member brokers in your area, visit www.cyba.info or call (800) 875-2922.

Calendar

- March 2 *CYBA Board Meeting – 4:00PM*
Department of Boating and Waterways
2000 Evergreen St., #100, Sacramento
- March 8-12 *Sacramento Boat Show*
Cal Expo, Sacramento
- April 5 *San Diego Broker's Forum - 11:30AM to 1:00PM*
CYBA Board Meeting – 1:00PM
Fiddlers Green Restaurant, San Diego
- April 6 – 9 *Orange County Boat Show*
Anaheim Convention Center, Anaheim
- April 27 – 30 *Pacific Powerboat Expo*
Jack London Square, Oakland

www.cyba.info



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PMB #134
909 Marina Village Parkway
Alameda, CA 94501-1048
(800) 875-2922