

# THE CYBA NEWS

January 2017 - April 2017

*The California Yacht Brokers Association Newsletter*

## ***Mik Maguire Takes The Helm At The CYBA Annual Dinner In January***

A near capacity crowd of over 100 yacht brokers and marine industry professionals converged upon the Kona Kai Resort in San Diego to enjoy another fun filled night to celebrate 2016 and kick off the new year. The CYBA annual dinner is our one night of the year to dress up, turn off our smart phones and enjoy good fellowship with the people we do business with.

After checking in with executive director, Don Abbott, all of the guests mingled and laughed while enjoying cocktails until it was time to be seated for dinner. It was a comfortable night to enjoy the great San Diego weather.

Outgoing CYBA president, Jeff Merrill, welcomed the crowd and thanked everyone for coming to start the festivities and then, after receiving a ceremonial gavel plaque to honor his term, turned over the microphone to Mik Maguire, our newly elected president. Mik has been an active yacht broker for decades and brings his insight, experiences, determination and calming influence to guide the CYBA for the next two years. Mik has served on the CYBA board and is the former president of the Northern California Marine Association. He is a longtime sailor and his natural leadership skills will most assuredly keep the CYBA

*(cont. on page 4)*





## 2017 BOARD of DIRECTORS

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# from the PRESIDENT

*Mik Maguire*

I started this message, this way, after realizing that I have just sat down after weeks of running up and down the docks and am getting reacquainted with my desk. I had the privilege of seeing many of you at the CYBA annual dinner and meeting some of you for the first time. A great event and I hope we see many of you that didn't attend, next year. It gave me a real sense of how important our association is to the industry it serves and how dedicated many of you are to raising the level of professionalism of our individual businesses.

I would, at this time, like to welcome your new Board of Directors:

Mark Rentziperis of Dick Simon Yachts, Mark Gibbons of 50 North Yachts, Peter Zaleski of Marine Max... and our returning director, Dean West of Dean A. West Marine Enterprises. Their hard work (as volunteers) gives great value to our association and industry.

Since the first of the year, I, along with board members Tony Faso and Dean West, have spent a lot of time with our Apex Group lobbyist, Bill Krauss and his team, reviewing proposed legislation, that in some cases, enhances the marine industry as it relates to the State of California... but, unfortunately in many others, only posts more obstacles to our opportunities to bring recreational boating to the public. When we reach out to you to contact a local Representative, it is knowing that those communications do have a great impact on those legislators and how they understand our issues. There is more on this in this newsletter from Mr. Krauss. (I might add, that during our Legal

Seminar in San Diego, Bill Krauss was following the Transportation Bill and gave us good news as to our receiving the proportional amount as decreed in 1971 legislation and was under threat to be removed... go Bill!)

Further in the newsletter there is a recap of the 2017 Legal Seminar and how you can participate in future seminars. People, this is not to be missed! The information given by a highly respected and credentialed panel of legal experts will help you and your sales team be better and legal in all your future transactions. No better investment could be made.

This is our first printed newsletter in some time, we hope you will enjoy it and pass it around and if there is someone in your office who is not a member, please encourage them to join and sponsor them.

All dues paying members should have just received a couple of our new logo blue stickers and some CYBA "Purchasing a Used Boat in California" booklets. We welcome you to put the new sticker on your office window or door (over the old black ones) and take a photo to email us for inclusion in a future newsletter. If you ever need more promotional supplies, please ping Don Abbott.

I hope you all are experiencing the upswing in traffic and business this first few months has produced and (outside of a storm impacted Strictly Sail & Power show) we should all experience a great sales year.

Lastly, we would love to see your submissions of newsworthy items on or around your docks and businesses. Thank you for your attention and support.

*Mik Maguire*

# WELCOME ABOARD

1ST QUARTER 2017

The CYBA Board would like to welcome aboard the following new members, we look forward to your involvement with your Association. Please feel free to call on any of us in the future should you need our assistance.

## **Scott W. Mann/Discovery Bay Yachts Inc**

Broker Master Member

Sponsored by:

Chris Simpson @ Simpson Yacht Sales  
Marc Bay @ Bay Yacht & Ship Brokerage

## **Diane McLaughlin/Cruising Yachts Unlimited**

Sales Associate

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Ian Van Tuyl @ Cruising Yachts Unlimited

## **Wyatt Williams/50 North Yachts**

Sales Associate

Sponsored by:

Mark Gibbons @ 50 North Yachts

## **Tracey Feinberg/50 North Yachts**

Sales Associate

Sponsored by:

Mark Gibbons @ 50 North Yachts

CYBA Brokers, please note that when asked to sponsor another Broker Master Member, Broker Associate or Sales Associate's membership application, you are the first person in the vetting process of that application. Every Member in the CYBA would like the applicant to meet the standards of professionalism and abide by the Code of Ethics of the CYBA.

Please feel free to call or email me directly if you would like more information or have a colleague you would like to propose for membership.

Mark Rentziperis – CYBA Membership Chair –  
brokermark1@gmail.com or 949.533.6505

## REMINDER

**Your association has many occasions to communicate with the membership during the year and virtually all of it is now conducted by email.**

**If you have changed your email address recently, or are not getting email broadcasts from CYBA, please forward your current email address to Don Abbott, our Executive Director at don@cyba.info**

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## **CYBA Anual Dinner...** *(cont. from pg. 1)*

on a steady course.

Mik talked about the importance of being a CYBA member (both as a yacht broker or as an industry affiliate) and how it is crucial for all of us to volunteer time and effort to support our growing organization. The CYBA board of Directors met earlier in the day at Marine Max on Shelter Island to certify the fall election results and appoint new officers. The other flag officers are: Tony Faso, first Vice president, Mark Rentziperis, second Vice president, Mark Gibbons, secretary and Peter Zaleski, treasurer. Also, seated on the incoming board are Dean West, Dennis Moran, Anita Petersen and Nick Friedman.

During the dinner, appreciation plaques were presented to J.R. Means and Jim Johnson, both former CYBA presidents who were recognized for their years of service on the board of Directors.

Cris Wenthur announced Jeff Merrill as the 2016 winner of the Merle Parke Award for outstanding service to the CYBA.

Duncan McIntosh, CYBA Platinum Sponsor, was invited to address the audience and talked about his life in yachting beginning as a yacht broker and then finding opportunities in boating publications and boat shows. Duncan is as fine an example of a success story in the marine industry and he encouraged everyone to keep up the good work and take advantage of the positive vibes in the yachting community.

After a delicious dinner and dessert, it was time for door prizes thanks to the generous contributions of our CYBA sponsors, most of whom were in attendance. Over 30 gift certificates were distributed to lucky ticket holders. As the talking and dining ended the dance floor opened up, shoes were kicked off and bodies were grooving to the music. To all who attended, thank you, it was an extraordinary night filled with friendship and wonderful

*(cont. on next page)*



## CYBA Annual Dinner... (cont. from pg. 4)

camaraderie. If you weren't able to make it please make it next year. Your board is already working on plans for the 2018 annual dinner. The date is set for a Saturday in January 2018, please stay tuned for details about the location.



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**CYBA Annual Dinner...** (cont. from pg. 5)



**CYBA Annual Dinner...** (cont. from pg. 6)



# **2017 Pacific Sail & Power Boat Show Successfully Concludes Second Event In Richmond, CA**

## **More Exhibitors, More in-water Boats, New Motor Yachts Showcase and More**

Richmond, Calif. (April 12, 2017) – Thousands of boating enthusiasts visited the 2017 Pacific Sail & Power Boat Show at the Craneway Pavilion and Marina Bay Yacht Harbor on the waterfront in Richmond, Calif., from Thursday, April 6 through Sunday, April 9. Despite the challenging weather, Northern California's largest boat show enjoyed a seven percent increase in attendance. A storm hit the area Thursday evening, causing damage to a portion of the in-water boats and displays.

"Thankfully, exhibitors and show management worked together to overcome the storm damage and open the show by 11 a.m. that morning so we were able to continue the show throughout the weekend," said Sail America President Jim Abel. "We are grateful for everyone's efforts."

The four-day event featured an expanded in-water display with a new Motor Yacht Showcase as well as dozens more exhibitors inside the Craneway Pavilion and in a new Exhibitor Tent at the marina. The 100-plus seminars, both free and paid, were well attended with more than 2,000 attendees participating this year.

"As expected, the Pacific Sail & Power Boat Show delivered an awesome venue and a dedicated crowd," said Mantus Anchors CEO Gregory Kutsen. "We are very glad we came and certainly plan to return to the show in 2018."

The Pacific Sail & Power Boat Show will return next year Thursday, April 12 to Sunday, April 15 at Craneway Pavilion located at 1414 Harbour Way S., and the nearby Marina Bay Yacht Harbor 1340 Marina Way S., in Richmond, California. For more information visit [www.pacificboatshow.com](http://www.pacificboatshow.com)



## **PACIFIC SAIL & POWER BOAT SHOW** *and Marine Sports Expo*



### **About Sail America:**

The Pacific Sail & Power Boat Show is produced by Sail America, the trade association for the U.S. sailing industry dedicated to promoting the health and growth of sailing. Established in 1990, Sail America now has more than 200 members representing all segments of the sailing market. For more information, visit [www.sailamerica.com](http://www.sailamerica.com)

## **Misleading, Over Priced "Fake" Documentation Renewal Service Looks Like USCG, But Isn't**

Several sources, including BoatU.S., have been warning boaters about a new scam operation that does a pretty good job of looking official. Don't be fooled, their goal is to rip you off.

They start off claiming to be "The Nation's Fastest U.S. Coast Guard Online Processing Service" and boast about "Our newer technology and superior service."

The website address for these deceivers is [www.uscgdocumentation.us](http://www.uscgdocumentation.us) and at the very bottom of this site is a disclaimer that they are NOT the US Coast Guard or the National Vessel Documentation Service. They claim to be a third-party agency that handles processing.

Please inform everyone in your office and all of your boating clients that this unscrupulous company is charging \$75.00 for a renewal.

Normal USCG Documentation renewal fees are \$26.00.

Don't fall for this trap or let your clients get suckered.

## California Boater Card Coming Soon

On January 1, 2018, California will begin implementing its multi-year phase-in of the new mandatory boater safety education law for boaters who operate a motorized vessel on California waterways. California State Parks Division of Boating and Waterways (DBW) will issue Boater Cards to those who show proof of passing an approved boater safety exam. The new law promotes boating safety education for California



boat operators and once issued, the Card remains valid for a boater's lifetime.

DBW will grandfather in boaters who have taken and passed an approved boating safety course between January 1, 2015 and December 31, 2017. These pre-qualified boaters must apply for

a Boater Card no later than December 31, 2018 regardless of age.

For information about approved courses and how to apply to DBW for the California Boater Card, please visit [www.CaliforniaBoaterCard.com](http://www.CaliforniaBoaterCard.com)



## Coming Soon

### Mandatory Boater Safety Education

On January 1, 2018, California will begin implementing its multi-year phase-in of the new mandatory boater safety education law for boaters who operate a motorized vessel on California waterways. California State Parks Division of Boating and Waterways (DBW) will issue Boater Cards to those who show proof of passing an approved boater safety exam. The new law promotes boating safety education for California boat operators and once issued, the Card remains valid for a boater's lifetime.



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## Ethically Speaking, Are You?

*By Dean A. West*

Positioned and incorporated within the California Yacht Brokers Association By-laws, is Article XV – Code of Ethics, Sections 1 – 29. I shudder to think how many of the readers have never once visited Article XV, or even know of its existence. Not hidden away for unearthing by future broker-archaeologists, it is readily found on the user-friendly CYBA.INFO website.

As Chairman of the Ethics Committee (Yes! There IS such a thing!) and a long-time CYBA Board Member, I have had countless opportunities to consult on, arbitrate, testify against, and observe broker and salesperson misdeeds, malfeasance, and mistakes that are often a result of a fundamental lack of understanding, or adhering to, the CYBA Code of Ethics. Often the outcome of these ethical lapses is a serious financial penalty – either through determination by a CYBA Arbitration Panel, the courts, or the Division of Boating and Waterways. Usually, had the broker/salesperson simply followed the CYBA Code of Ethics, he/she would have self-corrected their actions and avoided the stigma of a unfavorable ruling, or a diminution of reputation and credibility.

We are fortunate in California, to have the best Code of Ethics in the industry. Our Code, written in 1975 (amended in 2014), was the first in the industry, and has been copied (sometimes almost verbatim) by nearly every broker association in North America. It is unquestionably, the most important document that a California broker/salesperson can familiarize themselves with. It is not only advisable to read it through, but to reread it, and review it occasionally. The Code is written to adhere to not only brokerage industry norms, but the California Harbors and Navigation Code, The Yacht and Ship Brokers Act, and common, legally defined business ethics.

Effectively immediately, all brokers who sponsor an applicant for membership into the CYBA will be required to indicate on the application that the applicant has a copy of the Code of Ethics and has familiarized him/herself with it. Additionally, the applicant must state that he/she is in receipt of a copy of the Code, and has read it.

When speaking to new brokers and salespersons, I often inform them that there are two actions they can take that will virtually assure them that their career will progress with a minimal amount of negative energy, legal expense, and fellow broker or client confrontation: learning and abiding by the Code of Ethics, and attending the Annual CYBA Legal Seminars.

There are 29 Sections in the CYBA Code of Ethics, covering every aspect of the brokerage business. In future editions of The CYBA News, I will be highlighting and discussing individual Sections, to help foster a dialogue, and to enlighten concerned brokers/sales-

*(cont. on next page)*

## ***Ethically Speaking...*** (cont. from pg. 10)

persons as to what the specific Section is addressing. If you would like a copy of the current Code emailed to you, please contact me at: [ethics@CYBA.info](mailto:ethics@CYBA.info)

*About the author: Dean West is owner/broker for Dean A. West Marine Enterprises. He is Chairman of the CYBA's Ethics Committee, a current CYBA Board Member and past President, and the former Ethics Chairman of the International Yacht Council.*

## ***Mary Bacon To Retire, MCC In Capable New Hands***

The Mary Conlin Company, Inc. (MCC) has professionally and happily providing excellent service since 1981. The time has come for Mary to enjoy another life style... that of retirement and writing a new chapter in her life. In order to pursue Mary's intentions and in order to sustain MCC, on March 24, 2017, Mary sold her interest in the MCC to a trusted colleague, Sandra Alsina.

Sandy has been working with the MCC on the finance side of the business for the last 15 years. She is an accountant by education, and has spent many years of her career working with growth and start-up companies, both in a financial management and systems design/management capacity.

Sandy has taken an active hands-on role as a processor of vessel documentation, including coordination with customers, brokers, and banks, as well as preparation of bills of sale, mortgages, CG1258, as well as interaction with the Coast Guard. Sandy attended the AVDA meeting in October and has recently been to CYBA functions.

Sandy will be capably supported by Susan Rigolet, who has been with MCC for over 10 years. Susan is the office manager and for many years Susan oversaw the DMV process and her knowledge and experience has continued to grow as an expert and professional in vessel documentation with a stellar work ethic.

Other members of the MCC team are Yodrik White and Andrea Wood. Yodrik has been with MCC for almost two years, and is our Administrative Support person responsible for document distribution, information gathering, and many other behind the scenes duties. Andrea has been with MCC for a little over one year now, and works in our very busy DMV department.

The CYBA is proud to welcome Sandy and bid a fond farewell and huge THANK YOU to Mary!

Please send any correspondence to:

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# Surveying Floating Compromises

By Ron Grant  
SAMS since 1995

--"If it's hard to get to, there's something wrong with it"--

## Anonymous Surveyor, AMS

A boat is a "floating compromise" of design, materials, function, cost, and value. A boat survey is an evaluation of this compromise in categories and as an integrated whole. Marine surveyors inspect and realize these compromises all the time, we're familiar, and have learned the truth about places hard to get to on board a vessel.

Sometimes that's a design issue like bulky V-drive engines installed in a tight space aft to liberate space forward for humans and the accommodations they want. Okay, as figuring out how to get to hard places and equipment defined "readily accessible" or accessible by use of Neanderthal tools, e.g., screw drivers, is part of our job, and Continuing Education learning upgrades alert us to what we may find. Basic stuff, right, to see how our compromise of the day has been designed, constructed, and equipped?

Not really, because of the wild cards in our hands - people - an umbrella term for owners, owners/sellers, brokers and buyers. The problem owner who watches you unscrew the pin of his stainless steel shackle (with one hand) at bow anchor stock, an identifier of



what else to expect. You go into Detective Colombo mode, and wonder about what other safety issues you will find. The problem representative/broker who refuses to let the motors run at maxed RPM for several minutes. The owner who deliberately packs heavy gear tightly into lazarette, so you won't see the badly rusted rudder housings aboard his Grand Banks 42.

The problem buyer, generally more informed about the yacht he is aboard due to Google technology, but having a mind paralyzed with a mix of ego, anxiety, indecision, and physical tiredness at the end of a long day of berth inspection, sea trial, and haul-out (scheduled that way by broker). I make sure in these frequent situations that I sit with buyer (buyer's wife is usually helpful here) and tell them, "We have seen a lot today, and now it's time to step back and get objective, consider the good things aboard and the negatives. It's my job to provide you with the objectivity to make your decision. To do that, I need my office time to look at some NFPA Code 302 requirements and industry standards (ABYC)..." - (buyer education often follows). I don't bring up the "floating compromise" idea with tired minds on board, and I don't mention the surveyors (whom I admire!) who print out a survey before they leave a vessel, an impressive mix of technology knowledge, and talent. I can't do that without losing my push for providing the best, comprehensive, and objective report I can - within 24 hours on demand most times.

Computer technology has also started a trend in yacht purchases from afar, based on those wonderful pictures, sometimes 15-20 per boat. I emailed a report to Malta in the Mediterranean and a Fountain 42 Executioner followed 6 weeks later, the buyer most happy with it. I was called from Honolulu to survey a Catalina 34 sailboat in Marina Del Rey that buyer, sight unseen, wanted sailed to Hawaii by a young man not licensed. The survey, sea trial, and rig survey went well, the only problem being the numerous "cold feet" phone calls to me on her captain's cell phone asking me to check this and that as she thought about them.

My objective view was that with Recommendations satisfied the boat was a good physical risk to make the trip, given proper navigation and good utilization of weather reports. The boat arrived 25

(cont. on next page)



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## **Surveying Floating...** (cont. from pg. 12)

days after departure, so I guess my survey was a good one. If the vessel did not arrive in one piece, or at all, was it a bad survey and report? Always wondered about that.

Another trend I'm seeing among buyers is that a significant number call requesting an "insurance survey" when they are preparing to buy a boat, a friend or broker telling them to ask for that to get a lower rate per foot. On the phone or on the boat I ask why they didn't ask for a purchase survey? Answer is that they need the report to get insurance. During inspection on board, however, you quickly learn you're in the middle of a purchase survey, and buyer adrenalin and indecision to deal with. I guess the solution is to charge the same rate for all surveys, in berth, vessel hauled, sea trial, any combination of the above, requested by owner or buyer. Although that would mean lost business in S. California among competing surveyors.

I welcome the quiet time alone inspecting a floating compromise and should arrange to be alone aboard more often. Also, I believe I need Continuing Education in vessel owner, buyer, and broker psychology and mind sets.

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## **From The Treasurer**

*By Peter Zaleski, CPYB*

Thank you to all those who voted for me to join the Board of Directors and function as Treasurer of the CYBA. I look forward to serving our group and helping keep the accounts accurate and healthy.

The board has voted to hire an outside firm to audit our books and practices to assure we are following the guidelines for a non-profit group. Our Association is financially strong and growing. It is up to all of us to encourage the rest of our community to join us and support our causes and to abide by our Code of Ethics. You are invited to contact me with any questions, comments, ideas or concerns. I can be reached at 619-294-2628 or [Peter.Zaleski@MarineMax.com](mailto:Peter.Zaleski@MarineMax.com)



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

**CERTIFIED  
PROFESSIONAL  
YACHT BROKER (CPYB)**



**~ STUDY SESSION AND TESTING ~**

**Contact Lon Bubeck or Nick Friedman  
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](http://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](mailto:lonbubeck@verizon.net)

Nick Friedman, CPYB  
San Pedro Yacht Sales  
310-748-5409  
[yachtbroker@pacbell.net](mailto:yachtbroker@pacbell.net)

You may also respond to [cpyb@cyba.info](mailto:cpyb@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.

# California Boating Congress

By Mik Maguire

California Boating Congress. The name really says it all. Delegates come from all areas of the marine industry and supporting organizations and agencies and look to the future of recreational boating; it's attributes and it's future needs.

CYBA was invited to participate, not only as an important partner and sponsor but also as a presenter, tackling an important issue already addressed successfully in other states, vessel taxation.

A quick overview of the Congress (which anyone in the marine industry is encouraged to attend... reasons later here), includes opening presentations by Lynn Sadler, Deputy Director of the Divi-

sion of Boating & Waterways, Lisa Mangat, Director of Parks & Recreation (the new parent of our DBW if you will), Bill Krauss, Legislative Advocate for the marine industry and facilitator of the CBC since it's inception.

Some very pointed questions were posed to the Deputy Director and Director in regards to developing a new assessment of the financial impact of the recreational boating industry on the economy of California (last one done 30 years ago), streamlining the loan and grant programs that were so viable for marinas and other 'on-the-water' developments years ago, better fishing license application process (future boaters)...and then Bill Krauss gave instructions to the participants on how to



schedule meetings that afternoon with their legislators to press current boating issues.

Six breakout sessions covering topics like: Fishing Accessibility, Boater Education (licensing), "Shakedown" Litigation, Threats to Fishing Areas, Abandoned Vessels... and our own Dean West & Tony Faso, regarding undue taxation by the State on transiting vessels and amending the current "use tax" structure.

I cannot emphasize how important to get more CYBA members to next year's event to show our state representatives how important our industry is to the state.

## From The Division Of Boating & Waterways

By Marinda Isley

*Yacht and Ship Enforcement*

Thank you for letting the DBW address the CYBA membership. I am going to list the three (3) areas of Licensing concerns for you below. If you have questions, please let me know.

### Salespersons Licensing

All mailing from the Division of Boating and Waterways will go directly to the main office address of the broker only.

Salesperson applications must be completed in its entirety. Incomplete salesperson application packages/and or forms will be returned to the broker.

It is the broker's responsibility to ensure all questions are completed and he/she is the last one to sign and date the applications/forms.

Every salesman's license(s) shall remain in the control of the broker by whom the salesman is employed until the license is canceled or until h/she leaves the employment of the broker. Immediately upon the salesman's withdrawal from the employment

of the broker, such broker shall return such salesman's license to the division for cancellation/suspension and shall notify the division of the exact date of termination of employment. H&NC 735 (c) Broker's Offices

Do not allow salespersons to take their salesperson license when they are no longer employed under your brokerage.

The Division denied 5 salesperson applications last year due to the applicant not being honest regarding their background history. When in doubt, list everything! H&NC 733 (c) Additional grounds for denial, suspension, or revocation.

### Broker Licensing

DBW is prohibited from issuing LLP or LLC licenses. H&NC 729.5 (a) If a corporation structured yacht and ship brokerage is suspended with Secretary of State, the broker must inform DBW immediately. Brokers are also reminded, that their fictitious business name needs to be renewed every five years. It is the broker's responsibility to ensure

this is done. Once the fictitious business name expires, and not renewed on time, broker can be found in violation of H&NC for advertising under fictitious business name that is not current. H&NC, Title 14, 7602

### Enforcement Licensing

On December 1, 2016, Craiglist announced that boat ads/boat dealers will be required to pay \$5.00 for each ad listing boats.

The Division has received several complaints that licensed brokers are not disclosing the fact that he/she are a licensed broker in the State of California by trying to avoid the fees. Brokers licensed in the State of California are required to disclose the name of their business on all advertisements on Social Media and other advertisement services. You make the call, you pay \$5.00 or be fined (\$500.00 to \$750.00) per violation found. Brokers are not required to list their broker's number, that is your option. H&NC, Title 14, 7602

If your seller no longer wishes to have you list their boat, and

(cont. on page 16)

# Want More Sales? Go Mobile.

62%

62% of companies that created mobile-friendly sites increased their sales. *(Econsultancy)*

48%

48% of visitors to a business's mobile website will leave if it is not working well because they say it's an indication that the business does not care. *(MarginMedia)*



## WEBPRO.

CYBA, let us help you **create your mobile-friendly website using the only lead generation site builder** integrated with your listing's, your brokerage's listings and built-in worldwide search capability. Our WEBPRO specialists are design and SEO gurus that will set up your site and help you every step of the way.

### SIGN UP BEFORE AUGUST 1<sup>ST</sup> AND SAVE OVER \$325 A MONTH!

For a limited time only, CYBA Members receive a special introductory package, including a WEBPRO Site, a premium site designer, SEO expert and Lite YATCO PRO Membership, for only \$275 a month!

Powered by



YATCO.COM/WEBPRO | WEBPRO@YATCO.COM | +1 561.204.1925

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## **From The Division...** (cont. from pg. 14)

you have a current Exclusive Listing Agreement in place, it is your option to decide if you want to terminate the listing or not. This is not a decision our office will make for you!

Brokers are reminded to ensure anyone licensed under your brokerage is licensed at all times. The division has fined several brokerages for compensating unlicensed salespersons who did not have a current and active license issued from our office. H&NC 712.

We understand brokers are not mechanics, we request that you do everything possible to make sure you know the true condition of a boat you are selling for someone. Do not "fluff" advertisements to make a sell. If it comes down to it, our office will require brokers to have receipts of repair or renovations of a boat from the seller. When in doubt, get it in writing!

When merging two brokerages, there is only one broker! If there are branch locations, and

you wish to designate an Associate Broker for that location, just remember, you are still the Broker of Record. Those licenses associated with a branch location, can only be licensed under the Broker or Record, not the Associate Broker designated for a branch location.

Broker of Record are required to provide our office a copy of the Broker to Broker Relationship Agreement of any Associate Broker working under your license. H&NC, Title 14, 7619.

Please ensure you are providing your buyer with a list of at least 3 surveyors to choose from. The buyer also can get his or her own or allow the lending institution to recommend one.

Brokers are reminded when listing a seller's boat, and it is an Exclusive Listing Agreement and a term is in place, make sure you are the only one with the listing. Per H&N Code 7601 (a) An "exclusive listing" is a written agreement between the owner of a vessel and a broker which provides that

the commission is due the broker named in the contract if the boat is sold, traded, or exchanged within the time limit which must be specified in the contract by the said broker, by any other broker, or by the owner.

If you find that you may need more clarification on any of the items listed above, please let me know.

One final thought to help keep you and everyone in your office up to speed - if you are interested in receiving a copy of the Yacht and Ship Broker Laws and Regulations, please send an email request to [Marinda.Isley@Parks.ca.gov](mailto:Marinda.Isley@Parks.ca.gov) and provide a mailing address.

Marinda Y. Isley  
Division of Boating and Waterways  
Yacht and Ship Enforcement  
One Capitol Mall, Suite 500  
Sacramento, CA 95814  
(916) 327-1839 ~ Office  
(916) 327-1878 ~ Fax  
[Marinda.Isley@Parks.ca.gov](mailto:Marinda.Isley@Parks.ca.gov)

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## **Legislative Watch**

*By Dean A. West*

Your CYBA will be headed off to Washington in May, to participate in the American Boating Congress 2017 (ABC 2017). This is our third year joining up with representatives from across the boating spectrum, who will meet to discuss and work on a variety of issues relative to recreational boating, followed up by targeted visits to Capitol Hill for meetings with Senators, Assemblymen, and staff. Board Member Dean West will once again represent the CYBA, so contact Dean if you have any questions or concerns, or if you too would like to attend the ABC 2017. [Dean\\_west@yahoo.com](mailto:Dean_west@yahoo.com)

An issue that we will be following in Washington, is the effort (led by the IYBA, ex FYBA) to promote the passage of legislation

to allow for deferred importation of brokerage yachts, which would enable U.S. buyers to purchase a foreign-owned vessel while it is in the U.S. Duty would be collected at the time of the transaction, rather than prior to a sale, which precludes many yachts from even coming in to the States. This action could have a large effect on international border states, such as California.

We would request that our CYBA members stay up to speed on this issue, and to offer your support as the CYBA assists other like-minded organizations in rolling back this misguided regulation, which dates back to the early 1900's.

Our efforts to monitor legislative activity and to effect positive change are never ending. Legislative and regulatory scrutiny has

become an increasingly significant role that the CYBA has taken on. We don't necessarily do it because we WANT to, we do it because we HAVE to. This is a time-consuming and expensive task for your volunteer organization, but it is one of critical importance to ALL of us who make our living in the recreational boating industry in California.

Bury your head at your own peril. While we may not feel the need to be engaged in regulatory or legislative matters pertaining to boating, we can be certain that there are forces working AGAINST us each and every day.

Please do what YOU can do to help your Association, your industry, your future earnings. Stay involved and persuade all brokers and salespersons to join the CYBA. Your dues make it happen!

# Dealer Survey Shows Steady Sales Growth In March

Posted on Trade Only  
April 7th, 2017

Written by Reagan Haynes

Marine dealers reported strong new-boat sales growth in March, albeit at a lower rate than in February.

A Baird survey conducted in conjunction with the Marine Retailers Association of the Americas showed that 66 percent of retailer respondents reported new-boat sales growth in the important month of March, which accounts for more than 50 percent of first-quarter retail sales. March accounts for about 10 percent of annual sales.

The percentage declined from February, when 80 percent of the retailers that responded reported new-boat sales growth, according to the March MRAA/Baird Marine Retailer Pulse Report.

On the used-boat side, the percentage of retailers that reported increases in sales edged up to 59 percent, compared with 58 percent in February.

"Our checks suggest that U.S. demand for powerboats remains very healthy as the season picks up – though comments suggest boat show results have been mixed among different dealers," Baird said in the report.

Marine dealer sentiment remained at an all-time high in March, according to a new survey, but the three- to five-year outlook edged down for the second month in a row.

The MRAA/Baird Marine Retailer Sentiment Index remained at 81, its level in February, but the three- to five-year outlook declined to 77 in March, down from 79 in February and 82 in January. It still remained well above the level of 68 in March 2016.

Dealer respondent comments varied drastically, with some saying sales were robust and boat shows were productive and others lamenting struggling sterndrive sales and calling boat shows "very poor."

The Pulse Reports are designed to provide industry profes-

sionals with a regular, timely look into retail trends at the dealership level. They were launched by the Marine Retailers Association of the Americas and Baird Research in December 2013 as the first report of its kind compiled specifically for marine retailers.

Soundings Trade Only joined the partnership with Baird and the MRAA in February and will continue to participate in the distribution of the survey and the reporting of its results in future months.

Although the Pulse Reports analyze an array of industry data points, such as new-boat demand,

inventory levels, access to credit and other indicators, the sentiment index, a sort of confidence index for retailers, was one of the chief reasons the reports were created.

In addition to raw numbers, Baird provides an analyst's report to accompany each survey. This expert analysis of the most recent data available adds valuable context to detailed analytics and allows the information to be applied with confidence at dealerships.

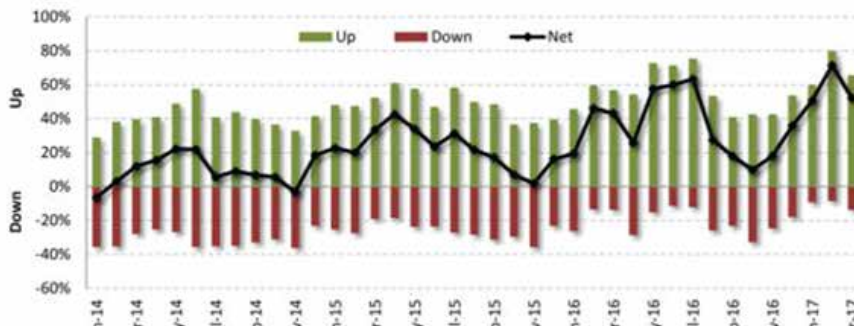
Read more about the March report in the May edition of *Soundings Trade Only*.

MRAA/Baird Marine Retailer Sentiment Index



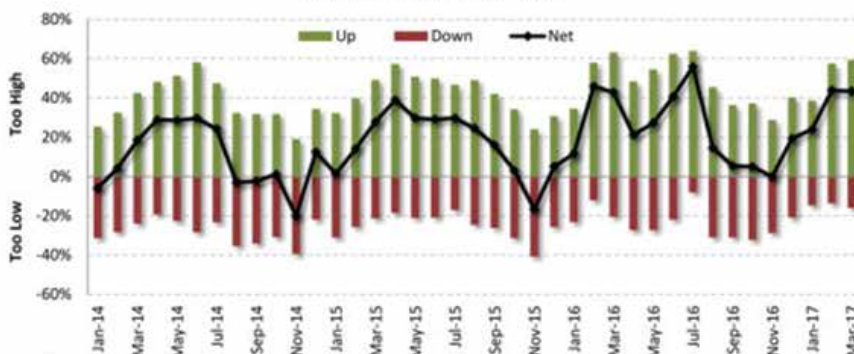
New Boat Retail Trends

"Rate retail trends during the month"



Used Boat Retail Trends

"Rate retail trends during the month"



Source: Baird research

## Editor's Perspective

Your CYBA Board voted to bring back the hard copy version of our quarterly newsletter which you now hold in your hands. With so much of our world being digitally dominated it is too easy to delete or file away important information that becomes lost in time. One of the benefits of your CYBA membership is keeping in tune with our ever-evolving industry and staying in touch with swiftly changing developments. The CYBA website and email blasts makes it easy to browse and learn while you are on the go, but there is something more fulfilling in being able to contemplate what has happened and discover what is on the horizon when you make time to stop, read and reflect.

My predecessor, Jim Johnson, has done an incredible job of organizing our newsletter over the past few years and it is never easy stepping into the shoes of a someone as talented as Jim. Jim, thanks for showing me the ropes and please know you are always welcome to send in anything of interest for inclusion.

This issue follows our traditional format filled with information, news and events. I'd like to thank everyone for their submissions especially several new contributors for taking the time to

share their thoughts. None of this would be possible without our strong membership and generous sponsors.

Like all of you, I keep running out of time and each day seems shorter. I prefer to glance at photos, but also want to hear more about the people and things that influence how I can be more effective as a yacht broker.

It is easier to pick up the phone and call or text than to compose an email. Writing takes more time to prepare and comprehend. But, for lasting effect, I hope you will agree that it is somehow more satisfying to read an interesting story in a newsletter like this one that is designed to celebrate our activities, announcements and successes in the yacht brokerage industry.

We are all very fortunate to make a living in what is truly a relationship business that requires very specialized product knowledge. Quite simply our jobs are all about communicating with people; sellers, buyers, brokers, bankers, documenters, marinas, lawyers, insurers, mechanics, riggers, cleaners, surveyors, ship yards, etc. Yes, somebody has to do it...and we get to do this every day surrounded by water while spending time on boats!

Your CYBA newsletter will only

be as good as the contributions YOU submit. We live in a world of promotion, this is another targeted channel available to you. We certainly appear to be in the middle of a boom town time right now. I hope the momentum builds for all of us and that each week is a continuation of these good old days. I know you don't have a spare minute, but I'm still going to plead with you - please let your fellow CYBA members hear from you. Print is very much alive, it's just changing. If you have announcements of things like; new products, new members on your team, a change in location, celebrations, events, or anything else you think is newsworthy - please take a minute, jot down a few lines, snap a photo or two and send it to me for editing.

Hope you enjoy this edition and please think about what you can add to make the next one even better (hint, please take that new large CYBA sticker you received in the mail, put it on your store front window and send me a photo of your office so you can be in the "Look for the Logo" section). Thanks, I'm always looking for more content and will do my best to squeeze everything in.

Jeff Merrill, CPYB

Editor of the CYBA News

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## CYBA Sponsors Shine In The Spotlight

Want to know a great way to get your business noticed? Become a CYBA sponsor.

For the past two years, the CYBA has offered a sponsorship program to our Affiliate members which provides a targeted delivery method to reach their audience, yacht brokers.

The CYBA sponsorship program has evolved into a wonderful way to gain recognition and promotion. Companies who seek to expand their market share are learning quickly that being involved to financially support their

yacht broker clientele pays big rewards. Just about every sponsor from last years inaugural "medalist" class renewed and some partner companies have upgraded to a higher level.

Sponsorships run through the calendar year with special recognition at the Annual Dinner and Legal Seminar.

We are pleased to announce the following companies as new CYBA Affiliate sponsors beginning in 2017.

**Pantaenius America** (Insurance) – Bronze

**Law Offices of Jody T. McCormack** (Maritime attorney) – Bronze

**Newcoast Financial Services** (Boat loans) – Bronze

As you read through this newsletter look for the ads placed by our sponsors and remember them when you are looking for support services.

For details on becoming a CYBA sponsor you can open the explanation page on the CYBA.info website under Affiliate Members, or contact sponsorship chair, Jeff Merrill. Jeff.Merrill@JMYS.com or 949.355.4950.

# Which Surveyor - Who Chooses?

By Dennis Moran,  
CYBA Arbitration Administrator

Recently, one of our members who is fairly new to the industry reached out to our Executive Director with a question about a broker's responsibility involving pre-purchase surveys. He had read somewhere that a broker should remain "neutral" in all things involving surveys. He's right to a certain point.

Here are a few timeless words of wisdom:

1. A pre-purchase buyer's survey can make or break a deal.
2. There are great surveyors, good surveyors and not so good surveyors.
3. Ask the surveyor in advance how he plans to come up with "market value".

A few cautious brokers won't have any involvement in the buyer's choice of marine surveyors. This may be o.k. if it's a buyer who has bought two or three boats and knows how the process works, but

if you're dealing with a first-time buyer, you can't just throw him to the wolves and expect him to somehow pick a surveyor out of the yellow pages. After all, one of a broker's main roles is to give the buyer good advice, steer him in the right direction and lead him through the due diligence process.

So, it's o.k. to recommend surveyors to your buyer (notice I said surveyors) as long as you follow a few simple rules. Never recommend just one surveyor to a buyer even if you think he's the best one on the planet, or your brother-in-law. Always provide the buyer with a list of at least three reputable surveyors to choose from; you've been around and know who's good and who isn't. You'll need alternatives when the survey date is chosen and surveyor "A" is booked.

Don't take the easy way out by front-loading the list with so-called "seller's" surveyors; ones who have a reputation of being easy and having very short recommendation lists. Match the boat with the surveyor's area of expertise and use common sense; don't include a surveyor whose primary business is inspecting 100'+ motoryachts on a per-diem basis if the accepted offer is on a 35' Sea Ray.

If it's a sailboat, go with the good surveyors who have a track record in sail. Also, be sure that the surveyor chosen is acceptable to the insurance underwriter and to the lender if financing is involved. At a bare minimum, confirm the surveyor is a member of one of the two main surveyor associations: SAMS or NAMS which require their members to adhere to a code of conduct. Last, if your buyer is a novice and this is his/her first boat, encourage them to talk to all the surveyors on the list and provide the buyer with a simple list of questions to ask.

Now that the survey is done, who gets a copy of the written survey report? If you're using a CYBA purchase agreement, here's



what it has to say:

All survey reports, photos and related documents remain the sole property of the Buyer, who pays for the reports. At his discretion he may authorize the release of a copy to the Broker and any cooperating broker at Buyer's expense.

As the buyer's broker, you need to have a copy of the survey so you can review it and make sure there are no errors or omissions. Prior to survey, get a simple written authorization from the buyer instructing the surveyor to forward a copy of the survey to you, and the recommendations list only to seller and seller's broker, (if you're not the dual agent).

More often than not, there is going to be some kind of survey allowance negotiation based on survey findings and the seller and his broker are going to need to verify that the items involving the survey allowance request are really documented in the report. There is no reason they need to see the whole survey report, only the recommendations list. Survey allowance negotiations are not fun, but the good news is most sellers understand that if they don't agree to a reasonable allowance, with their broker's advice and counsel, the issues won't magically go away and they will have to deal with them if and when the next buyer comes along. And, just because you have the complete survey report in your file, you do not have carte-blanc to share it with anyone else or share it with a prospect down the road if the boat comes back on the market.

Don't forget there are usually two main surveys on any boat going through pre-purchase due

(cont. on page 20)



## **Which Surveyor...** (cont. from pg. 19)

diligence; the marine (hull valuation and condition) survey and the mechanical survey. Although life would probably be easier on you if nobody lifted up the engine room hatch, you have a fiduciary obligation to go on record with your buyer that he/she needs to have a mechanical (engine) survey. In most power boats, those engines (and generators) are the single most expensive component aboard and you should never be in the position of suggesting to your buyer that they don't need to have them inspected. Further, most industry veterans would agree with me that a proper engine inspection cannot be performed with the boat tied to the dock; it needs to be run at various throttle settings under load (including wide open throttle), which means in open water.

In summary, surveys are the most important component of the buyer's due diligence in the purchase process. Give good advice to your buyer, discuss the survey process well in advance and professionally negotiate survey allowance issues. If you practice full disclosure with your client regarding anything you learn from the survey, I shouldn't ever have to see you in one of our arbitration hearings.

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## **YachtCloser Acquired**

*Friday, January 27, 2017 (Norfolk, VA)*

Dominion Marine Media (DMM), the leading global classifieds marketplace and marketing software solutions provider to marine brokers and dealers, today announced they have acquired YachtCloser.com, the yacht brokerage industry's leading web-based contract management solution.

"We are delighted to have completed this transaction with DMM and are excited about the opportunity to create a true end-to-end solution for the yacht brokerage and boat dealer industry. As a previous broker and dealer myself, I experienced first-hand the frustrations from managing multiple applications that didn't communicate with each other. By bringing the industry's leading administrative and marketing tools together, we can now unify the process. YachtCloser was created to help brokers contract and close more deals, and we look forward to realizing that mission even more," said Brad Parker, CEO of YachtCloser.

YachtCloser reduces the time yacht brokers and dealers spend filling out paperwork by over 60%, allowing them to enter information only once and populate all forms and documents simultaneously with the click of a button. YachtCloser has over 50 standard brokerage forms and contracts available for use, including all standard brokerage agreements and even state registration and coast guard documentation.

"This acquisition is a first step in leveraging technology to deliver more value to our industry partners. Shared customers will soon have the ability to con-

nect their inventory seamlessly between YachtWorld and YachtCloser, driven from one point of data entry, saving them time and money," said Sam Fulton, CEO, Dominion Marine Media.

This announcement marks the first acquisition by DMM following the company's recent purchase by funds advised by Apax Partners. The sale of DMM, which took place in August 2016, was among the largest sales in the marine industry.

To find out more about YachtCloser, visit: [www.yachtcloser.com](http://www.yachtcloser.com).

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## **Helpful Documentation List**

*Written by Sandy Alsina,  
The Mary Conlin Company, Inc.*

For Brokers or Lenders who are new to the industry, or if you are experienced (as a refresher), we have compiled a list of items that will be helpful for you (and us!) when preparing information for a documentation service to draw up Buyer and Seller paperwork:

1. Vesting support needed
  - Trusts
    1. 1st full Title page and last signed page of trustees or certification of trust
  - LLC Requirements
    - a. Copies of the Articles of Organization filed with the state (fax or email)
    - b. Tax Payer ID#
    - c. If Member Managed or Non-Member Managed
      1. If Member Managed, need names of All Members (all members are required to be US Citizens)
      2. If Manager Managed, the manager must be a US Citizen. Other Members can be non-citizens but percentage is dependent on the trade.
    - d. Person signing on behalf of the LLC and their title
  - Corporation
  - Articles of Incorporation **REQUIRED**, # of Directors that constitutes a Quorum: \_\_\_\_.
  - Need citizenship of all officers, directors and shareholders
  - Individuals – USCG requires all buyers offer their full Social Security Number. They must be US citizens.
2. Contact information –
  - a. PO boxes need an additional physical address
  - b. LLC's and Corporate entities need the official address for the agent for service of process. Also provide the address for the buyer member/owner
3. Financing - Please offer Bank worksheet or Promissory Note copy if you have it.

## Los Angeles Boat Show In Pomona

During January 19-22, the Duncan McIntosh Company hosted the Los Angeles Boat Show. This was the first year for DMC to run the event after purchasing the show from the NMMA. The venue was changed and instead of hosting at the L.A. convention center and Marina del Rey slips it was held at the Fairplex in Pomona.



Many new 2017 model boats were on display and there was a family fun kids zone. It was a great turn out considering that it rained every day except Saturday. Dealers



who participated said that even though attendance was down due to the weather, sales were

extraordinary, in fact, Centurion reported a 400% gain over last year's L.A. boat show.

## 44th Annual Newport Boat Show April 2017

As this issue went to the printer, the Newport Boat Show was kicking off April 27-30, 2017 at Lido Marina Village. Hard to believe that this Duncan McIntosh event is the 44th Annual.

Several west coast debuts including the Duffield 58 and MCY 70 were slated to premier. Brokers and dealers are excited that the restoration of Lido Marina



Village is finally complete (95%) and should provide a beautiful backdrop for the show.

We hope to provide more coverage on this event in the next CYBA newsletter.

## San Diego International Boat Show

Coming up in June, it's going to be another great event in San Diego. Mark your calendar for June 15-17 to attend the 2017 San Diego International Boat Show® at Spanish Landing Park.

Billed as Southern California's premier summer boating event,

come join the festivities and get yourself and your boat ready for the water!

The forecast is for approximately 140 boats listed for sale, as well as the latest nautical gear, gadgets and accessories. If you're dreaming big, there it is also go-



ing to be an expanded selection of 80-foot+ superyachts.

We hope to have photos and a summary in the next CYBA newsletter.

## San Diego Sunroad Boat Show In January

The San Diego Sunroad Boat Show was held January 26-29, 2017 at Sunroad Resort Marina. The location on Harbor Island, right across from the San Diego International airport made it a convenient event for both out of

towners and locals.

Several CYBA brokers confirmed that there was an excellent crowd, boat buyers were in attendance and it was a great event to kick off the new year.



# ***CYBA Board Of Directors Annual Meeting***

## **Elections Agenda - Noon, Saturday, January 21, 2017**

Location: MarineMax  
2540 Shelter Island Drive, San Diego, CA 92106

CALL TO ORDER: 12:00 Jeff Merrill, President

DIRECTORS PRESENT: Tony Faso, Nick Friedman,  
Mark Gibbons, Mik Maguire, Jeff Merrill, Dennis  
Moran, Anita Petersen, Mark Rentziperis, Dean  
West, Peter Zaleski plus Don Abbott (ED.)

PRESENT BOARD of 2016: Jeff Merrill, President  
Mik Maguire, 1st VP  
Anita Petersen, 2nd VP  
Tony Faso, Secretary  
Jim Johnson, Treasurer  
Nick Friedman, Dennis Moran, Dean West, JR  
Means

ELECTION RESULTS: Motion to approve and certify  
the election of Mark Gibbons, Mark Rentziperis,  
Dean West and Peter Zaleski

OFFICERS FOR 2017: Nominations, move and  
second to approve the following  
President Mik Maguire (takes over gavel and  
meeting)

1st Vice President Tony Faso  
2nd Vice President Mark Rentziperis  
Secretary Mark Gibbons  
Treasurer Peter Zaleski  
Director Nick Friedman  
Director Dennis Moran  
Director Anita Petersen  
Director Dean West  
Immediate Past President – Jeff Merrill

### **CHAIRPERSONS:**

American Boating Congress – May 7. Washington,  
DC. Dean West

Annual Meeting/Dinner: Don Abbott (2018  
location by June'17) plus Mark Gibbons and  
Peter Zaleski Board Members

Arbitration: Dennis Moran

Boat Shows: Dean West

California Boating Congress: Dean West, Mik  
Maguire, Tony Faso

Email Blasts: Don Abbott

Ethics: Dean West

Membership: Mark Rentziperis

CPYB: Nick Friedman

Div. of Boating & Waterways: Mik Maguire

IYBA (FL) Liaison: Jeff Merrill

Legal Seminar: Anita Petersen, Tom Russell (March  
29, 2017)

Legislative: Mik Maguire, Tony Faso, Dean West

MRA Liaison: Jeff Merrill

Newsletter: Jeff Merrill

Nominating Committee: Jeff Merrill, Mik Maguire  
NYBA Liaison: Mark Rentziperis  
Past Presidents CYBA: Mik Maguire  
PLS: Nick Friedman  
RBOC: Marc Bay  
Social Media: Anita Petersen  
Sponsorship: Jeff Merrill  
Website: Mik Maguire  
Yatco: Dean West  
Yacht World: Nick Friedman  
Yacht Closer: Dennis Moran  
YBAA Liaison: Dean West  
YBAL Liaison: Jeff Merrill

Adjourned: Time:1:55 by President Mik Maguire

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## ***CYBA Board Of Directors Meeting***

### **Saturday, January 21, 2017**

Location: MarineMax  
2540 Shelter Island Drive, San Diego, CA 92106

Call to Order: President Mik Maguire 2:04 PM  
Directors present: Mark Gibbons, Peter Zaleski,  
Mik Maguire, Tony Faso, Dean West, Mark  
Rentziperis, Dennis Moran, Nick Friedman  
Executive Director present: Don Abbott

Recognized guests: Past president Jeff Merrill

Don Abbott shared financials and introduced Pete  
Zaleski as the new Treasurer.

Mark Rentziperis updated the board on new  
application figures and current totals of  
membership. Board discussed the new  
application forms are now posted on the  
website.

Lee McIntire from Yatco gave a very informative  
presentation of the new forms that will be beta  
testing the following week with a select group  
of volunteers. Board discussed the benefits of  
individual log ins for all associates within an  
office.

Dean West provided updates on the past boat  
shows and gave insight to the current status  
of the upcoming San Diego show. Dean also  
contributed additional information on the  
present state of boat shows in California and  
the role of CYBA in the past and the potential  
for increased presence in the future.

Jeff Merrill agreed to serve as the new Chair of  
the CYBA Newsletter and assigned Directors  
to contribute various articles for the upcoming  
issue.

Mik Maguire agreed to become the new Chair of  
the CYBA website.

Board discussed the upcoming California Boating

*(cont. on next page)*

## **CYBA Board Meeting...** (cont. from pg. 22)

Congress in Sacramento and Tony Faso, Don Abbott, Dean West and Mik Maguire agreed to attend and advocate for the CYBA and its members.

Dennis Moran discussed the status of ongoing arbitration cases and the financial involvement of the CYBA in such cases to better explain some of the questions relating the Balance Sheet totals in the financials handed out.

Mik Maguire and Jeff Merrill introduced the newest Directors of the Board and congratulated and thanked them for their volunteer service.

Board discussed the upcoming annual dinner and the Kona Kai Resort as well as the planning for next year's dinner.

Discussed the Legal Seminar being organized by Anita Petersen and proposed ways to get better attendance.

Dean West agreed to represent the CYBA at the American Boating Congress in Washington D.C. In May.

Board discussed the need to let other associations know that the CYBA events such as legal seminars and dinners are open to their members as well.

Jeff Merrill reported on his meeting with Lane Massey of the Division of Boating and Waterways and the current state of social media advertising.

It was discussed that all board members should make a renewed effort to call earlier for affiliate sponsorship partners this year and we reviewed several potential new sponsors.

Old CYBA pamphlets were distributed to parties desiring them.

Don Abbott presented the availability to collect dues online through the website and its benefit for renewals of current members.

Board discussed the increased presence of FSBO websites and even some banking involvement with these sites. Agreed to argue against not only the existence of these sites, but notably the potential legality issues as well...

Mik Maguire scheduled the upcoming year's meeting schedule and moved to adjourn at 3:13 PM

Motion Tony, 2nd Nick Friedman

The next meeting is scheduled for March 28th, 6pm, San Diego at Fiddlers Green.

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## **CYBA Board Of Directors Meeting**

**Tuesday, March 28, 2017**

CALL TO ORDER: 6:00PM – Mik Maguire

DIRECTORS PRESENT: Don Abbott (Exec. Dir.), Nick Friedman, Tony Faso, Mik Maguire, Anita Petersen, Mark Rentziperis, Peter Zaleski

RECOGNIZE GUEST(S): Jim Johnson, Tom Russell, Bill Krauss

APPROVE MINUTES: Jim Johnson motioned, Anita Petersen proxy, Nick Friedman second

FINANCIAL REPORT: Don Abbott handed out balance sheet and P&L. Motion to approve from Nick Friedman, second Mark Rentziperis. Board discussed possibly hiring an accounting professional to perform an informal internal audit.

MEMBERSHIP: Mark R. Informed Board of five new members. Mik Maguire recommended sponsoring brokers receive a letter and copy code of ethics should go to all new applicants.

FORMS: Nick Friedman explained that Lee McIntire will present at legal seminar tomorrow and that May 1 will be the public "go live" date for the new forms. Board discussed access to the new forms by larger entities and their subscribers. Nick F. will follow up on this.

BOAT SHOWS: Norcal Boat Show coming up and Newport Boat Show.

NEWSLETTER: Nick Friedman motioned to print and mail hard copy newsletters in conjunction with existing electronic version. Motion was seconded by Mark R. Unanimous approval.

LEGAL: Anita Petersen discussed upcoming legal seminar and suggested a strong level of audience participation.

CURRENT EVENTS: CBC - Bill Krauss spoke about CBC and the group proposed additional ways to increase CYBA attendance at future events. Bay Coalition – Mik presented his experience at the Bay Coalition meeting and spoke on the importance of CYBA representation at these types of events. SB1 - Bill Krauss talked about senate bill one and advised that a vote should be official tomorrow. Boat Select – Nick Friedman discussed current marketing techniques from this company. Yacht International Association Meetings – Jim Johnson attended conference call and presented board with a summary.

ADJOURNED: Peter Zaleski motioned, second Nick Friedman.

Next meeting: May 3, 9AM – I meeting.



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# PRESS RELEASE

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## CANCELLATION OF VESSEL TEMPORARY IMPORT PERMITS (TIP)

Tijuana, B.C, December 13<sup>th</sup> 2016

In an effort to help boat owners who wish to cancel a TIP due to change of ownership, permit expiration, or any other reason, **(for vessels not in Mexico)**, authorities will be on hand to cancel Import Permits at the Tijuana Customs Office in Otay Mesa from 9<sup>th</sup> to the 22<sup>nd</sup> of December.

You will need to present the following documents to customs officials.

TYPE OF CANCELATION	Passport of individual applying for cancelation (original and Copy)	Vessel documentation or State Registration (original and copy)	Check out issued from Port Captain. Example: Ensenada to San Diego (original or Copy)	Vessel Temporary Import Permit (original)
TIP under new ownership (vessel sold)	✓	✓		✓
Expired TIP or other reason, under same ownership.	✓	✓	✓	✓

Link to Customs office location

<https://www.google.com.mx/maps/place/Importacion+Temporal+de+Vehiculos/@32.5459201,-116.9400953,163m/data=!3m1!1e3!4m5!3m4!1s0x0:0x68e1e4b054d07a7e!8m2!3d32.5458263!4d-116.9404627>





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# 10 Simple Ways To Double Your Boat Listings - Part One

By Vincent Finetti  
(edited from the original)

Note: This will be a two-part article  
and cover the first five ways.

"How can I get more listings?" I hear this question daily.

I often ask our students what is their main challenge and a large majority of them always come back with the same answer: getting more boat listings.

The first thing that I tell them is that they need to start by asking themselves the right question and instead of wondering "How can they get more listings" they should focus on "Why would sellers want to list their boats with them?"

The key is not to think like a broker, but to think like a boater and once you ask yourself the right question, half of the battle is already won.

Let's take a minute and think of what boat sellers really want when it comes to listing their boats?

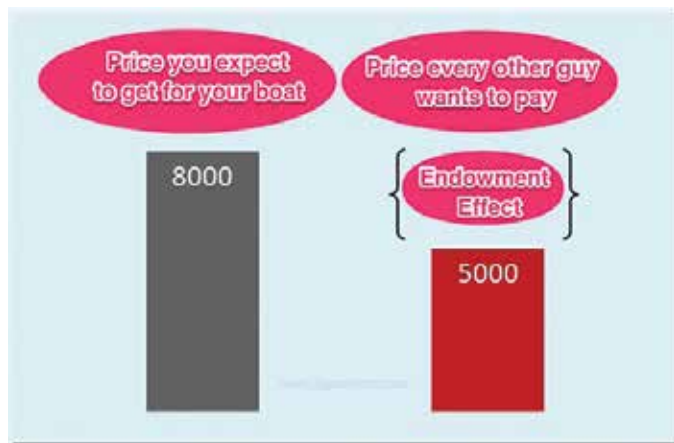
- A broker with expertise
- A broker who can educate them
- A broker who is good at promoting their listings
- A broker who will give them tips on how to sell their boat fast and for more money
- A broker they like and trust
- A broker who will listen to them
- A broker who will focus on them and their boat
- A broker with confidence and professionalism
- A broker who shows previous results (sold boats)
- A broker who is referred by a friend or online reviews

-A broker who is specialized in their type of boats (right positioning)

Truth is prospects don't give the listing to the broker who needs it, but to the one who earned it the most.

So artificially building rapport to hope to get your prospects on your side and then proceed to pressure them with your service is not going to work as they will usually sense it.

The key is to have a clear plan of action and this is exactly what I am going to reveal to you today.



Let's review 10 simple ways to double your boat listings.

## 1) Put yourself in the prospect shoes

There are 3 major factors that influence a boat being sold: The condition of the boat, the marketing efforts and the price.

The price is by far the most critical element in the selling process. After discussing with dozens of brokers about the listing process, it is clear that pricing is often the major issues between sellers and brokers.

A strange thing happens in our mind when we buy something. No matter if it is a pair of shoes, a car or a boat. As soon as we become an owner, our mind undergoes an instant transformation.

Haven't you noticed when you buy a new car you suddenly start noticing the same model appearing everywhere? It is simply because you are becoming hyper aware of your car but as well as emotionally attached to it.

If you are a boat owner, you likely value your boat more than what it is really worth in the marketplace. And it's completely natural because we all do it.

As a result, if someone offers to buy it from you, chances are you want to charge much more than they are prepared to pay.

This psychological bias is called the Endowment Effect (also called ownership effect).

Behavioral Economic Experts define the Endowment Effect it as: "A tendency to overvalue something just because we own it."

Your role as a broker is to be the mediator and facilitate the transaction.

The problem is that every seller wants more than what their boat is worth and every buyer wants to buy for less than it is listed for.

Your job is to negotiate a price in the middle that attracts the buyer but also satisfies the seller; and this is often the most challenging part of your job.

Once you understand the reasons behind the endowment effect, you can use them to your advantage to educate your clients and prepare them mentally to accept a more realistic price.

Pride of ownership is not the only thing that will create a bias in your ability to price your boat properly. The time that you have owned it, the amount of money or effort you spent on it, the attachment to the brand and the memories associated with your boat will all contribute to the typical over evaluation.

Now that we understand the human psychology behind the endowment effect, let's try to find out more solutions to help you influence your clients to list their boats with you.

## 2) Put a clear call to action on your website

Because 96% of prospects are using the web to search for boats, your website is probably the most visited place by your potential clients.

(cont. on next page)

## 10 Simple Ways... (cont. from pg. 26)



I keep hearing that getting listings is the main priority, but when I look at the websites from the majority of boat brokerage firms, very little are making this a priority on their first page.

I checked the HMY website, they were one of the very rare websites to have a clear call to action on their home page to capture leads for getting new listings.

Putting a clear call to action on your home page works. Let me give you an example:

Our main objective last month was to sell my newly discounted courses: 30 Secrets to Boat sales. So guess what call to action we put on our home page? A link to purchase our 30 Secrets course.

And what results did we get: we sold 48 courses last month so this initiative definitely paid off.

Now it doesn't matter if you sell boats, engines or want more listings, you have to make a clear offer and call to action on your website and people will respond to your offer.

Too many websites are confusing for the viewers and as a results people are not taking the right actions.

I like to run what I call the caveman test: If I show your homepage to a caveman in 5 second, can they tell me what you do?

If your website doesn't say CLEARLY in 5 seconds what you do and the 1 or 2 main actions you want your viewers to take, you might want to review the design.

### 3) Install a Live Chat on your website

There are dozens of reasons why you should install a Live Chat on your website right now. Let me share a few with you.

Live Chat is Convenient for Customers

Live Chat Cuts Down on Expenses and is Cost Efficient

Live Chat Gives You An Edge of Your Competition



Live Chat Develop Deeper Customer Relationships... (Transcripts Offer Data to Improve Customer Service or pass on the lead to a broker)

Live Chat Increases Conversions and Sales

There are lots of options out there, free ones, paid ones, simple or fancy ones. After trying 4 or 5 of them we decided to go with LiveChatinc.com Right price and right options for us. We are feeling closer to our clients, offer a better customer experience and it even helped us to close 2 deals last month.

It will help you capture tons of leads also so if you don't have one, go install one right now as you are missing out big time!

### 4) Double your commercial time.

One Wall Street Journal study of a 3-hour National Football League broadcast found that viewers saw only 11 minutes of game play during the 3 HOUR broadcast. Here is the breakdown when they tracked what viewers saw:

Commercials 63 minutes; Shots of players standing around 67 minutes; 35 minutes showing coach, crowd, cheerleaders; Replays 15 minutes; Game action 11 minutes;

Is it really worth 3 hours of your time to watch 11 minutes of other people playing a sport?

Unfortunately, we can find a lot of similarity in

(cont. on page 32)



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# CYBA Yacht Sales And The Law Seminar

*By Anita Petersen*

The 20th Annual CYBA Yacht Sales And The Law Seminar was held March 29th at the Southwestern Yacht Club in San Diego where a record attendance received updated information from leaders in our industry regarding a wide range of topics including: selling boats to and from Canada, handling international boat purchases, boatyard and sea trial issues, what is covered on a boat owners insurance and what is not, and more... Traditionally held in June, this is the first time the Seminar was scheduled in March and was done so to boost attendance with the thought that earlier in the year might be better for everyone's schedule.

Thomas A. Russell, ESQ., along with several of the founding CYBA Board Members, organized this event 20 years ago to keep Yacht Brokers, Sales People and Industry Affiliates apprised of the current legal and sales aspects facing our industry. They need to be applauded for their efforts as there is a lot of coordination that goes in to hosting an event like this and to do so for 20 years is commendable. (Ed note: Anita Petersen was the driving force for the second year in a row and has put on back to back spectacular events!).

Our CYBA president, Mik Maguire, welcomed everyone and kept things rolling while Tom Russell was a wonderful master of ceremonies always interjecting wit and humor. In addition to a broad range of yacht sales law related topics, Special Agents from the U. S. Coast Guard Investigative Service gave us a briefing regarding the state of illegal activity in the harbor and coastal areas of California. Their overall message was that they need our help, to keep your eyes open and that you can make an anonymous report (regional phone numbers were provided) if you see something that doesn't seem right or if you come across suspicious characters when dealing with a boat sale/purchase.

The CYBA Forms Suite was also demonstrated. CYBA Members will be notified soon when this new, updated and expanded program will go live for all Members.

A Big Thank You to our presenters: Marinda Isley, Investigator - Division of Boating and Waterways, Lee McIntire, Chief Technology Officer at YATCO (CYBA forms), Fred Robinson, Esq., Robinson Law Firm PLLC (maritime attorney), Seattle WA, Susan Rigolet, Operations Manager at The Mary Conlin Company (documentation services), Bill Krauss, the Apex Group from Sacramento, CA (CYBA lobbyist), Cris Wenthur, ESQ., Wenthur Law Group, LLP (maritime attorney) San Diego, CA, Paul Trusso, Esq., Paul S. Trusso Law Offices (maritime attorney San Diego, CA, and Scott Jarvie, President of Oversea Insurance Agency (marine insurance) in San Diego, CA. Without the time and willingness to share, along with the many presenters over the past 20 years, this event wouldn't be

possible.

I'd also like to thank all of the CYBA sponsors, many were in attendance and also make this possible, and single out Natalie McCollum from California Recreation Company (Great Slips) for providing dessert. The CYBA Legal Seminar is one of the most informative days of the year and everyone in attendance raved about how important it is to attend and how much they got out of it.





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**Law Seminar...** (cont. from pg. 28)





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## 10 Simple Ways... (cont. from pg. 27)

sales today.

Efficiency starts with elimination. Practice the 80/20 rule to identify the most efficient things you can do everyday to achieve the highest results.

The more commercial time you will spend, the more money you make. So, if you want to double your sales, just double your commercial time. If you spend one hour and 30 minutes a week prospecting to get new listings, just make it 3 hours.

If you double your prospecting time you should naturally double your results.

### 5) Leverage old leads

The majority of businesses are focused on attracting clients through Multiple Listing Sites, boat shows, magazines or social media and but often forget the power of email marketing.

Email marketing is an amazing tool that can bring you a significant amount of traffic. The most

important element of a successful business is to have an email list. Just be careful not to bombard clients with annoying emails or newsletters describing every single news in your business. Instead of sending a complete newsletter, you can send a simple short email like this:

*Hi John,*

*Planning on selling your boat soon?*

One of my most popular videos is the 9 word email. My clients love them because it always gets results.

--

Part two will appear in the next CYBA newsletter. If you would like to get in touch with the author, Vincent Finetti, he is based in BC, Canada and his work phone number is 250.585.2628, and email is [vincent@yachtsalesacademy.com](mailto:vincent@yachtsalesacademy.com)

## Monthly Quote

**Keep trying and don't ever give up...**

*"You just can't beat the person who never gives up." - Babe Ruth*

*"Our greatest weakness lies in giving up.*

*The most certain way to succeed is always to try just one more time." - Thomas Edison*

## Calendar

May 3	9am - CYBA Board Meeting Imeet
May 15 - 17	ABC American Boating Congress- Washington, DC
May 18 - 20	TrawlerFest - Bremerton, WA
May 24	NYBA / Northwest Yacht Brokers Association Annual Meeting - Lynnwood, WA
May 25	11:30 am - San Diego Yacht Brokers Forum
May 26	June 5th America's Cup Qualifiers - Bermuda
June 7 - 12	America's Cup Challenger Playoffs - Bermuda
June 15 - 18	San Diego International Boat Show
June 17 - 27	America's Cup Finals - Bermuda
June 29	11:30 am - San Diego Yacht Brokers Forum
July 3	Transpac LA to HI - first starts
July 12	9am - CYBA Board Meeting Imeet
July 18	YBAA University - Annapolis, MD
July 20	YBAA University - Providence, RI
July 27	11:30 am - San Diego Yacht Brokers Forum

