

THE CYBA NEWS

August - November 2019

The California Yacht Brokers Association Newsletter

Yacht Fest 2019

By Mik Maguire

What are people saying? More attendees this year. Cruising Yachts sold five boats, Richard Boland sold three, and the list goes on. Not there, feeling left out? Plan for next year. YachtFest had 124 boats, sail & power, on display. The seminar series was well attended.

Some of the featured topics & speakers were:

5 Things That Always Go Wrong with Every Boat, Don Margraf... Sailor, rigger, electrician, mechanic. 200,000 miles on oceans, rivers, and lakes. Consultant to designers and builders. Installed and/or repaired everything from engines to wind vanes to upright pianos.

Splicing by West Marine, Wayne Cough... Over the past 60 years, Wayne has actively campaigned several one-design boats including the Blue Jay, Lightning, Thistle, J24 and Etchells among others. Wayne has been with West Marine Rigging Service for nine years.

Cruising the Mexico Coast, Neal Doten... Currently preparing for Mexico and the Sea of Cortez, Neal's presentation is based on over 8000 nautical miles, most single handed.

Aero & Marine Tax Professionals, Tom Alston... Aero & Marine

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from the PRESIDENT

Mik Maguire, CPYB, Richard Boland Yachts

This Fall has been incredible, both for weather and for yacht sales. The recent YachtFest in Northern California was a success with more participants and attendees than last year. This event would be a great base to build from for a CYBA sponsored NorCal show. With 75 degree Octobers, why not? At this writing, brokers and salespeople up and down the State are planning for the East Coast shows. We really need to put more energy into larger boating events on our coast, not taking away from the Seattle Boat Show and Suncoast's emergence.

Our test of the Independent Contractor status for brokers and salespeople went positive with the efforts of the Apex Group (our lobbyists) and a lot of work from your Board of Directors. Thanks, all!

Yes, that is our new MLS (www.yachtsforsalewest.com)

that you are seeing advertised by many broker members. If you are not signed up yet, reach out to Don Abbott for all the exciting details. You asked for it...and we made it happen. Now, Support It!

GEO, our new outreach program to be more inclusive to women and minorities working in our industry is off and running with the help and energy of Leilani Wales, our chairperson, who just held the first GEO event with much success. You can find Leilani's contact info on our website under "About the CYBA."

I just toured the New England coast (Boston, Kennebunkport, Mystic, Newport) and it was fantastic. But they are still pulling their boats out for the long season...so, let's get out there on the water and enjoy what our great coast has to offer recreational boaters!

Near the flybridge, Mik

Reliable Documentation, Inc. Welcomes Veteran Free Agent To The Team!

November 18, 2019
Reliable Documentation, Inc. (RDI) is proud to announce the addition of Susan Rigolet to its team. Susan joins both Kathi (Krencik) Ford and Andrea Wood at RDI building an unprecedented team of experience.

Kathi Ford, President of RDI states "We are very excited to welcome Susan to our team. Not only will she bring knowledge and experience

but will also add to the excellent customer service that the company was founded on, a key attribute that Andrea and I pride ourselves on."

Susan wanted everyone to know that "I am thrilled to be part of the RDI team. I feel my knowledge and experience in vessel documentation and registrations is only enhanced by the team at RDI - I am happy to be welcomed with open arms at RDI."

Tax Professionals are experts in California sales tax involving airplanes, vehicles or vessels.

Cast Off the Lines and Cruise, Margie and Peter Benziger... They sailed more than 40,000 miles and learned a lot about cruising and themselves. They describe, each from their own perspective, how to cast off the dock lines and make your cruising dreams come true.

There's Always Next Year! Go to: www.yachtfest.net



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American Vessel Documentation Service, Inc. 24th Annual Meeting, Las Vegas, Nevada

The members of American Vessel Documentation Association (AVDA) met from April 27-30 at Harrah's Las Vegas Hotel for their 24th Annual Meeting and Election of Board of Directors. The meeting was attended by 34 members from throughout the United States where members discussed current issues of vessel documentation and a variety of topics presented by

- Geoffrey Kreller, Cornerstone Compliance, Inc.,
- Karen Trostle, Sterling Acceptance, current NMLA board member and past president of NMLA

Theresa Bennett, Law Office of Theresa Bennett
Paul Trusso, Law Offices of Paul S. Trusso, APC

Elected by the AVDA membership, the 2019-2021 Officers and Directors of AVDA are:

- Kathi (Krencik) Ford, President (Reliable Documentation, Inc. - California)
- Kim (George) Thompson, Vice President (Pacific Maritime Title - Washington)
- Nikki Netzley, Treasurer (Netzley Marine Documentation - Florida)
- Debbie Rich, Secretary (Creative Yacht Solutions, Inc. - Florida)
- Marie Hayward Director-at-Large (New England Marine Documentation - Massachusetts)

Also in attendance were outgoing President Carrie Schmidt and past Presidents Jane LaScala, Marie Hayward and Malissa Tenney.

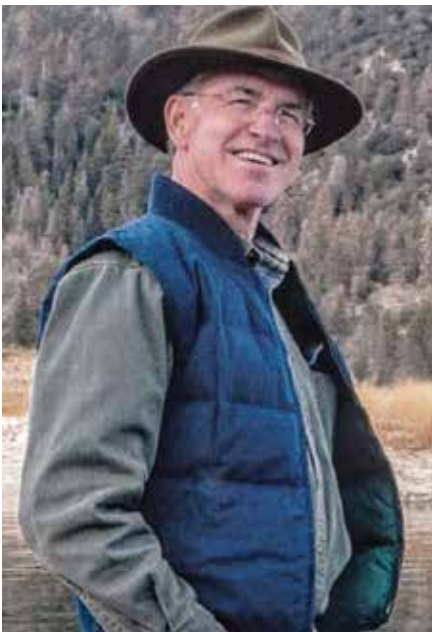
AVDA was formed in 1995 and is the ONLY source for reputable, reliable and professional documentation services in the United States. More information regarding AVDA and its members can be found on their website: www.americavessel.com

In Memoriam – Ron Whitelaw

It is with great sadness that we announce the passing of Ron Whitelaw on November 16, 2019. Ron was born in Washington state in 1945. The family relocated to Southern California where Ron spent his youth. Bike rides to Long Beach airport and his early fascination with airplanes started his lifelong passion for flying. He soloed before he was 21. Ron answered the call of duty during the Korean war and proudly served in the U.S. Army in Korea.

Most of us didn't know that Ron had an entirely different career before he became involved in the yacht brokerage industry. His love of flying gave him the opportunity to become a corporate pilot for many years and he was Frank Sinatra's pilot for a time in the early days.

He launched his second career



At the Memorial for Ron Whitelaw.

in yacht brokerage, becoming a CYBA member in the mid-80s, served as President in 1989 in addition to many years as a Board Member. He was awarded the Merle Parke Award in 1992, presented annually to a member who has made a lasting contribution to the association and industry. Ron established Bayside Yacht Sales in the 80s, operating out of Alamitos Bay Landing. He enjoyed time on the water, first in a sailboat and then a Grand Banks trawler, spending weekends at Two Harbors in Catalina and served as Commodore of Marina Yacht Club. In the early 90s, Ron worked with long-time CYBA Senior Advisor, Tom Russell, to create the industry's first association arbitration service for dispute resolution. Ron served as the first CYBA Arbitration Administrator for many years, devoting countless hours assisting our members by mediating disputes whenever possible

and overseeing formal arbitration hearings when necessary.

In 2009, Ron felt it was time to "retire" from his time-consuming arbitration duties and the CYBA recognized his outstanding contributions to the association by creating and presenting him with a Lifetime Achievement Award at the annual dinner. For those who knew and had regular contact with Ron, he was always ready to lend a helping hand but wasn't shy about calling you on the carpet if you'd done something he felt was unethical. In his spare time, he was an avid hunter and fisherman, enjoying time away at his cabins in the Sierras and Big Bear Lake.

Ron is survived by his loving wife, Susan, daughter Robin, son-in-law Doug and two grandsons, Zachary and Joshua. A Celebration of Life memorial service took place on November 23 at Long Beach Yacht Club, where Ron was a long-time member.

I Signed Up For What?

By Jeff Merrill, CPYB

Last issue I wrote a long article – probably too long – called "Privacy, Piracy and Profits". I've been asked to summarize a couple of key points that, in my opinion, once you are aware of, will enable you to improve your brokerage business. I have been unafraid

to take a stand in expressing my opinions and take great exception to how Boats Group misleads the public and profits off yacht brokers on multiple fronts. I like many of the folks employed there, but detest the practices of their management. As brokers, we all live in Boat Wizard, but I'd like to

remind you to pay attention to YachtWorld, the retail side that the consumer sees.

Point one: Check your presence on YachtWorld. That is what the consumer sees. It's the all-important first contact for many buyers who discover your listings. Are

(cont. on page 6)

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Calendar

you happy with your listing placement? How do you compare with the competition? Are you pleased or annoyed with all of the pop-up ads (even for other brokerages!) that appear when a consumer clicks on your listing to review the boat you are offering for sale? To me, this is an unsustainable business model for Boats Group and Yacht Brokers – something is going to have to give, it can't possibly continue and last. Does it make you happy that they use your listings to line their pockets and charge you for the privilege?

Point two: Check your CALL NOW button on your YachtWorld listings. On the top right section of your listing is a CALL NOW button for a consumer to contact

you. Click it to check to make sure it is your phone number, as it should be. If it isn't, you can OPT OUT of CALL NOW by contacting your Boats Group account rep. I know, you didn't sign up for this "service". When a consumer calls you, they hear the "this call may be monitored", but you have no idea as the person receiving the call. Many brokers I know are outraged when they learn that the calls are being recorded. Think of the grief Facebook has received for similar practices (it goes to calls, texts and emails). Consumers aren't aware of what is going on, we need to educate them because when they find out there will be a backlash. If you don't OPT OUT, you are willingly contributing and supporting

data mining (details you will never see) and surrendering your own and your consumers privacy.

Point three: Are you getting a lot of requests for co-brokerages on your listings? It's part of our business and I'm happy to do it if the broker wants to represent a loyal client. But you need to know if the broker asking for a co-op actually knows the client, or if this "client" was developed as a recent lead simply because the consumer is misled into thinking that the broker they contacted is the actual listing broker. I know there is a disclaimer, but not everyone reads the fine print. A company that pays Boats Group to show your listing through PLS (Private Label Search)

(cont. on page 30)

Treasury Report

By Peter Zaleski, CPYB

The CYBA Treasury has been busy the last quarter!

Funds have been flowing out rapidly and the money is being put to great use for our membership.

Our contract overhaul is going to cost members much less than competing systems, while offering security, total ownership and control.

The investments in Legislative

matters are benefiting our members and all those working in the marine industry.

Our new Growth, Expansion and Outreach committee was initiated to bring more participation to our Association from the Brokerage and ancillary businesses.

We are off to a good start and need your help. Please encourage any non-member dealers to join us. We support the entire Mari-

time Industry. Help us earn their support. We have low cost membership programs for the service, banking, insurance, marinas industries and all other entities.

As a nonprofit volunteer organization, our membership income feeds our ability to continue to serve you. Please contact me with any ideas or questions.

Peter@SanDiegoYachtSales.
Net or 619-857-2349.



For Sale: Coast Guard Database.

We have all seen it. Some have even bought it.

STOP!

This has got to be one of the biggest scams in the industry next to internet documentation companies that exist only to take your money.

These companies claim that they have petitioned for this information. They may have petitioned, but they were denied! They are selling old, outdated, unreliable information.

From USCG-NVDC: "Personally identifiable information associated with Recreational Vessel owners is not publicly available, even through the FOIA (Freedom of Information Act) process."

Don't let yourself fall victim to either one of these scams, make sure you only deal with reputable documentation companies who are members of AVDA. AVDA is the ONLY source for reputable, reliable and professional documentation services in the United States.

Kathi Ford, American Vessel Documentation Association



45TH ANNUAL CYBA RECEPTION, MEETING & DINNER

SATURDAY, JANUARY 18, 2020

6:00 PM Cocktails 7:00 PM Dinner

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2020 CYBA ANNUAL DINNER RESERVATION

Please reserve _____ places @ \$85.00 per CYBA Member/\$85.00 per Spouse

Please reserve _____ places @ \$100.00 per Non-CYBA Members

Number of Entrées for: Grilled New York Steak _____
Chicken Filet w/Mushroom Truffle Sauce _____
Glazed Salmon Filet _____

Company: _____

Contact: _____ Telephone: _____

Reservation Names (please print or type, we are providing name badges)

Please call 800.875.2922 or fax 775.353.5111 or email: don@cyba.info for additional information

MRA Conference 2019

By Tony Faso

Once again the talented team at the Marine Recreation Association put on a jam packed week of events with vendors from all parts of our industry, expert presenters on a wide variety of topics and plenty of activities for everyone involved. All of this while creating an environment for critical dialogue amongst peers aimed at effecting positive change in our ever-changing marine business culture.

The venue was held at the Torrey Pines Hilton, with views overlooking the Pacific Ocean and the 36 hole PGA Golf Course, so one need not look far to find a multitude of options when free time came available. But free time was not abundant to those who chose to indulge in the full itinerary offered by the MRA at this event. Between a fantastic golf tournament, a guided tour of the local marinas and boat yards and the wine tasting events, you could find yourself having FOMO (fear of missing out) if you weren't ready to go at all times.

The speakers were highly qualified experts in their respective fields and featured reports from industry insiders from the NMMA, Chief Economists from leading Universities, Legislative Lobbyists from Sacramento and Business experts representing nearly every aspect of the Marine Industry.

Your CYBA was well represented as Dean West,

Peter Zaleski and myself were involved in many aspects of the event (most notably, as a presenter in a breakout session and the Stakeholders Meeting held near the end of the week).

The Stakeholders' Meeting was designed to get the various associations that share common interests and agendas to work together with their respective lobbyists to identify the issues of importance to all parties involved and create "a common action plan" going forward in 2020. I personally found this to be a valuable exercise and look forward to witnessing its efficacy in the year to come.

The takeaway from this conference was that when we act together with a single purpose, the Marine Industry has an unbelievably strong voice, economic influence and public impact throughout our state and your CYBA representatives are working hard to make sure our seats at the table are well-occupied.

Don't miss next year's event, you will be glad you came.



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EU and other Country Vessel Acquisitions. WLG has a worldwide web of VAT, Attorney and Customs experts. Most international transactions utilize the WLG 3 Stakeholder Structure[®] for the safety and protection of the Buyer. WLG urges you not attempt to use a local US Vessel Purchase Agreement for an international transaction.

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Growth Expansion Outreach Committee Formed

By Leilani Wales

Growth Expansion Outreach Committee (GEO) is about building more diverse CYBA membership, especially as pertains to women and minorities, marine professional businesses, and office administrators in the yachting industry, outreach to the broader recreational boating community, and supporting charitable causes and entities.

We first presented the GEO Committee to San Diego Yacht Professionals (SDYP) last October at Fiddlers Green Restaurant. This was a very successful event and we had fun! Thanks, SDYP members for allowing us to join your meeting and listening to our presentation. I encourage all women who work in the marine industry to join the SDYP, and we would like for you to be a part of CYBA.

Through GEO, we formed Yacht Brokers Meetup every other month in different venues. This




is where yacht professional men and women and business partners can get together, relax, exchange ideas, social networking and marketing.

Don't miss our next Yacht Brokers Meetup on Wednesday,

January 8th, 2020 at Kona Kai Resort. BYOD and GEO will provide the appetizers. We hope to see you in 2020!

The GEO Committee is comprised of Leilani Wales, Dean West and Peter Zaleski.

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Fabulous FLIBS At 60

By Jeff Merrill, CPYB

As much as I'd love to say that there are California shows, even west coast shows that are better than FLIBS (Fort Lauderdale International Boat Show), we just can't compete with the enormous extravaganza that happens annually in sunny Florida. It is virtually impossible to see the entire show – there are several venues and even though you can take a water taxi between some, it ends up being a lot of walking. I didn't want to look at my phone step counter, but I'm sure it was several miles a day.

Sunny can also mean warm, in fact more like stiflingly hot, the walk outside and your shirt sticks to you kind of heat, with little breeze for relief. The air conditioning in the tents and onboard the vessels displayed were working at full strength to keep us cool. Of course, you can't have Florida without some rain, and we had a couple of down pours, also making your shirt stick to you if you didn't have an umbrella.

It was great to walk around and see various products in the tents, outdoor displays and all around. In the water were hundreds of boats. There is always something new and interesting and at the same time it is always great to bump into people you know as the entire yachting population of the eastern seaboard and mid-west states seem to snow bird down. There is a strong contingent who fly over from Europe or up from Central and South America. Truly an international show.

I've been watching the explosion of outboards (poor choice of words) but it reminds me of shaving razors when we went from one to two, now three or more. I didn't see many sailboats, but I know that market is also strong.

Some of the CYBA people I saw and many I talked to were Steve and Ruth Schock, Mark White, Vincent Finetti, Eric Mayol and Tony Faso. It could be con-

(cont. on next page)



sidered a giant real life Where's Waldo – you can't try to find someone, you just have to intersect and pay attention to who is in front of you (and not stare at your phone). I'm sure I walked right by other Californians – brokers and spon-

sors without realizing it.

The last major show of the year had me smiling that this incredibly robust economic run is still like the weather in Florida, HOT! I hope it continues, even with an occasional shower. From

what I heard and saw, the temperatures of boat buyers and sellers remains heated up as we roll into the hindsight year of 2020, I'm sure we'll look back at this point in time and reflect about how good we had it.



Insurance & Yacht Sales

*By Musings of a
legalized Bookie*

In the last newsletter, Scott Jarvie penciled a quick note on yacht brokers operating a non-owned watercraft. He pointed out two very important factors a sales professional should consider:

1. No coverage in the boat owners policy for broker operations;
2. Best management practices for a sales organization

should avoid the responsibility of operating customer vessels.

In our world of customer satisfaction, a business can find some limited coverages that could be made available to the yacht broker's commercial insurance policy. Marina operator's legal liability can extend to property damage of the vessel caused by your negligence. Beware that many of these forms exclude yacht brokers. Even if coverage is extended to the

broker, it will not cover some of the examples used by Scott. The Brokers Protection and Indemnity form will extend to a bodily Injury accident if properly endorsed for the exposure. It appears that Scott intends to clarify Jones Act coverage in a future epistle so we will not. But broker operation using staff to service these customers without state workers compensation is in peril. If you are an

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Boat Donations

The Marine Programs at the Orange Coast College School of Sailing and Seamanship is located at the Newport Beach Campus. OCC is one of the nation's largest nonprofit public boating education institutions with a fleet of power and sailboats comprised of donated vessels and those purchased from proceeds of other gifts.

If you, or a client, are interested in donating your boat, please contact Brad Avery the Director of Marine Programs. He can be reached at (949) 645-9412 or email him directly at bavery@occ.cccd.edu.
(photo: OCC's Training Vessel Nordic Star)



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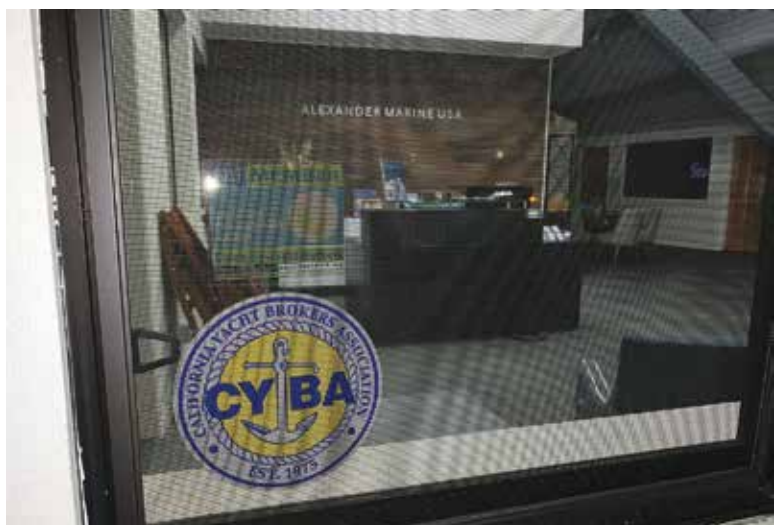
The new Senate Bill 5 has allowed certain guidelines for independent contractors – this law may not totally exclude salespeople from workers compensation laws and may make an independent contractor more personally liable for their actions operating under a yacht broker.

Opinions on this issue vary and it would benefit CYBA members to have more definitive guidance on the subject.

Getting back to our original customer request to operate a non-owned vessel we should remember the much-mentioned quote of a favorite retired attorney friend – “no good deed goes unpunished”. Having a proper contract signed delineating responsibility in a vessel would help build a fence for the boat owner(s) to cross in an action taken against

the salesperson/broker. That will not preclude the boat owners ability to sue and almost every boat policy will exclude the contractual agreement allowing the insurance carrier to pursue a subrogation recovery against you. It appears that the best management practices of not taking on this exposure is your best option. Otherwise, get paid for the exposure as a crew member of the vessel with valid endorsement from the boat owners policy.

Look For The Logo



I Walked A Mile In Your Shoes

By Paul Kaplan

On the radio, there's a commercial for a window replacement company where the owners, Bob and Kathleen, say they started their window business because of the miserable service experience they had. Frankly, I have difficulty believing this was the only reason (surely, they must have known something about windows)... but I can relate. In fact, one of the reasons why I decided to get into the boatyard business was because of the poor service I often experienced as a yacht broker, along with my clients, in many of the boatyards I visited.

Now, having spent 2+ decades of my life walking many miles in the shoes of a yacht broker in addition to another 2+ decades as a boatyard owner, I would like to offer the following insights. (And yes, after 2 + 2 decades...I need new shoes!)

From my experience as a yacht

broker, here is a brief list of things that would annoy me the most and what our boatyard has done to address them.

1. Communication. We all understand that plans change, but there's no excuse for not letting all involved parties know...and to do so as soon as possible. No one wants to experience the frustration of waiting for the yacht to be hauled and the boatyard isn't keeping you informed. Or worse yet, relying on what the yard told you would happen only to find they have missed this expectation by a mile.

Every customer should have a Project Manager (PM) whose job it is to keep everyone updated. This is not to say things always go according to plan, but our PM's do their level best to keep everyone informed and updated.

2. Unsolicited advice. It would blow my mind when I'd hear from a buyer that someone from the

boatyard offered unsolicited advice or told them something which that person had no business in sharing, even if it was truthful. While these comments may be well intended, our professional code of conduct dictates that no boatyard employee may discuss matters pertaining to someone else's vessel, particularly without the prior consent of the owner.

3. Estimates. The survey report inevitably will identify some deficiencies with the vessel. The costs to correct these findings are usually negotiated between the buyer and seller. At a minimum, the buyer will want to know what these costs will be prior to accepting the vessel so repair estimates are needed for the sale to close.

Typically, I would ask the buyer to review the items of concern and get permission to share the surveyor's findings with the boatyard so they could prepare an

(cont. on page 16)

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estimate. Then the waiting would begin, with it often taking many days--sometimes weeks--before getting the estimate. While I understood the yard was busy and perhaps the estimates did not equate to work for the boatyard, it could be maddening for the buyer, seller and broker waiting for the estimates.

Again, this is where the PM plays such an important role, where it's their job to get you these estimates as soon as possible.

And here are a few pointers for yacht brokers when working with a boatyard.

1. Communication. (Sound familiar?) More information is better than less. A simple example is to tell the boatyard in advance who is surveying the vessel.

2. Also, if the yacht is going back into the water immediately following the survey, notify the boatyard as soon as possible of any work that you would like

done, well in advance of launching. For example, if the anodes are wasted, let the PM know you'd like them replaced as soon as you notice this, not when the surveyor is done, and everyone is anxious to get the yacht back into the water.

3. Teamwork. If something isn't going well at the boatyard, talk to your PM as soon as possible. This is particularly important if the buyer isn't feeling "the love." A discrete, offline conversation with the PM regarding the concern can go a long way toward addressing the issue at hand. And please, even if the yard is having a "bad day" addressing these concerns with the yard directly, prior to voicing them to your client only serves to reflect poorly on all of us. Let's focus on the fix, not the fuss.

4. Safety. For many buyers, this may be their first visit to a boatyard, and they are not familiar with the industrial risks. All of us, boatyards and brokers, have a responsibility to educate our

clients about these risks and the appropriate safety precautions. Additionally, our industry continues to be heavily scrutinized by regulators; activities that were once considered as acceptable are no longer. Please check with the boatyard as to when and whom may be aboard the vessel while it is hanging in the hoist. Similarly, make sure everyone is clear of the hoist operations or while the vessel is getting pressure washed.

Let's remember, as brokers and boatyards we are working toward the same goals: a successful yacht sale and providing our clients with the best service possible. Hopefully the above tips have been helpful toward achieving these goals. I would be happy to hear your thoughts; please feel free to send me a note at paul@kkmi.com.

(Note) KKMI and Paul Kaplan have been great supporters of the CYBA and our industry legislative efforts.

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Stay Out Of Trouble Through Attention To Detail

By Dennis Moran, CYBA Arbitration Administrator

It isn't easy to get buyer and seller to put pen to paper and ink a purchase agreement, but that's just where the "fun" begins. It is extremely rare that a deal ends up meeting all the conditions and performance deadlines in the agreement. It's how you handle these exceptions that determines your fate. Number one, and you've heard me preach this over and over; **GET IT IN WRITING!** Anything that comes up during the due diligence process that won't meet the existing terms of the deal must be reduced to writing as an addendum to the original agreement. A simple example; due to scheduling limitations, it won't be possible to get the boat hauled in time for the survey deadline. Instead of just going with a verbal confirmation, have the buyer and seller sign an extension. Or, if seller decides to fix a buyer requested survey item instead of extending a survey allowance, how much time does he have to finish the work and who says the job is acceptable? It always seems the details at the final stage of the deal end up causing potential problems because everyone is a bit stressed out and the broker just wants the deal done.

What about a situation where a buyer backs out of a deal before signing final acceptance of vessel which, by now, you should know a buyer can do for any reason. When the boat was hauled for survey, there were a couple of issues that the buyer decided to have the yard take care of so he wouldn't have to pay to have the boat hauled again after close. His broker is all for it because he thinks it makes the buyer that much more committed to the deal but he doesn't think to draft a simple addendum that should have included permission from the seller to perform the work and how the work gets paid for: does buyer pay direct or expect the broker to pay out of trust? In this case, for unknown reasons, the buyer pulls the plug on the

deal prior to final acceptance but the yard hasn't been paid for the work yet. The broker arbitrarily pays the yard invoice out of the buyer's trust account deposit before refunding the balance to the buyer. The only problem is he didn't have written authorization from the buyer to disburse any of his deposit which is called for in Section 714 of the Harbors and Navigation Code.

How about this hypothetical scenario; you've negotiated an accepted offer for your buyer and have completed surveys which the buyer paid directly. You're a dual agent, also representing the seller, who thinks it would be fun to take one last spin on his beloved boat before he hands over the keys. Oops! He accidentally runs aground, doing about \$5,000 damage to the running gear. Upon receiving the bad news, you have no choice but to notify your buyer who reluctantly elects to back out of the deal because he has no way of knowing the extent of the damage without re-surveying the boat, even though the seller will pay for repairs. First lesson: Always include the condition in every purchase agreement that the vessel is not to be operated by anyone from date of completion of surveys to date of close without the express written consent of buyer and seller. Although the broker returns the buyer's deposit, the buyer has second thoughts and is open to seeing if the deal can be saved which the broker assures him it can. The broker never had the buyer sign a formal rejection of the agreement so, technically, the buyer is still in contract until the performance dates run out. In the meantime, another buyer emerges unsolicited who really wants the boat and makes an offer with better terms than the original offer which the broker is obligated to submit to the seller, who accepts it. All the while, the first buyer assumes the broker is working diligently to put his deal back on track. The broker breaks the bad news to the first buyer

who is very upset and demands to be reimbursed for his survey costs. What went wrong here?

First, the broker, as a dual agent, has a fiduciary responsibility to inform both buyer and seller of the current status of the agreement. Even though he returned the first buyer's deposit, he never followed up by getting a formal rejection in writing from the buyer. Instead, verbal communications took place regarding trying to salvage the deal which the buyer agreed to.

At this point, the buyer assumed he still had first rights to pursue the purchase of the vessel. The broker never informed the seller of the actual status of the agreement (still technically in effect without rejection letter) which would impact his ability to accept another offer. The seller assumed the first deal was off based on the broker's original verbal communications but the broker never bothered to share with him that he was still trying to save the deal. To compound the error, the broker not only submitted the second offer but didn't advise the seller he shouldn't accept it until or unless the first offer was officially terminated. By accepting the second offer while the first one was still in effect, the seller opened himself up to significant liability.

The take-away: As soon as a transaction takes an unexpected turn that will breach the terms of the original agreement, it is absolutely mandatory that a written addendum be drafted, signed by all parties to the agreement, specifically outlining the new terms that will allow the deal to remain in contract.

Don't hide bumps in the road that arise in every deal from either buyer or seller because you think someone might get upset. It is always best to put everything on the table and go with full disclosure. You will find this approach to be appreciated and respected by your clients and it reflects on your professionalism as a yacht broker.

CYBA MEMBERSHIP

Welcome Aboard New Members 2019

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.

David Talton
Master Member
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Joni Geis
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Dean West @ Dean West Marine Enterprises

CYBA Members, if you have had a recent change in your place of Business, Please contact Don Abbott at don@cyba.info with any new contact information. Please call or email me directly if you would like more information regarding Membership or have a colleague you would like to propose for membership. Mark Rentziperis – CYBA Membership Chair – brokermark11@gmail.com or 949.533.6505

An event that brokers, salespeople and supporting sponsors look forward to each year is the California Yacht Brokers Annual Dinner. Taking place at the Bahia Corinthian Yacht Club in Corona del Mar (Newport Beach), this venue is one of the nicest yacht clubs on the West Coast. Every year the CYBA strives to make this annual event better and this is no exception. A great opportunity to meet other professionals in your industry, see old friends and enjoy a great dinner and music. Come join us... you won't be disappointed. (See our full page ad on page 7 in this newsletter for details.)

Sincerely,



Mik Maguire
President, 2016-2019



Certified Professional Yacht Broker News

By Nick Friedman, CPYB

Ask any professional and they'll tell you that participation in a certification and continuing education program is critical to maintaining a competitive advantage in the marketplace. In our industry, the Certified Professional Yacht Broker program fills that need.

Over the years, over 600 yacht sales professionals have certified, with about 400 currently active in North America. This certification enhances the image of our entire profession and guarantees a high standard of knowledge, ethics and business practices.

Once a year, representatives from the seven North American Yacht Broker Associations get together for a two day Certification Advisory Council Meeting. This year it was held at the International Yacht Brokers Association headquarters in Ft. Lauderdale, FL.

One of the highlights of the meeting is the continued development of a series of e-seminars on a wide variety of subjects. Examples for the 2019 – 2020 series range from, "Communication Tips for Yacht Brokers" to, "Customs and Marine Tax law between the U. S. and Canada" and cover a wide range of topics. For 2020, at least five e-seminars will be offered

(cont. on page 30)

Clean & Green on the Water

By Pamela Churchill

Water pollution has become one of the more damaging ecological issues on the rise. Our activity in and on the water affects the quality of water for us and the aquatic ecosystem today and for our future.

To help protect our waterways from pollution, a local nonprofit organization made up of marina operators, Clean Marine, works to help certify California marinas, boatyards and yacht clubs to become a "Certified Clean" facility.

The Clean Marine Program was "created to provide environmentally clean facilities and protect coastal and inland waters from pollution through compliance of best management practices."

The certification process involves review of several components, including marina sighting and design considerations, marina management, emergency planning, petroleum control, sewage and gray water, waste containment and disposal, storm water management, habitat and species protection and boater education.

Marina del Rey's newest marina, AMLI Marina, housing 237 boat slips, along with a host of 5-star amenities, was recently certified by the Clean Marine Program. AMLI's marina was reviewed for compliance in thirteen categories that include emergency re-

(cont. on page 28)



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Ethically Speaking, Are You?

(This column is another in an occasional series discussing sections of the CYBA's Code of Ethics written by Ethics Committee Chair and CYBA Vice President, Dean West)

Since first starting to write this column a few years ago, I've hopped around the CYBA Code of Ethics with you readers, picking a different section each issue to highlight and discuss. The intent is to get (and keep) you thinking about ethics in the yacht sales business, as set forth by your Association decades ago. Though we've since updated the code, and added new sections over the years, the core tenets of ethical conduct remain as originally written.

This issue we're going back to the beginning, Section 1. Protecting the Public.

"It is the duty of the Member to protect the public against fraud, misrepresentation, or unethical

practices in the yacht brokerage profession. Members should endeavor to eliminate any practices which could be damaging to the public or to the dignity and integrity of the yacht brokers Association in regulating the practices of Brokers and Salespersons in California."

This section was listed as number one for a reason. The original framers of our Code of Ethics thought enough about protecting the public, that they deemed this to be first of all the Sections, and the cornerstone of the California yacht broker's interaction with the public. They knew that one of the best ways to protect our industry, and to secure your career, is to protect the public. When there are transgressions against clients, either buyers or sellers, and it gets out of control, it often becomes fodder for the press and the media. They love stories about "rich people" having problems with

their "yachts".

A case in point is currently unfolding in South Florida where a yacht dealer and the European builder are conducting a very public feud, ostensibly regarding warranty reimbursement. This fight has gotten so public and so nasty that a buyer's multi-million dollar payment has been held up, and a multi-million dollar yacht impounded, while things are sorted out in the courts. Print media, both inside and outside of our industry, are having a field day with it.

This is exactly what we don't need. It is bad for everybody and tarnishes our business and industry, while negatively affecting our livelihood. Though some would argue with the adage "the customer is always right", nevertheless it is good business practice to subscribe to that point of view.

Fraud, misrepresentation, or unethical practices don't need to

(cont. on next page)

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involve large amounts of money to warrant your attention. Seemingly small things such as misrepresenting the condition of a vessel, utilizing softball surveyors, taking kickbacks for services, failing to disclose known deficiencies - all fall short of what is demanded of an ethical, conscientious broker conducting his/herself within the guidelines of the CYBA Code of Ethics.

By striving to maintain the "dignity and integrity" of your Association, and by extension your industry, you are solidifying the importance of your role as a yacht sales professional. In doing so, among other benefits, you effectively offer the public a solid and reputable alternative to the dangers and pitfalls of the Internet and e-commerce forces that threaten the very existence of our industry. No one is looking out for the clients as they click through websites and webpages.

In contrast, by presenting yourself as a stalwart defender of the recreational boater (specifically your clients) you earn your reputation, solidify your longevity, and elevate the professionalism and competence of your profession.

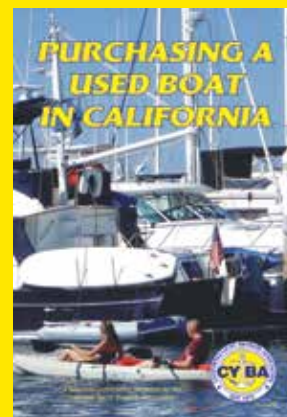
Ethically speaking, it's Section numero uno!

About the author: Dean West is owner/broker for Dean A.

West Marine Enterprises. He is chairman of the CYBA's Ethics Committee, current Board Vice President and past President, and the former Ethics Chair of the International Yacht Council. Dean can be reached for comments, or to request that a specific Code of Ethics Section be covered, at: ethics@CYBA.info

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You can download the booklet in PDF format from the CYBA info website or order the hard copies from Don Abbott. don@cyba.info



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CYBA September Board Of Directors Meeting

By Jeff Merrill, CPYB

Oakland Yacht Club is a terrific venue to hold a meeting and the CYBA would like to start with a special thanks to Commodore Phil Davies and the OYC board and members for allowing us to use their great facilities.

In what has become an annual tradition, the CYBA board tries to meet at least once a year in Northern California. This enables the directors to meet in person with many of our strong northern California broker contingent and it also makes it easier for the Division of Boating and Waterways staff to drive over from Sacramento so they can participate.

It was a travel morning for all – planes and cars - and once set up the meeting was called to order by president Mik Maguire who has guided us for coming up on three years and has done a fantastic job as our leader.

The Board meeting started at



10am and the board thoughtfully discussed the agenda until about 11am. At that time the meeting was suspended so that we could welcome and listen to the Division of Boating and Waterways staff. The DBW folks who came to speak included; Corrina Dugger, Marinda Isley, Monique Cabral and Fahim Buksh. It is always great to hear

what is happening in Sacramento and to see these hardworking people in person.


Corrina Dugger – management

Corrina started out by reminding us that the ABA 865 bill passed in July 2013 to increase yacht broker and yacht salesperson


(cont. on next page)

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CYBA Board Meeting... (cont. from page 22)

fees. This is an important issue coming up and DBW will be working with the CYBA. Dues have not been raised since 1990 and there is a large short fall. DBW is looking at their program costs and need revenue increases to cover expenses. The CYBA will get with our lobbyist, Bret Gladfelty, to review this important issue and continue discussions with the DBW. Once the new fee structure is developed there will be a 45-day window to discuss and review. It is being contemplated that the new fees would be phased-in over a reasonable term. Currently broker fees are \$200 for original and salespersons fees are \$100 (plus

(cont. on page 24)



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~ STUDY SESSION AND TESTING ~

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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:

Tony Faso
Delta Marine Sales
and Delta Marine Yacht Center
209-463-0384
tony@deltamarinesales.com

Nick Friedman, CPYB
The Shoreline Yacht Group
310-748-5409
yachtbroker@pacbell.net

You may also respond to 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.

testing fees in both cases)

Fahim Buksh – salespersons

Applications need to do a much more complete disclosure on their background information per CA Code 1203.4. Brokers need to make sure applicants do this properly prior to submitting.

If a salesperson transfers to another brokerage or is terminated, the broker is required to let DBW know AND return the original license to Fahim. Failure to do so can create delays.

For news salespeople applications; fill out, sign and return the original yellow application, not a photocopy.

Monique Cabral - brokers

If you are incorporated and your business becomes suspended by the state, your brokerage license will also be suspended. As the broker, you are responsible for making sure your corporation is in good standing with the state.

Regarding renewal forms, don't forget to fill out the broker personal information.

Fictitious business names expire five years after issued. Make sure you are current with the state if you want to continue using that name for your business.

California Boater Card. The DBW has created a book, called "California Course for Safe Boating" to help with studying. Surprisingly, only one attendee, board member George Sikich raised his hand as having received his Card. George tells all of his clients to get the Card and figured he better do so himself. George did this through Boat US, took their test and had it linked to the state of CA to get his Card. There are several ways to take the test and get the Card, but here is the link to the Boat US test. <https://www.boatus.org/california/> It was also discussed that clients who have the Card may be able to save on boat insurance. DBW is going to be asking brokers if they have the Card during renewals and visits so take the time and get this done now. Once you get the Card you



are good for life, this is a onetime pass to get the Card.

Marinda Isley - enforcement

Fahim and Monique are now doing site inspections.

DBW will be at the San Pedro show in a booth and look forward to meeting brokers and consumers. There have been a couple of recent incidents where consumers

weren't clear on boat purchase deposits and payment of survey related fees. Some buyers have wrongly assumed that if they did not buy the boat, they would have all of their expenses reimbursed (including costs for haul out and surveyors, etc.). If the deal is cancelled / the offer withdrawn,

(cont. on page 26)





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it needs to be clear on what happens to the deposit and who pays for what. Brokers need to make it very clear to consumers that the deposit in the trust account should ideally be untouched and are reminded that the disposition of funds placed by buyers into our trust accounts need to be controlled via written instruction of the buyer. Brokers should take responsibility to make sure their buyers read and understand how deposits work. The deposit in the trust account should not be used to pay for due diligence cost like surveyor fees, haul out, etc. The CYBA also advises against a buyer committing any money on a potential purchase and should wait until they own the vessel before spending. Marinda's report was a friendly reminder that brokers should encourage buyers to pay for services directly leaving the deposit un-touched and whole. Everything is fine if the deal goes



through, but the confusion comes up if the vessel is rejected. Again, it is important to educate your buyers. There is some discussion about modifying the CYBA forms to clarify this language.

Who owns the boat? Make sure you know that the person who has listed their boat is the true legal owner. You can order an Abstract of title to see the actual registration or document in order to know who the owners are. As a broker you need to know who owns it There have been some

issues with disputes between couples who may be separating or divorcing and don't agree on selling the vessel, so be clear that you have the approval of the true owners before you list for sale.

Advertising the true condition of the boat, be careful of exaggeration. If you use something as a promotional advantage. – ask seller for invoices of repairs. Have been some issues of boats being advertised one way, but it was not an honest advertisement. Don't

(cont. on next page)

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make any representations that the seller tells you without back up to confirm what you are stating is correct.

PLS – Private Label Search – Marinda said that the recent DBW announcement that was circulated has had the desired effect of restoring the proper promotion of listings and making it clear who the listing broker is. There is specific language that needs to be included on the listing if a broker is promoting a boat that is not their listing. Brokerages can opt out of Private Label Search and the confusion on California listings seems to be getting corrected. If you have an issue with another brokerage promoting your listing and not identifying the CA brokerage who has the signed listing agreement, please get in touch with Marinda and she can help you get this corrected.

After the DBW presentation we took a lunch break to socialize

and network. For only \$16.00 the meal included sandwiches, salads and cookies.

After lunch Mik talked about some of the highlights of the May Legal Seminar that took place in southern California. It is the CYBA Board’s desire to generate enough interest to conduct a northern California legal seminar in the future. As always, attendance and participation is the driving force. If you have any suggestions for 2020 legal seminar topics, please share them with board member Peter Zaleski who is going to be our liaison with seminar master of ceremonies, Cris Wenthur.

The next topic Mik discussed was the launch and growth of the CYBA MLS (multiple listing service) hosted by YATCO with the domain of www.YachtsForSaleWest.com. Already we have many CYBA members who have joined and uploaded their listings. We anticipate future involvement

with our fellow yacht broker associations on the US west coast, Northwest Yacht Brokers Association and British Columbia Yacht Brokers Association. This new platform has great promise and we are all encouraged to not only participate, but to let the boat buying public know that this new site is the place to search for boats in the west. YATCO has a lot of great services and products available to streamline your business and with our partnership, the CYBA has a strong say and important influence in how they do business. A refreshing alternative from the current aging standard that has upset our industry and is becoming less and less important for most thriving brokerages. Mik introduced board member Dean West to provide additional details and context about how our new MLS works and how it is gaining momentum. Key points include

(cont. on next page)

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that the new MLS is association owned, we as brokers control our own data and it will generate revenue for our association.

Dean also discussed our newest CYBA committee, GEO – Growth Expansion and Outreach, which is chaired by Leilani Wales, a sharp broker based in San Diego. The intent is to increase awareness and involvement, encouraging all genders, races and ages to become active as yacht brokers.

Dean attended ABC – the American Boating Congress – in Washington, DC and explained a bit about how important it is for California to be represented. Which was a nice segue into the

CBC. The California Boating Congress is the spring Sacramento California gathering of marine industry interests. It is important for all of us to be involved to advocate and have a say in what is happening around the boating waters of California. The recreational boating stake holders include – dealers, marinas, brokers, insurance and finance as well as actual boaters attend this conference to meet with our elected officials.

There was a brief mention of our new CYBA.info website. We are looking for more photos to improve the visual appeal of our website and we would love to have our members contribute

some of their favorite boating shots. If you have something to share, please contact our Executive Director, Don Abbott.

Mik concluded by thanking everyone for their time and reminding people that the CYBA Board members and the DBW members would be around after lunch and available to discuss interests and concerns.

After lunch, when most of the visiting brokers had left, the board reconvened to finish their meeting. Everyone who was there felt very happy with the time spent to stay in touch and to continue to improve their understanding of our profession.

Clean And Green... (cont. from page 19)

sponse procedures as well as Best Management Practices for marina operations, boater's maintenance and proper disposal of hazard-

ous waste. The marina became certified in its first 10 months of operation, which no other marina has accomplished, in addition to

being the first paperless marina to be certified and is proud to be clean and green on the water.

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WLG Question and Answer Page

(Brokers can submit questions of interest to the marine community to info@wenthurlawgroup.com and selected questions will be addressed in the next issue)

My client is buying a vessel outside the United States. What additional concerns should my client have other than those involved in a normal US Transaction?

- **Issue 1** is to make sure you can even legally import the Vessel into the United States, assuming US Flag is the flag of choice. Make this a condition to buyer's duty of performance. Have the listing broker or seller take a picture of every engine placard on the engines and then provide the same to WLG for analysis and confirmation from the EPA that the engines are US compliant. EPA Form 3520-21 is now required for all vessel imports, including vessels being shipped to the US, so without verification the Vessel engines are exempt or compliant, the Vessel will not be allowed "entry" into the United States.
- **Issue 2** is to ascertain the VAT paid status of the Vessel. VAT in the EU can range between 20-22% so this is a mistake you will not want to make. In addition, watch out for local sales/use taxes, especially in Spain.
- **Issue 3** is funds control. WLG recommends you as the Selling Broker NEVER give up control of the Deposit to a foreign seller or listing broker unless you have a very long and positive relationship with that broker. If there is a dispute it is very difficult to get the deposit back and foreign litigation costs will eat your client alive. WLG has developed a 3-party stakeholder structure that foreign and US brokers praise since it protects all parties involved in the transaction and makes foreign closings seamless.
- **Issue 4** is obtaining the Certificate of Deletion. Make sure you have agreed upon methodology for obtaining the Certificate of Deletion for any foreign registered vessel since without it your buyer is dead in the water and will not be able to register their vessel.

Issue 5 – US Customs Duty and Tariffs. Make sure your buyer understands that vessels built outside of the United States (other than certain MFN countries, e.g., Australia) that will be flagged in the US, or US state registered, will require a "consumption entry and the payment of 1.5% US Customs Duty. With bond fees advise them to budget for approximately 2% of FMV. Also, Vessels built in China will have an extra 10% tariff currently so your client may want to consider foreign entity ownership structure and foreign flag, but this has complex US tax issues that need to be taken into consideration.

Issue 6 – EU Recreational Craft Directive. Many buyers think that seeing this mark  on the Vessel or its engines means the Vessel is US EPA compliant, but that is incorrect.

Closing. These are just a few major issues but there are many more. For any foreign transaction it is highly recommended that you utilize the WLG Custom Vessel Purchase Agreement which has been time tested in over 15 countries. WLG highly recommends a US Buyer never use the EU MYBA contract without modification since it is filled with "gotcha clauses" that can force your client into buying a boat they do not want.

The WLG Maritime Team

WLG has a full staff ready to serve your maritime and tax needs in an efficient and timely manner.

Cris John Wenthur, LL.M. (Attorney with Masters degree in Taxation)
(619) 398-9050 Ext. 201 / cris@wenthurlawgroup.com

Dane C. Wenthur, Attorney

(619) 398-9050 Ext. 202 / dane@wenthurlawgroup.com

Hailey Siden, Office Manager (Vessel, Aircraft, Property Taxes)

(619) 398-9050 Ext. 100 / hailey@wenthurlawgroup.com

Will McTaggart, Legal Assistant (Vessel Matters)

(619) 398-9050 Ext. 204 / will@wenthurlawgroup.com

Amanda Kendall, Legal Assistant (Vessel Matters)

(619) 398-9050 Ext. 205 / amanda@wenthurlawgroup.com

exclusively to CPYB members.

A robust apprenticeship program is in place and a broker can apply for certification after two years of experience as a yacht sales professional. Twenty-six managers of Skipper Bud's, the largest Midwest area dealer and brokerage chain have applied for certification, and there are cur-

rently over forty CPYB Endorsed Brokerages where all of the sales staff are CPYB or CPYB apprentices. There are about twelve individuals scheduled for the national test day on December 3rd. The next national test day will be in March.

Our own Lon Bubeck, was honored for 14 years of service on

the Certification Advisory Council and his tireless work refining and updating the testing process and subject matter.

To apply for certification, contact CYBA board members Jeff Merrill or Nick Friedman or the CPYB program manager, Colleen McDonough at 410-940-6349, cmcdonough@cpyb.net

I Signed Up For What?... (cont. from page 6)

is effectively using your listing efforts, a listing that you paid to promote, to re-direct potential buyers away from contacting you directly. You don't have to click the "Not available for Co-Brokerage" button on Boat Wizard, that is not the problem. Ask your Boats Group rep if you are signed up for PLS. You should be aware that you have a choice and most brokers I know are fed up and OPTING OUT of PLS once they discover they were automatically signed up. This Boats Group "product" is another way for them to generate revenue off of your efforts AND enables

other brokers to grab what should be your potential clients out from under you. It is already becoming less profitable for those brokerage companies who make money off your hard work. Informed brokers are waking up, opting out and the net result is fewer and fewer listings are available in this pooled inventory.

I'm very concerned about the direction our industry is taking – we have sailed off course into uncharted waters. That's not what any of us signed up for. I enjoy my job – the boating, the clients and my fellow brokers.

If we don't stand up and collectively make an effort to inform the public what is going on behind the scenes with the Boats Group brands (YachtWorld, Boats.com, YachtCloser, etc.) then we all may be OPTING OUT of our careers. Disruption is happening, are you going to take the helm or be lost at sea? The groundswell is growing, look at your marketing costs and determine where the best place is to spend your hard-earned money. It appears to me that the Boats Group business model is sailing onto a reef and I don't want to go down with the ship, do you?

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EIGHT BELLS

Paul Caronna

March 28, 1941 – August 27, 2019

POINT LOMA—Paul Caronna, a Point Loma yacht broker known by many for his love of blue marlin fishing, has died. Caronna's friend of nearly 40 years, Mary Ann Prall, said he passed away peacefully from chronic respiratory failure. He was 78 years old.

Caronna spent more than 20 years on his yachts, fishing in Cabo and the islands of San Benedito, Sicorro and Clarion, Prall said. "Those who knew him will tell you he was one of the best blue marlin fishermen in the world,"

Caronna came from a big Italian family and grew up in Southern California. Paul spent his high school days working for Chrysler and advanced to building race engines. In about 1990, he got into the yacht brokerage business, where he spent about 25 years as a yacht broker with Scott B. Jones yachts, manning the San Diego office.

Paul was instrumental in forming the notable San Diego Broker's Forum, a nationally admired monthly gathering of waterfront professionals that endures to this day, after 20+ years of comradery and networking.

In a story Caronna wrote about reeling in an 850-pound Pacific blue marlin with Prall in 1983 off the shores of Cabo, he traced his



love for fishing back to 5 years old. "...at that young age, only two things got my attention: fishing and cars," Caronna penned.

He said in the story when he was young his father took him to Ocean Park pier in Santa Monica to fish. When his dad died when he was 13 years old, he said his mom took him down to the Redondo Beach pier to fish. He spent the rest of his life fishing.

CYBA Director Dean West said this of Paul: "Paul was a gentle soul, a respected yacht broker, a kind man, and a good friend to all who knew him. He was supportive of the two industries he knew and loved most – fishing and yacht sales, and those of us who make our livings or spend our leisure hours fishing or messing around with boats, will miss his presence."

Caronna loved his two sons, Paul Jr. and Frankie, his girlfriend Mary Ann, his Rolls-Royces, the Bellagio and going to dinner at his favorite restaurant, Fiddler's Green.

"Paul lived a magical and fabulous life, fueled by his love of the sea," Prall said.



Ryan Eastman

The Newport Beach boating industry lost an iconic figure and beloved friend, Ryan Eastman. The 47-year-old-year-old died unexpectedly of believed natural causes in his sleep on Aug. 20 while on a business trip in Florida, according to Eastman's father in-law, Sam Hill. His exact cause of death is pending results from an autopsy.

He leaves behind his wife, Alison, and his eight-year-old son, Sam.

"Whether it was body surfing with his eight-year-old son, he just loved the ocean," Hill said.

Eastman was a longtime resident of Newport Beach. He went to school at Newport Harbor High School, then graduated from the



University of Southern California and went on to earn a law degree, although he never practiced law.

He had been in the boating business in Newport Beach for more than 20 years and grew up boating with his family, Hill said. Most recently, he was a partner in West Coast Yachts, a yacht brokerage business, and partner in Balboa Boat Yard.

"Ryan had such a contagious love of boating," Gregg Kelly, who is married to Eastman's aunt, said.

Kelly said not only did Ryan love boating but he also inspired others around him to get into the business.

"It wasn't about selling boats," Kelly said. "He was selling a lifestyle, he was selling the dream."

Kelly said Eastman had at least 15 people calling him their best friend.

"He had that affect on people," Kelly said.



S. Reese Williams

October 26, 1944 – June 4, 2019

The CYBA recently learned of the unfortunate passing of longtime San Diego broker, Reese Williams. Reese was the past owner

(cont. on Page 33)

San Diego Brokers Sales Forum

By James Johnson

Dear Brokers, Friends and Sponsors,

It's on its way! The Annual Forum Christmas Party and Food Drive! The 2019 version of this greatest of local holiday traditions is rapidly approaching, and it is time to plan!

As I have in the past, I'm looking to those who have supported the San Diego Broker's Forum throughout the year, as well as brokers and salespeople, to help sponsor the Annual Forum Christmas Party and Food Drive. Held once again at our favorite restaurant, the iconic Fiddler's Green, this year's party will be December 18th from 4 – 7 pm. As always, the Crew at Fiddler's will pull out all the stops to ensure that we have a festive time, as they serve up their great food and excellent adult beverages. Chief Fiddler Steve Rock will be there to welcome us

all back, and to set the seasonal tone for this great event.

Growing yearly in significance and importance, the Broker's Food Drive has become a tremendous part of our gathering, and it is heartwarming to see how this has grown into a truly worthy and beneficial ritual of kindness, one that our celebratory guests enthusiastically embrace. God bless everyone for their participation! This year, to make it more convenient for all, you can drop your cans off at Fiddlers anytime the day of the event.

As for the party, the goal is to just cover the cost of hosting this event. This is where our local waterfront community sponsors, through their generous cash donations, underwrite the expense of this much-anticipated event. We are fortunate to have so many wonderful sponsors among our San Diego yachting businesses and service providers, helping to

pay for this celebration of friends and colleagues.

We hope that you too can support us this year. So many of you have been steadfast in your support of our amazing Forum throughout the year, while many of you exhibit the Holiday Spirit by making contributions just to the party. All of it is most appreciated. This year we'd like to get this handled in a timely manner, so last minute stresses are eliminated, so please act today! Please call or email me with your contribution at your earliest opportunity, so that I can have the time to properly prepare for this event. I would like to thank-you in advance for your generosity and I look forward to seeing everyone on the 18th.

Don't forget to bring five (5) cans of food so we can continue to help provide for our neighbors in need!

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The fact that you are reading our newsletter should be the only proof you need to jump on the band wagon.

Sponsorship opportunities are available at different price tiers (through cash contributions and in-kind considerations) to make this affordable for all marine businesses and services who par-

ticipate in and market to new and used boat sales of all sizes.

Is it a good investment to be a CYBA sponsor? The current "good old days" of our building economy and the increasing demand for boat ownership show no end in sight. A wide variety of marine businesses have taken advantage of this great way to build relationships.

Our promotional program has grown each year thanks to so many far-sighted firms. Your recognition as a leader in our close-knit community is essential for broadcasting your business name out in front of your customers.

We are delighted to have so

many returning sponsors who have renewed their support. We are always interested in hearing from other companies who may also want to take advantage of this direct connection to the yacht brokers and sales persons in our state.

As of our newsletter deadline in November, the following companies have pledged their support as 2020 sponsors.

Please contact George Sikich to learn how you can build your business brand by becoming a CYBA sponsor.

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Sterling Acceptance Company

Trident Funding

Twin Rivers Marine Insurance

West Marine

Yacht Sales Academy

Yachts For Sale magazine

FRIENDS

Fiddler's Green

Eight Bells... (cont. from page 31)

of Ocean Air Yachts at Sunroad Marina, and before that he spent years at the San Diego Crow's Nest after starting his yacht sales career at Sterling Yachts.

Retiring from the Yacht business in 2008, Reese joined his wife Carol (Kirby) and moved to Mexico's Yucatan Peninsula. He fit right into her real estate business, White City Properties. <https://www.whitecityproperties.com/> He loved selling high end properties in the tropics.

Born in Wilmington, Delaware in 1944, Reese



grew up boating on the Chesapeake Bay and along the East Coast. His love of the ocean influenced his enlistment into the US Navy, where he served proudly until after his discharge, when he joined the corporate world as a customer representative for General Motors. Leaving the East Coast, Reese headed to the mountains of Colorado and Wyoming where he turned his love for the outdoors into a number of sporting goods stores.

When the need to return to the ocean arose, Reese relocated to San Diego, where he started his new career in yacht sales. A born salesman, Reese's quick smile and easy going manner, coupled with an ability to converse with anyone from boatyard workers to large yacht owners, made him a liked and recognized figure along the SoCal waterfront.

Reese fought an extended battle with prostate cancer, succumbing to it in June, at the age of 74 in Merida, Yucatan. He leaves his loving wife Carol.

CYBA Board Of Directors Meeting

September 11, 2019.

Location: Oakland Yacht Club

CALL TO ORDER: 10:11.

DIRECTORS PRESENT: Don Abbott, Mik Maguire, Dean West, Jeff Merrill, Dennis Moran, Nick Friedman, Tony Faso, Peter Zaleski, Mark Rentziperis, George Sikich

RECOGNIZED GUEST(S): Mike Garner (Delta Marine Sales).

APPROVE MINUTES: July Minutes unanimously approved.

FINANCIAL REPORT: Peter Zaleski reports that the financial status is strong. A portion of funds have been placed in an interest bearing account. There is an outstanding balance of \$14,000 due to Citrix who is hosting our electronic signature feature on the new forms.

OFFICERS AND CHAIRS

President: Mik Maguire

1st VP: Dean West

2nd VP: George Sikich

Treasurer: Peter Zaleski

Secretary: George Sikich

Immediate Past President: Jeff Merrill

Director: Nick Friedman

Director: Dennis Moran

Director: Dean West

Director: Tony Faso

Director: Mark Rentziperis

Executive Director: Don Abbott

Committees:

Forms: Nick Friedman

Legal Seminar

Annual Dinner: Don Abbott

News Letter: Tony Faso

Ethics: Dean West

Arbitration: Dennis Moran

Legislative: Dean West, Tony Faso, Mik Maguire

Growth, Expansion, Outreach: Leilani Wales

MLS Advisory, Mik Maguire, Dean West, George Sikich

Sponsorship: George Sikich

CORRESPONDENCE: N/A

MEMBERSHIP: Mark Rentziperis has nothing to report. He indicates we will have several new members by our next meeting. Also, The BoD discussed new levels of membership to be more inclusive to staff and employees and are continuing the conversation. The board voted to allow two new classes of

membership. They will be called Administration and Affiliate Individual. These new categories will enable office personnel, staff etc. to be a CYBA member at the same rate as a salesperson.

SPONSORSHIP: George Sikich is organizing the 2020 outreach for sponsorship and will soon be emailing for renewal and follow up through the Board members. The goal is to get as many responses as we can before the next newsletter deadline.

FORMS: Nick Friedman has informed us that the new forms are up and ready to go. We are live, Nick encourages us to use the new forms from here on. The old forms will be stored and your data will be saved. The electronic signature portion will be live shortly. There will be a minimal fee eventually.

LEGISLATION: Dean West, Tony Faso, Mik Maguire report that through our lobbying firm Apex that AB 5 has been signed into law. This Bill states that Yacht Brokers and/or Salespeople will be classified as "Independent Contractors". This was a very important Bill that will greatly benefit our industry.

BOAT SHOWS/EVENTS: N/A

NEWSLETTER: Tony Faso has set a deadline of October 31st for articles to be published in the newsletter, so be sure to have them in by then. Articles are encouraged by members. If you have something you would like to write about, please submit to Tony.

LEGAL/ARBITRATION: Dennis Moran reports there is one case under Arbitration.

OLD BUSINESS: N/A

NEW BUSINESS: We are looking at a CYBA sponsored Boat Show in Northern California. This is in the works and details will be forthcoming.

The Board approved for Nick Friedman and Jeff Merrill to attend the CAC (CPYB) annual meeting in Fort Lauderdale in November. A motion was made to authorize the CYBA annual dues for our CAC contribution.

The Board approved a \$1,000 expenditure for Leilani Wales to promote the GEO program. Leilani has worked very effectively in promoting women and minorities to join the CYBA.

ANNUAL DINNER: Will be in Newport Beach at the Bahia Corinthian Yacht Club Jan 18th.

NEXT MEETING: Wednesday, November 13th in

(cont. on next page)

Newport Beach.

ADJOURNED: A motion to adjourn was made at 2:20.

CYBA Board Of Directors Meeting

November 13, 2019.

Location: Orange Coast College (Newport Beach)

CALL TO ORDER: 11:06am

DIRECTORS PRESENT: Executive Director Don Abbott, Mik Maguire, Dean West, Jeff Merrill, Nick Friedman, Peter Zaleski, Mark Rentziperis, George Sikich, absent Dennis Moran

RECOGNIZE GUEST(S): Mark White, Denison Yachts, Director of West Coast Marketing
Leilani A. Wales, Cruising Yachts, Inc.

APPROVE MINUTES: September minutes approved on-line.

FINANCIAL REPORT: The current P&L and Balance were distributed to the board. The financial condition is good, but we need to look for additional revenue sources. We have paid upfront for a year to Citrix for E-signature on the new forms. A motion was made to approve the financial report and was unanimously passed.

OFFICERS AND CHAIRS

President: Mik Maguire

1st VP: Dean West

2nd VP: George Sikich

Treasurer: Peter Zaleski

Secretary: George Sikich

Immediate Past President: Jeff Merrill

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Committees:

Forms: Nick Friedman

Legal Seminar

Annual Dinner: Don Abbott

News Letter: Tony Faso

Ethics: Dean West

Arbitration: Dennis Moran

Legislative: Dean West, Tony Faso, Mik Maguire

Growth, Expansion, Outreach: Leilani A. Wales

MLS Advisory, Mik Maguire, Dean West, George Sikich

Sponsorship: George Sikich

MEMBERSHIP: Mark Rentziperis reports that since our last meeting we have 3 new master members, 3 sales persons, 2 affiliates. For the year, Mark reports 10 master members, 1 associate broker, 12 sales people and 3 affiliates, for a total of 26. A motion was made by Dean West and second by Jeff Merrill to an adoption of standardization rates to be, \$50 initiation and \$48.00 yearly to all, excluding affiliates and master members, to go into effect Jan 1, 2020.

SPONSORSHIP: George Sikich reports that all sponsors have been contacted to renew for 2020, most of the sponsors have responded and will renew. We are also expecting a few more new sponsors in the next month.

FORMS: Nick Friedman says we will be live in a short period of time. The forms have many new upgrades and will be extremely beneficial to us. We will have an E-Signature capability built in.

LEGISLATION: Dean West, Tony Faso, Mik Maguire MRA has decided to leave Apex (our current lobbying group). Due to that departure, Apex has dismissed the CYBA as a client. We are going to look at other lobbying firms, including MRA'S Choice, Platinum Advisors.

(cont. on next page)



WEBSITE: The CYBA website has been greatly enhanced and encourages member participation.

CYBA MLS: We have approved bringing in the BCYBA, and the NWBA to join, www.yachtsforsalewest.com Yachts For Sale West, our MLS.

The CYBA MLS is experiencing solid growth and we encourage CYBA Members and the public through marketing to use www.yachtsforsalewest.com for listings and boat searches. An online meeting is scheduled with Yatco for Friday Nov 22 at 10:00.

BOAT SHOWS/EVENTS: The CYBA is exploring hosting a boat show in Northern California. A few locations were discussed as well as a date. The details will be released as they unfold. The CYBA will focus on having a presence at most boat shows, we plan to have a booth at

these shows.

NEWSLETTER: Tony Faso, articles have all been submitted.

LEGAL/ARBITRATION: Dennis Moran was not available to report. The arbitration panel is not required to be CYBA presidents/past presidents. Historically, we try to use a combination of presidents/past presidents and/or board members. Also, we are not required to have a specific number of arbitration panelists but have elected to seat two panelists for hearings. In addition, the arbitration manual stipulates the following: "Nothing is to be construed in these Rules as prohibiting or restricting the parties in their ability to select an Arbitration Panel of persons that are not from the list of arbitrators provided by the Administrator."

OLD BUSINESS: Leilani reports that the GEO get together was very

successful and resulted in 4 new members. This will be ongoing.

NEW BUSINESS: The CYBA has been granted a 1 year membership in the NMMA (National Marine Manufacturers Association). Jeff Merrill and Nick Friedman will be representing the CYBA attending the CPYB (CAC) in Fort Lauderdale. We will be offering a CYBA Business Seminar that will be held in San Diego on March 12th, this will be open to the entire membership. Call for Board Candidates is 12/01/2019.

ANNUAL DINNER:
Jan 18th 2020
at Bahia Corinthian Yacht Club
1601 Bayside Dr.
Corona Del Mar, CA 92625

NEXT MEETING: Jan 18th 2020.

ADJOURNED: A motion was made to adjourn at 3:03pm.

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Calendar Of Events

Jan. 9-12	Los Angeles Boat Show Fairplex, Pomona
Jan. 18	CYBA Annual Dinner And Reception Bahia Corinthian Yacht Club, Corona del Mar
Jan. 18	CYBA Annual BoD Meeting, first BoD Meeting of 2020
Mar. 12	Board Of Directors Meeting
Mar. 12	Business Seminar Bahia Corinthian Yacht Club, Corona del Mar
Mar. 30-31	2020 California Boating Congress Hyatt Regency, Sacramento
Apr. 16-19	Pacific Sail & Power Boat Show Craneway Pavilion & Marina Bay Yacht Harbor
Apr. 23-26	Newport Boat Show Lido Village Marina, Newport Beach
May 28	CYBA Legal Seminar Location TBD
June 11-14	San Diego Boat Show Spanish Landing Park, East San Diego
Sept. 17-20	LA Harbor Boat Show Cabrillo Way Marina, LA Harbor/San Pedro

