



THE CYBA NEWS

March 2020 - June 2020

The California Yacht Brokers Association Newsletter

DBW Twarts Listing Misrepresentation – DBW Hardens Their Line To Protect Consumers

Your CYBA is an omnipresent conduit for the brokerage community's challenges, woes, concerns, restrictions, and obstacles. We take your input, in the form of complaints, reasoned discourse, and insufferable whining, and then attempt to create solutions, calm fears, and further economic prosperity and harmony within the recreational boating community.

We do this in a number of ways, and with a number of allies: we regularly meet and interact with other brokerage associations, nationally and internationally; we lobby, support/oppose, educate, and encourage law makers and regulators, locally, regionally and nationally; and we work closely with those in California who are tasked by statute with regulating us, as well as promoting a safe and inclusive environment for our industry, our California Division of Boating & Waterways (DBW).

Our relationship with the DBW is one of mutual respect and common cause. We want what is right for our members and for the state's boaters, and they do too. We have been there for them when they have been faced with Sacramento-induced challenges, such as abolishment of what was then the Department of Boating & Waterways, and they have been there for us when we have had issues of critical importance, such as Independent contractor status.

It is a relationship that works.

Recently, the DBW has responded to our appeals for clarity and guidelines in the use of YachtWorld's nefarious Private Label Search (PLS), and other data-harvesting schemes, intended to fool unsuspecting web surfers into believing that the brokerage across the street from you has 2,750 boats listed, compared to your paltry 17. The online shopper

is misled into believing that your listing is in fact someone else's.

Obviously, this has caused great consternation among a number of brokers who find that their efforts in securing and servicing a central listing have been undermined by a brokerage that has absolutely no personal knowledge of the listing, yet attempts to portray the listing as their own. Then this same brokerage attempts to "co-op" the listing with you, while maintaining the charade with the client that this is a listing in which they have intimate knowledge, insight, and history with. The client is misled and duped. Were it not for the unauthorized advertising of your listing, the client likely would have discovered the true listing brokerage's web posting (yours), and would have called someone who has a much stronger likelihood of answering questions and

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Best Practices For Boating Facilities During COVID-19

California State Parks Division of Boating and Waterways

The California State Parks Division of Boating and Waterways (DBW) works with cities, counties, and districts throughout the state to promote safe and clean boating

access. During the COVID-19 pandemic, DBW advises the boating community to follow public health guidelines consistent with the Governor's Stay-at-Home Orders and local county public health departments. DBW has identified

a set of COVID-19 safety best practices for boating facilities based on state and national guidelines. This document is for informational purposes only. DBW assumes no liability or responsibility in connection with this document.

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from the PRESIDENT

**George Sikich, CPYB,
Kensington Yacht & Ship Brokers**

At the onset of 2020, the CYBA had outlined an extremely aggressive agenda. So much for ambitions, as life throws us a curve. The current dictum of COVID-19 has completely overshadowed most of our expectations for 2020. The CYBA is not lying down and we are moving forward in our efforts to promote and maintain our industry. We are in touch with state, county and local agencies to facilitate and coordinate our business in the current environment.

We have been cleared to engage our business as it is deemed "Essential". The bigger concern now is moving forward and navigating the obstacles we face. Our presence in the marketplace is more important than ever. We have an incredible opportunity to exercise our knowledge and expertise to the boating public. Our overall professionalism will project an air of confidence to our clients that will comfort them. What I am personally experiencing is apathy from clients toward moving forward on a transaction given the current climate. I found this an easy objective to overcome. Letting our clients know we can safely provide a scenario where all parties concerns are met. Videos of listings, sea trials and surveys, are just an example of what can be done to complete a transaction. We have offered online we-

binars on how to proceed in the COVID-19 world to our members hosted by Yacht Sales Academy. To be clear, things are not normal, however we have seen many market disruptions in the past 20 years, 9/11, the mortgage crisis and now COVID-19. We have always rebounded well.

Moving forward, we are still going to host the legal seminar (date TBA), aggressively pursue hosting a CYBA sponsored boat show and possibly a CYBA business seminar. Our www.yachtsforsalewest.com is up and running and our new forms are launching.

Lastly the consensus across the country is very positive regarding boat sales, as stated by the American Boating Congress, people are seemingly more likely to purchase a boat locally than go on vacation or even charter in far away places. In the first quarter in California, sales were off 11%, a better number than would be expected.

The 1st quarter GDP was -4.8 with 14.8% unemployment, the general consensus is these numbers will get worse in the 2nd quarter. The impact of these projections is of course unknown. Most broker associations are reporting recent increased web hits, emails, calls, showings and most importantly transactions. Let's work hard, smart and safe.

From the desk of

the President

properly representing the boat to the prospect, (you)!

Among the comments generated from the CYBA and our members were these:

"PLS, as utilized and promoted by YachtWorld is an insidious marketing tool designed to boost their revenues at the expensive of smaller brokerages, or those not inclined to support their platform's infinite "value added" tools. What it does, in effect, is to allow brokerages that pay extra to YachtWorld for enhanced listings, larger photos, and website positioning to "harvest" prospective buyers before they can find the legitimate listing broker's entry of a vessel. This in turn, costs the legitimate listing broker at least 50% of commission-based revenues, even though the procuring (PLS-utilizing) broker did nothing to develop or service the prospective buyer, and yet expects the listing broker to readily co-op the listing."

"From a client protection perspective, the use of PLS is blatant misrepresentation, attempting to con the public into thinking that the PLS-using brokerage is in fact massive in size and scope, through their seemingly endless array of vessels listed for sale."

"The larger problem is that independent of YachtWorld, anyone can copy a listing, put up the disclosure and post it on their site. When a company is contacted that has no specific knowledge of the boat or may be motivated to shift the client to one of their proprietary listings, the seller is not well served, and this complicates our fiduciary relationship. One can argue that the PLS exposes the vessel to a larger audience, but this isn't true. Most individuals search YachtWorld, BoatTrader, YATCO, Yachts For Sale, etc, and will see the vessel anyway. The true advantage to the PLS in using "my" listings is to keep the customer in "your" website and away from the listing agency's. Also... it misrepresents the size and scope of the brokerage."

"Our state, through licensing and the oversight of the DBW, has created a level playing field for our state's brokers and salespeople, and has done so with clarity and transparency. The use of PLS searches is in direct conflict with those principles. The use of PLS is creating an unlevel playing field, that picks winners and losers, while keeping a thumb on the scale of fairness, transparency and client protection in order to better the financial return of those willing to pay YachtWorld dearly for the right to do so."

In response to the CYBA's input, and the complaints of consumers, Ms. Corinna Dugger, manager of the DBW's Boating Safety Unit addressed the issue and issued the following edict:

The Division of Boating and Waterways (DBW) has continued to monitor the use of the Private Label Search (PLS) engine to ensure that all legal requirements are being adhered to in yacht broker advertisements for boats on the PLS system, in order to safeguard consumer protection.

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Joan Burleigh

tion with the use or misuse of this information. The following best practices are dynamic and DBW urges all boating facility operators to know and follow local restrictions in addition to customary navigation rules.

General Recommendations

- Follow state and local County and City Public Health Office's guidelines for outdoor recreation and for face coverings.
- Develop a written plan for your facility operations and staff.
 - Review your policies, processes and procedures and make adjustments in line with the new health guidelines to ensure that your business is prepared to safely open.

Some components of the plan may include: List of personal protective equipment (PPE), location, how to put on, take off, and properly dispose of; daily cleaning process; important phone numbers; social distance protocols; what to do in case an employee gets sick, among others.

Communicate and train your staff about the revised policies, processes, and procedures.

Consider adding signage to your facility to remind staff and customers of the new safety practices.

Sanitize your facility regularly, at least daily, especially commonly touched areas (ex: Door handles, security gates, bathroom door and sink handles, toilet flushers, credit card machines, fueling stations, etc). Increased traffic in the facility may warrant increasing the cleaning schedule to twice daily (or more often). Centers for Disease Control and Prevention (CDC) has offered guidance on how to clean these areas.

The CDC recommends using products identified by the EPA to disinfect surfaces. A list of cleaning products that meet the EPA's criteria for use against COVID-19 can be found there.

For electronics including computers, tablets, touchscreens, keyboards, remote controls, ATMs

and credit card machines, follow the manufacturer's instructions for cleaning and disinfecting, or consider using wipeable covers for the electronics. If no manufacturer guidance is available, consider using alcohol-based wipes or sprays with at least 70% alcohol.

When cleaning, staff should wear gloves and clean their hands often.

If staff is interacting with customers and touching the same things they are, such as credit cards, gas pumps, or products, provide your staff with gloves. You may consider adding plexiglass barriers between your staff and customers in areas where there may be close contact, such as the facility office or service desk.

Train your staff that if they are wearing gloves, they should still not touch their eyes, nose or mouth. They should dispose of the gloves and wash their hands when their glove-requiring task is complete, or before breaks or the end of the workday.

- Make sure you have enough hand sanitizer and face coverings for your staff.

Make sure you stay up to date with the CDC, EPA and OSHA guidelines during this crisis.

Safe Practices Around Your Facility

Remind boaters that we all must follow the state and local County and City Public Health Office's guidelines for outdoor recreation and for face coverings. Ask your patrons to wear cloth face covering when around others.

- Emphasize to your boating patrons and to your staff to always maintain a safe distance of six feet or more at the fuel dock, sewage pumpout, dump station, boat launch ramp, facility office and store.

- If boaters cannot maintain a safe distance, recommend they leave the area and return when it is safe to do so.

- Stress to boaters and staff the need to wash hands frequently or use hand sanitizer after touch-

ing items such as a marina gate, fuel pump, sewage pumpout, dump station, and handcars.

- Recommend boaters only use the boating facility as a gateway to the water and limit socialization in the parking area or on docks. Request boaters take a direct route to their boat.

- Consider limiting customer entrance to the marina office or store unless they have made a prior one-on-one appointment or in case of emergency.

- Place hand sanitizer dispensers on areas such as docks, gates, boat launch ramps, sewage and dump station and fuel dock areas, at the top/bottom of gangways, and in the office/clubhouse.

- Docks and Boat Launch Ramps

- On narrow docks, recommend boaters use finger floats, ramps, and to wait their turn in order to maintain social distancing.

- Recommend boaters take turns to walk up/down ramps before proceeding.

- Remind boaters to wear life jackets near the water and to use sanitizer after using pay stations and self-registration stations.

- Make sure gates, PIN pads, card readers, and handles are sanitized regularly.

- Post signage about marina policy-related distancing and cloth face covering.

- Handcars
 - If your facility has dock-carts, consider minimizing their use.

- Consider making sanitizing wipes and a trash can available where handcars are stored.

- Recommend wiping down the cart handle and other surfaces after each use.

- Fuel Docks
 - If you do not have an attendant at your fuel dock, remind boaters to always maintain social distancing.

- Consider offering disposable gloves for customers when

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Take Control of Your Future with the Official CYBA MLS

The CYBA MLS is a new regional system owned by the California Yacht Brokers Association and powered by YATCO, the world's most trusted multiple listing system (MLS). Sign up today and give your listings more exposure through our new lead generating consumer sites.

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Business As Unusual

By Jeff Merrill, CPYB

Our CYBA newsletter editor, Tony Faso, asked me to write an article about my thoughts on how the Covid-19 coronavirus will affect our industry. It is clearly going to change how each of us conduct business. For me, I anticipate I'll be traveling less which has a bright side, but that is going to involve some new approaches. Since we don't have a vaccine and the physical symptoms of a carrier are not obvious (like the red spots of Chicken Pox), this invisible scourge has too many secrets. I don't know about you, but I'm tired of the phrase "social distancing." I understand the importance, but as a boater I prefer to use the nautical measurement of staying a fathom apart.

The desire to own a boat has not gone away. In fact, I think that with all of the downtime everyone has been able to reflect on what is truly important in life. There is no other activity better than boating to enable family and friends to enjoy spending time together. Like you, I have had a lot more time to think and if you want to skip to the conclusion, I'm confident that we will rebound and be able to pursue our careers representing buyers and sellers of boats. We just don't know how long this persistent virus is going to be pervasive. Clearly our previous way of life has changed. Don't pine for the past, adapt and accept that things are dramatically different or your business will be tied to the dock while others are underway.

After a more than two month absence, my business is fielding requests for showings. Recently I drove to San Diego to meet with clients to tour two boats and it was great to get back aboard. We have all been cooped up for too long and getting back on the docks and breathing the salt air never felt better. Everyone was careful, we all wore masks and kept a fathom apart where practical. I can get animated pointing out details, but talking through a

face mask muffles my voice and hides most of my facial expressions (I'm working on using my eyebrows more). I have a tough time accepting hand sanitizer versus handshakes, but that is the new way to play the game.

There is a strong foundation in our yacht brokerage industry, a right way to go about your business, but Covid-19 has re-shuffled our industry. Every aspect of how we handle our jobs will be scrutinized and more than ever we will need to be creative with boat marketing and boat shopping will morph into familiar but new rules of doing business – with clients and with fellow brokers.

The traditional yacht brokerage practices we have embraced will need to evolve. I'm certain we will be changing many of the manners in how we manage our clients and businesses. Being together and meeting in person is a foundation of our relationship business. Please be prepared to shift the workloads and permit some more flexibility in the broker-to-broker duties to accommodate new restrictions. I think we need to be more realistic in relaxing some of the normal responsibilities and work more closely to get the transactions completed fairly and not quibble over percentages due to unavailability to be in person if that is not possible or practical. Any change like this should be discussed up front and not assumed or taken for granted.

Happily, the boating habit is too deeply rooted to go away. Sellers still want to sell boats; buyers still want to buy and as brokers we are happily stuck in the middle.

Travel for boat deals is often essential for many in our business, but just not as necessary as it used to be. You really need to think about what is important before you walk out the door. It's one thing to wake up in my own bed and drive to a local marina for a survey, but in my trawler niche I'm usually away from home, sleep-

ing in a hotel room. I think we all need to realize that as much as the buyer's broker and seller's broker are required to attend surveys, it may not be practical or safe in the near future. This is not the "lazy broker" syndrome, it's just smart to minimize exposure and work together which may also mean covering for each other. I, for one, believe we should keep the sharing of commissions in the same ratios whether or not both broker sides can attend. I did a deal in late March with a broker in FL whom I had worked with before. The boat was located in Florida, but my client and I live in California. When it came time to sign the co-op, I called the other broker to explain to him that my client was from San Francisco could not attend due to the lockdown and that he wasn't that excited for me to travel either. I wanted to be there (I had never missed a survey before), but by talking about this up front we had an understanding that was agreed to and we were able to complete the deal. Not that either one of us is keeping score, but I feel I owe him one down the road.

Nobody wants to be insensitive to others. Let's face it, this has been a devastating virus that stopped the world and deeply affected many families. The brakes were pressed, life stopped and sadly many lives have been lost changing families forever. The most unusual part of this situation is that it endangers everyone, no one is immune or above reproach. Address all of the players in your transaction with compassion, it is very likely that someone in the deal has a direct connection to the virus.

None of us have ever had a pandemic determine how to live our lives and though none of us like it, there is not an end date and we need to be aware of letting our guards down and allowing a relapse. I don't see any type of group gatherings taking place for the rest of 2020. At our house,

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we are tuning in on our iPad for church service on Facebook Live. As much as I look forward to the Annual CYBA Legal Seminar, I just don't see it coming off. Perhaps, if we are lucky and the scientists can come up with solutions, we can convene in January 2021 at our CYBA Annual Dinner. Like many of you, I'm looking way up the racecourse and hoping that 2021 will allow us to get back into the groove and hopefully make up for the lost ground we are experiencing in 2020.

Being in sales we need to remain optimistic. In sales, by nature, you need to be upbeat, enthusiastic, personal, a good listener and willing to share your knowledge and experience to assist your clients and help them make the best choices. The pace of business will continue to accelerate, and I can foresee some big changes looming. Think about how your boat-buying clients search and shop. More and more of our yacht brokerage business has become dependent upon the internet. I believe that walk-in traffic to brick and mortar retail marina brokerage locations is not as necessary as before. Main Street America is seeing the closure of many retail stores. Restaurants quickly changed to pick up phone

orders and deliveries. What can your yacht brokerage do?

Boat buyers can do the bulk of their research online and probably will be less inclined to just show up at your office unannounced. Knowing this, it is going to be more important for all of us to increase our presence online – social media, videos, enticing web sites, emails, etc. We have all had enough free time to realize we need to develop new habits and become more cautious, careful and conscientious as our new standard.

I'd never heard of Zoom until the end of February. This "FaceTime for laptops" is not the same as being there, but it's a reasonable next best thing. Being able to show off your listing to your client who is safely sitting at home is likely going to become more important, so you need to start looking into ways you can accommodate your clients and connect live from afar.

The desire of boat buyers has, in the past, been a barometer of the economy. When times get bad, demand slows, when good times return, activity increases. Now, more than ever, people need to get away, to have an escape, to enjoy mobility and freedom to get out in the open and enjoy being

a float.

Maybe the future will allow us to travel without fear and shake hands as a way of greeting, but for the near future we all need to reconsider how we interact and not be afraid to embark in some new directions. Watch what others are doing and be prepared to follow along, or blaze new trails. The buzz is virtual boat shows. I'm tired of the word virtual and the phrase "new normal," but I am looking into new ways of connecting my brokers and clients so that they can share their listings by making a visit to the boat and "showing" it to a remote client in real time with their phone. This is a new skill that all of us need to become comfortable with. Check out Zoom, Facebook Live, Go To Meeting, YouTube Live, Microsoft Teams and I'm sure there are dozens of other ways to do this.

We have had to stay at home, been locked down, shut out, sheltered in place and isolated for a long time – there is going to be a need to release some built up feelings and a strong desire to return to the familiar and what has always been. There will be a rebound, but it will take time. It's never going to be the same, but I am sure it's going to get better.

JMYS Safe Showings/Surveys Suggestions

Former CYBA President, Jeff Merrill, shares his company policy

Each individual broker needs to determine for themselves what an acceptable situation for multi-person interaction is. Prior to any vessel visit, the broker should check with local government guidelines to comply with requirements.

Due to so many unknowns there is clearly some form of risk involved for any face-to-face meetings with other people. If the broker cannot or does not want to participate in showings or surveys, then an alternative, qualified representative needs to

be appointed.

Please share these suggestions in advance with buyers and sellers to outline how visits will be organized and explain individual responsibilities so everyone involved is prepared. Each broker should use caution when allowing for modifications to these guidelines.

Showings

Minimize showings. Work to insure pre-qualified buyers are viewing boats that suit their needs and budgets. "Looky Lou's" and long way out "fender kickers" need to be discouraged and

asked to wait until they are closer to finalizing a decision or until showings are available with fewer restrictions.

Showings by appointment only. In-person visits should be limited to "finalist" candidates who are serious about purchasing a vessel like the one being viewed.

Alternative real-time phone tours. If travel is involved or logistics make a visit difficult, offer to go to the boat and walk the client through using your smart phone with a face-to-face app to provide a tour.

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Dear CYBA Members:

Over the past several years, you have spoken loud and clear that CYBA needs to find a viable MLS alternative of our own. We listened and we acted!

Working hard behind the scenes, our board has laid the foundation for a CYBA owned and controlled MLS. The future of the CYBA MLS is certain: We have guaranteed your ownership of your data. We have guaranteed reasonable and stable pricing. We have ensured the CYBA MLS can never compete against you and that the membership only includes professionals like you. And through revenue sharing back to CYBA, we have enabled the system to give back to you, our members!

Now it's your turn! It's time to take control of your future and support the CYBA MLS (YachtsForSaleWest.com). Populate it with your listings, use it daily, and inform your clients of the CYBA MLS. Without you and your participation, these guarantees will never work, and your future will be at the mercy of billion-dollar financial institutions and digital platforms looking to disrupt industries like ours.

READY TO BE A MEMBER? READ ON.

YachtsForSaleWest.com is powered by the most advanced automated sales and marketing CRM platform our industry has ever seen, allowing you to better compete in today's digital age. The YATCO BOSS (back-office software solution) will enable you to tie all sales and marketing software together to track and manage every client, listing, website visit, and MLS updates in real-time and with instant alerts. This system will save you valuable time and money so you can sell more boats!

GET STARTED TODAY:

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Approval in advance. Get permission from seller to conduct showing aboard and coordinate cleaning inside and out prior to the visit for best first impression. Comply with any special seller requests.

Prior to the visit. Ask of everyone attending if they have had or currently have illness symptoms and/or have had or been exposed to COVID-19 and cancel any possible contagious person's access. Better to reschedule than risk contamination or infection.

Arrival at marina/slip location. Wait in cars until all parties arrive for the showing and can board the vessel together. Coordinate via phone.

General guidelines

- Avoid handshakes (wear gloves) and avoid embraces (wave).
- Wear booties (or remove shoes, wear socks for interior viewing).

- Wear face masks to cover mouth and nose.

- Bring cleaners; hand sanitizer, Lysol/disinfectant wipes and a clean cloth/paper towels – minimize touching and opening.

- Be respectful of personal space and keep some distance. One person through a door at a time with some room between.

- Neatly discard wipes or other trash in a bag for disposal away from vessel.

Planning. Broker should bring extra masks, gloves, cloth, disinfectant wipe in case a visitor forgets. Bring printed copies of the listing and own pen / paper for making notes.

Procedure. Broker should be the only person "touching" door handles, drawers, windows, light switches (buyers should think "keep hands in pockets"). Open up boat, weather permitting, and turn on all lights. Broker should open and close with a clean cloth,

or, if not using cloth or gloves, wipe down all items touched immediately after doing so, including closing down and locking up the boat when visit complete. Broker should provide a trash bag for gloves and wipes to be disposed of. Return vessel to configuration at arrival and let seller know of any issues discovered.

Buyer Preparation

Buyers must certify that they are healthy and not an exposure risk. Wait in car until all gather before going to vessel. No shoes on board, wear socks or clean bootie covers. Bring and wear face mask and gloves. No handshaking or embraces. Bring hand sanitizer. Print out hard copy of listing and bring own pen/paper. No crowding or touching, broker will be the only one permitted to open lockers and drawers. Standing only, no sitting down on seats. No use of sinks or toilets.

(cont. on next page)



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Broker Preparation

Prior to appointment – determine seriousness and qualification of buyer(s) (minimize people coming for visit – children can be harder to keep in an organized group). Permission from seller to show boat. Certify broker is healthy and not an exposure risk.

Broker - No shoes (socks or booties), wear face mask and gloves. Bring print out of listing for review. Lysol or disinfectant and clean rag/paper towels or wipes for cleaning off all surfaces touched immediately after doing so. Trash bag for disposing of gloves after showing. Confirm boat is secure and in same condition as arriving before leaving.

Conduct a recap with clients off the vessel and in a place with good open-air ventilation and room to keep apart, or by phone after the visit.

Provide Seller a follow up report on prospects level of interest,

boat condition and cleanliness.

Surveys

Buyer broker and seller broker roles to be reviewed and responsibilities to be pre-determined. Be realistic and plan out the day(s) agenda in advance. Timing and locations scheduled.

Adopt same safety practices as for showings. Discuss and outline haul out, trial run, etc.

Minimize the number of people in attendance. Determine who is essential: buyers, owners, surveyors, brokers. Does everyone need to be there?

Survey team must follow same safe practices and agree to do so in advance.

Broker To Broker Interactions

Be a little more lenient and understanding. Work together to benefit all parties. Share the workload and be a little more flexible on responsibilities if necessary. Remember, the roles could be reversed. Think of the clients (buyers and sellers) best interests to facilitate the transaction.

Use your best judgment to make sure all parties are always safe and remain healthy.

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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)



ORANGE COAST COLLEGE

Which Surveyor – Who Chooses?

**By Dennis Moran,
CYBA Arbitration Administrator**

This article originally ran in the CYBA Newsletter four years ago but the content is still very appropriate today.

One of our members who is fairly new to the industry reached out 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 buy-

er'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 lender if financing is involved and to the insurance underwriter. 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. Also, most marine lenders require that the survey be performed by

(cont. on page 14)



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a SAMS or NAMS member. Last, if your buyer is a novice and this is his first boat, encourage him 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. And, just because you have the complete survey report in your file, you do not have carte-blanche to share it with anyone else or share it with a prospect down the road if the boat comes back on the market. 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.

Don't forget there are usually two main surveys on any boat going through pre-purchase due diligence; the marine 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 needs to have a mechanical (engine) survey. In most power boats, those engines are the single most expensive component aboard and you should never be in the position of suggesting to your buyer that he doesn'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, which means in the open ocean.

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. Practice full disclosure with your client regarding anything you learn from the survey and I shouldn't ever have to see you in one of our arbitration hearings.

Creating Choices Online

By Nick Friedman

I was going over a recent proposal from my Boats Group rep and became somewhat distressed. I was offered the opportunity to purchase the space around my YachtWorld and Boat Trader ads. Should I not buy that space, I was told anything, including a competitor's message, could be placed there. The last thing I want when a prospective client is looking at one of my boats for sale is a competitor's ad on the same page attempting to seduce the client away. Having to pay an additional fee to protect from this seemed like usury. The rep's response was that Boats Group owns the space around my ad and can monetize it any way they choose.

For me, this continues to

drive home the need to create some real online competition as a priority. Until that happens, the huge price increases and crazy marketing schemes will go on and on and on.

The YATCO/Yachts for Sale alliance seems like the only real opportunity out there for the long term. While just in its fledgling state now, we all need to jump on board to join and promote the growth of the sight. I am committed to the site. I have received quality leads and feel we must help create a competitive site to reign in the monopoly pricing of Boats Group. Fortunately, in the world of the internet, a new site can get to the top with proper development and support. The folks at YATCO know their business

and are reformatting to include lead generation as a top priority. YachtsforSaleWest.com focuses on West Coast boats and works in tandem with YachtsforSaleEast to cover all of North America. They can only succeed if all our boats are available on the site. Numbers are everything, so please join today. The nominal cost is \$195.00 monthly and if entering the listing is a challenge, there is a data entry person who knows boats that will do it for about \$7.50 a listing.

It is essential that we begin to take back control of our industry.





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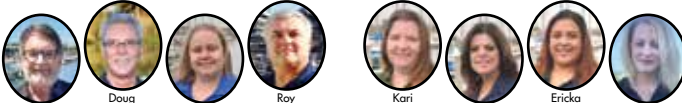
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Listing Info Guide

By Mik Maguire

1. Upload an attractive vessel top image that fills the frame, not pixelated or blurry.
2. Complete the listing:
Year, Builder, Length (in meters and feet/inch), Type, Name.
3. Provide the address where

the vessel is located (city, zip code, state/country) – GOOGLE USES GEOGRAPHICAL RELEVANCY!

4. Upload a summary about vessel features and vessel highlights, including vessel name, vessel builder, vessel length, vessel type, vessel year, and additional

information such as geographic location, unique sales proposition of the vessel (at least 200 words). Some of this may be redundant, but that's ok!

5. Provide vessel images of the exterior, interior, a bird-eye view, and an image of important vessel features. If it is a vessel for families, then share pictures about the benefits for families, and if it is a vessel for speed lovers, show the engine, and what highlights the speed.

6. If a video is available, please submit it.



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Yacht Broker Hires A Captain To Move A Customer's Vessel

By Gary Clausen

As a seasoned marine insurance specialist, I have recently experienced a loss with a client. It all started with if a yacht broker hires a captain to move a client's vessel, whose policy will be triggered if a loss occurs? Here are the thoughts that come to mind:

- What policy is in place if a loss occurs aboard the vessel, whether it be property damage to the vessel, or bodily injury to the captain and crew?
- Are the captain and crew

responsible for the damage to the vessel?

- Does the captain have his own policy in place for damage to the vessel or injury to the crew?
- Will the yacht policy look to the captain's policy for reimbursement for damages while the captain and crew are in the care and custody of the vessel?
- Were the agent and underwriter that provide a policy for the insured's yacht notified of crew operating the owner's vessel?
- Is there coverage in place

under the yacht broker's policy?

- Who hired the captain and crew?

My point to these questions is that these are valid concerns that should be addressed by the yacht broker, insured and captain.

Policy coverage and language varies between each insurance company. Please include a conversation with your client about having them contact in advance a CYBA marine insurance specialist to discuss coverage.

Introducing The Yacht Brokers Of Marina Del Rey

By Alexander T. Gruft

The Yacht Brokers of Marina del Rey (YBMDR) is a group of boat owners and enthusiasts who have a passion for being out on the water. This common thread brings the group together as a group of yacht brokers with the common goal of growing boating and its lifestyle in the Marina del Rey area. This passion serves the participants in YBMDR as they guide new and repeat buyers through the search and acquisition of their first or next dream boat.

YBMDR began in 2018 under the auspices of John Luft, Steve Curran, and Phillip Winter. The initial mission statement of YBMDR was to gather opinions and insight towards promoting and growing the boating lifestyle through yacht sales and yacht chartering using the collaborative efforts of the yacht brokers of Marina del Rey. The mission of YBMDR has since expanded to include the participation of marine industry related businesses, including local marina managers and dock masters. Attendees at its monthly meetings include salespeople and brokers from the Yacht Exchange, California Yacht Company, Denison Yacht Sales, Cruising Yachts, Purcell Yachts, Chuck Hovey Yachts and NAOS Yachts to name just a few. Participating marinas include

Marina City Club, Esprit Marina del Rey and AMLI. YBMDR will continue to expand to include the participation of other marine industry related professions. Ultimately, YBMDR hopes to have forums similar to CYBA's monthly luncheons at Fiddler's Green in San Diego.

The group meets at the California Yacht Club. The hour long discussions are lively; it's evident everyone appreciates having a forum to share best practices and a common vision for promoting recreational boating. Discussion topics include updates on the Marina del Rey Department of Beaches and Harbors, slip availability at the various marinas, legal and regulatory issues as they affect the marina industry, and current events affecting recreational boating such as the COVID-19 pandemic. The meetings typically close with brokers sharing with the group "hot listings." Members also attend outside meetings of the Marina del Rey Small Craft Harbor Committee and the Marina Managers' quarterly meetings, and report back to YBMDR.

YBMDR's initiatives for 2020 were to have a collaborative presence at boat shows and marine events throughout the Los Angeles area, best practices planning with marinas and harbors and new boating sales outreach

programs. Going forward YBMDR also intended to assist Los Angeles County with its Marina del Rey harbor planning, its Safety on the Water Program and the California Boaters Card Program.

Prior to COVID-19, YBMDR's focus was on the generational challenge which caused brokers to rethink their sales outreach to the millennial generation who would rather Uber than own. The COVID-19 pandemic and recent civil unrest has caused YBMDR to redirect its focus. With new restrictions and requirements from the federal, state and local levels, its ability to execute its goals and objectives will be in flux. On the up side, YBMDR has become a rich resource for participants to share strategies for dealing with a fluctuating economy and best practices for conducting business safely. At its most recent meeting on March 28, CYBA past-President Jeff Merrill shared with the group valuable information on how to safely show boats in the age of coronavirus.

YBMDR's biggest accomplishment has been gathering yacht brokerages together on a monthly basis to discuss industry news and share resources. Without question there is strength in numbers. Working with Los Angeles County and the state of California as an

(cont. on page 18)

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**Contact Jeff Merrill 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.

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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:

SO-CAL
Jeff Merrill, CPYB
Jeff Merrill Yacht Sales, Inc.
949-355-4950
jeff@JMYS.com

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

Morrie Kirk, CPYB
Bayport Yachts
714-612-1137
mpkirk7@gmail.com

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.

Yacht Brokers Of Mdr... (cont. from page 17)

individual brokerage can be challenging at best. Working with them as a collective group, with a shared vision, is far more productive. Additionally, yacht brokers have become an integral part of the marina managers' business. This effort to collaborate on marina requirements, slip availability and boat viewing guidelines has drawn the group together. Brokers realize that acquiring the perfect boat slip is the last mile in the boat sale proposition.

For more information about YBMDR, contact John Luft (310-305-9192; jlluft@yachtexchangesales.com) or Steve Curran (310-821-8300; steve@cayachtco.com).

Newcoast Financial Services - 2020 Perspective And Sales Announcement

**Written by Cindy Bassett,
Marine Sales Manager,
Newcoast Financial Services**

Even though much of the 2020 Boat Show Season was cancelled due to the pandemic, Newcoast Financial Services saw market share increases year over year and robust loan closings for the first two quarters.

At the beginning of the individual state shutdowns, there was much uncertainty and a feared repeat of 2008. Those economic declines that are surely not forgotten and were a serious setback to the Marine Industry. Since then, the marine segment has experienced annual single digit percentages of recovery, BUT 2020 is shaping up to be a welcome surprise in spite of the pandemic.

At this time, check patience at the door, lending sources are flooded with applications from multiple origination sources. Despite the numerous hurdles of going virtual and newbies working at home...brokers, dealers, buyers, sellers and lenders across the country are vigilant and revamping ways to do business. Boat purchases and financing are booming and still going strong even after Memorial Day.

As it seems, stay at home has translated into boating, with consumers finding close to home "something to do" with family and close friends. Nothing better than boating in lieu of international travel or travel to unknown destinations. Whatever the reason, Newcoast sees the increase in financing "something to do" as a great opportunity and our organization is happy to be part of the Marine Industry growth.

It is also perfect timing to announce an addition to our Sales Team in California. Newcoast Financial Services is happy to announce John Zagorski has joined our sales team and will be located in California.

John comes to Newcoast with extensive experience in the marine industry. A lifelong boater growing

(cont. on next page)

up on the shores of New England, he has spent the past 15 years as a professional yacht broker with the last six years as a closing agent for one of the country's largest yacht brokerage/dealerships. His accounting education and industry experience make him a natural fit with a unique perspective to understand client needs. John looks forward to this phase of his



John Zagorski.



Terry Maxwell.

career and being a value add to the Newcoast Sales Team.

The West Coast Team of John Zagorski and Terry Maxwell have combined experience of over 60 years in Yacht Financing! They are available to assist you and all your friends with financing your next vessel.

John Zagorski, direct: 310-947-2092.

Terry Maxwell, direct: 949-290-1710.

DBW has continued to receive numerous complaints regarding yacht brokers who are advertising boats that are subject to an exclusive listing agreement with another broker, and are misleading the public in the way they lay out the ad. Because some brokers are putting their own brokerage contact information/telephone number above the required disclaimer language in the ad, this misleads the public by giving the false perception that the boat is physically in the possession of the advertising broker, which is inaccurate.

In order to avoid misleading the public in this way, yacht brokers must list the contact information of the actual listing broker FIRST, above the disclaimer language. The non-listing (advertising) broker must list his or her contact information beneath the disclaimer language. The non-list-

(cont. on page 21)



Our West Marine Pro California Sales team would like to thank the CYBA for allowing us to be a partner.

Here is a list of our California sales team that are here to serve you:

West Marine Pro Contacts

San Diego

Amanda Denton
(760) 815-6611
AmandaD@westmarine.com

San Diego County/Arizona

Markus Mirakovcich
(619) 455-5652
MarkusM@westmarine.com

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Along The Waterfront

Fahim Buksh, with (originally), the Department of Boating & Waterways, then the Division of same (under Parks) and a vital part of the Yacht & Ship Licensing aspect, is changing positions after 15 years.

Fahim has always been a great partner with the CYBA, attending many of our legal seminars and other events, providing clarity and knowledge about licensing procedures. He will be missed. We hope this is not the first step in dismantling the division that has guided us in our industry for so long.



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ing broker information should be located last on all advertisements.

In order to avoid such misleading advertisements which may violate Harbors and Navigation Code Section 733, each advertisement for a vessel must have all of the disclaimer language shown below in bold font size that is equal to or greater than the font size found in the rest of the advertisement:

"THIS BOAT IS SUBJECT TO AN EXCLUSIVE LISTING AGREEMENT WITH (NAME OF ACTUAL LISTING BROKER and LISTING BROKER'S ACCURATE BUSINESS TELEPHONE NUMBER) AND IS NOT OFFERED FOR SALE BY (Name of advertising broker). The advertising broker is merely providing this information in an effort to represent you as a buyer in the purchase of this vessel."

Harbors and Navigation Code 733. Additional grounds for denial, suspension, or revocation.

The department may deny

an application or may suspend or revoke the license of a yacht broker or yacht salesperson who, within four years immediately preceding, has committed any of the following acts:

"....."
(d) Knowingly authorizes, directs, connives, or aids in the publication, advertisement, distribution, or circulation of any material false statements or misrepresentation concerning his or her business or any transaction under this article.

This will serve as your official notification. Failure to comply may result in disciplinary action against your license. Thank you for your cooperation

The CYBA agrees with the DBW announcement as it clearly enhances the consumer protection provision in their mandate.

We would also like to issue a reminder that brokers can "Opt-Out" of PLS and remove your list-

ings from this sales tool that only benefits YachtWorld and those brokerages who wish to pay for this "service". You receive no compensation for offering your listings, and many agree that this costs the legitimate listing brokerage half of their potential earnings by coping with a brokerage who appears earlier in a consumer search. You can contact your Boats Group representative to "Opt-Out" of PLS if you wish to have clients contact you directly for your listing. You never "Opted-In" for this, and like the "Call Now" bogus phone number and appalling call recording, are features that are best declined, so as to maintain your obligation to protect your business' profitability as well as your ability to safeguard your client's fiduciary interests and privacy concerns.

If you would like to learn more or discuss this in greater detail, please contact a CYBA Board member.

SHIP HAPPENS! REAL LIFE STORIES FROM THE BOATYARD!

KAPTAIN KKMI? HELP! I WAS SLEEPING ON MY BOAT AND WOKE UP TO WATER EVERYWHERE! I THINK I'M SINKING!

I'M ON MY WAY!

OUR HERO ARRIVES AT THE SCENE AND GETS RIGHT TO WORK!

WAIT... YOU'RE HAVING A COCKTAIL?

CHECK TO SEE IF THE WATER IS FRESH OR SALTY. IT GIVES YOU A BETTER IDEA OF WHERE YOUR LEAK IS COMING FROM!*

*KKMI DOES NOT RECOMMEND CONSUMING BILGE-WATER COCKTAILS; ONE TINY TASTE IS ENOUGH!

In a former life, we were brokers, so we understand that "Ship Happens." We're here to help with all your boatyard needs. Give us a call and let us know how we can help you!



Point Richmond 510-235-5564 ■ Sausalito 415-332-5564 ■ www.kkmi.com

MEMBERSHIP

Membership Information

For complete list of CYBA Member Benefits, please see our separate Member Benefits page at CYBA.info. Be sure to read the CYBA's Code Of Ethics and By-Laws as well.

Membership Rates

Master Member

(Owner - Broker of Record):

Initiation Fee	\$200
Yearly Dues	\$348
Total	\$548

Broker

(Working for a Master Member):

Initiation Fee	\$50
Yearly Dues	\$48
Total	\$98

Salesperson

(Working for a Master Member):

Initiation Fee	\$50
Yearly Dues	\$48
Total	\$98

Treasurer's Report

By Mik Maguire

The Treasurer's report for the second quarter is very similar to last quarter... but I think it's important to note; we did have, as we typically do, some members who have



not renewed their membership in time despite making extensions to them repeatedly. The association, then had to drop their access to some of our programs... this necessitates them making frantic calls to our Executive Director to get themselves reinstated. It's really important to stay current so that you can enjoy the benefits for you and your sales staff throughout the year.

We have no looming large investments to make, but do have expenses that are compounding with our new association owned MLS and trying to finalize our revised "forms suite." If you have ideas for our association to create a revenue stream that would be beneficial to our members, please contact me... the bottom line is: we are healthy, we could always do better. Wishing much success to everybody in sales for the rest of the year... things are looking up!



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Search All Vessels by Builder, Type, Location, Name or Keyword **ADVANCED+** **SEARCH**



www.yachtsforsalewest.com

423
NEW LISTINGS IN
THE PAST 30 DAYS

\$15.7 B
TOTAL \$USD
ON THE MARKET

73
YACHTS SOLD IN
THE PAST 30 DAYS

\$2.6 B
TOTAL SALES IN
THE PAST 12 MONTHS

Navigating Choppy Yacht Insurance Waters

By Craig Chamberlain

Why are marine insurance waters suddenly choppy, making it difficult for yacht owners to obtain coverage at affordable rates? It boils down to supply and demand and the yacht insurance supply is drying up.

For years, insurers and reinsurers had space in their portfolios to accommodate the yacht insurance market, which makes up a very small slice of the global premium pie. Yacht programs were embedded within personal lines of insurance or commercial marine programs, and the profitability of these relatively small yacht insurance programs were often overlooked. Nowadays actuaries are using more sophisticated data analysis and modeling to review results of all insurance lines, including yacht insurance. When the curtain was pulled back - it was revealed that yacht insurance programs had been unprofitable for years. Coverage changes, tighter underwriting, and increased pricing was needed.

Increased loss frequency and severity due to hurricanes, lightning strikes, groundings, fires and litigation have affected the bottom line. Also, yacht insurance is a costly line of business to write. Underwriters, claims adjusters, and surveyors all need to know boats, insurance contracts and be familiar with jurisdictional issues that arise as yachts cruise around the globe.

Once the unprofitability was recognized, over a dozen yacht insurers and reinsurers set a course to leave the yacht insurance market. As yacht sales rebounded at the same time insurers stopped providing yacht coverage, a gap in coverage availability opened up that remaining insurance carriers had to fill.

A handful of yacht insurers are working to return to profitability rather than leaving the market. To accomplish this, they are taking a close look at the following criteria when offering terms; quality and

reputation of the builder, condition of the yacht, i.e. clean survey, exposure to wind and lightning losses, and the owner's prior boating experience.

What Does This Mean for Yacht Brokers?

When conditions of a market or body of water change for the worse, you want experience at the helm. Working with an experienced agent dedicated to marine insurance is a must. Yacht insurance is an unregulated line of business which means there is great latitude for insurance companies to write into their policy contract what is, or more importantly, what is not covered by the policy. An experienced yacht insurance firm will help your clients navigate through their insurance options. It is important the yacht insurance agency not only has been in business for many years but also what their team has accomplished during those years. If an underwriter declines a risk due to an incomplete or inaccurate submission from an insurance

broker, it is nearly impossible for a second broker to resurrect the account. "No" from an underwriter almost always means no to all brokers on a given risk.

Setting A Course: Your Next Steps

Whether it is the experienced staff at Novamar Insurance or another provider that focuses on marine insurance, CYBA member brokers should work with experienced and knowledgeable marine insurance professionals. Those of us fortunate enough to have spent our lives in and around boats appreciate what a great lifestyle boating is. Sharing that passion with family, friends, and clients is what makes the boating lifestyle so special.

Regardless of the direction the yacht insurance market takes, an experienced marine insurance specialist will be able to secure the proper coverage needed to protect your client's boats without running aground.

Eight Bells

Howard Arneson

An icon of the marine industry was lost yesterday. Howard Arneson, innovator, speedster, super drive manufacturer and friend to all that plied the waterways in speedboats, died at 99 full years.

Developer of the Arneson Pool Sweep, the sale of that company gave Arnie the ability to pursue his fabled boat racing career featuring big powered "cigarette" boats, and then his legendary turbine engine powered catamarans. Arneson surface drives were cutting edge technology for decades.

It was said that Howard had over 800 hours at more than 100 MPH on the water at 77 years old, no small feat, no small man. RIP, hero.



Boating Memories

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CYBA Board Of Director's Meeting

March 30, 2020
MEETING MINUTES
Location: Online

CALL TO ORDER: 3:05 p.m.

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

RECOGNIZED GUEST(S): Mark White (Committee Chair), Jeff Merrill (Past President and Committee Chair)

FINANCIAL REPORT: Mik Maguire presented financial report. Group discussed ideas on how to increase Annual Dinner revenue and noted that the new website has been very cost effective.

CORRESPONDENCE: Don Abbott explained that given the circumstances there has not been any current correspondence.

MEMBERSHIP: Mark Rentziperis informed the Board that membership increased last month and there was one sales office that paid to have their entire staff become members. There have been 19 new members since the first of the year and Don Abbott compiled a breakdown of the types of membership and the relative figures.

SPONSORSHIP: Jeff Merrill summarized last year's sponsorship numbers and projected this year's numbers to be on a similar track. The Board discussed a couple of unfulfilled commitments by past sponsors. The Board agreed on an action plan to rectify these delinquent accounts.

FORMS: Nick Friedman informed the Board that once again there have been delays in fixing the various glitches in the new forms and correspondence with the programmer has been difficult due to extenuating circumstances. The Board discussed the possibility of going a different route with a different team and what that may look like. The expediting of the forms was agreed to be of paramount concern to the success and future of the association. Jeff M., Peter Z. and Dennis M. have agreed to create a committee dedicated to redrafting the forms and working with Tom Russell on legalese. Group discussed issues that have been plaguing the original system as well. Recommendation was to use PDFs as a workaround until changes can be made.

LEGISLATION: Dean West confirmed that the CBC,

ABC and a number of other conventions and meetings have all been canceled due to the Covid-19 pandemic. Based upon the most recent stakeholders meeting held days prior online, the consensus by all is that DBW is teed up to be absorbed in its entirety and a massive push from our membership and related associations may be our only hope to make the case against this momentum. The Board agreed to formally make an appeal to the Governor to illustrate the importance of DBW as it relates to our recreational community. Dean also discussed the growing support for the outdoor recreation department from various associations and the Board discussed the pros and cons of such a development.

BOAT SHOWS/EVENTS: Peter Zaleski advised us that Duncan McIntosh told him that he was awaiting some answers to make decisions on future shows but as JR Means confirmed, the San Pedro show was not cancelled as of now and the Newport Show was likely to be moved to June. Most other shows appear to be cancelled or rescheduled with dates TBD. Duncan McIntosh stated that SEA Magazine is alive and well.

NEWSLETTER: Tony Faso issued a new rough draft due date for the upcoming newsletter to be the last week of May and agreed to email assignments to Board members. He noted that many sponsors had already submitted articles. Per Dennis Moran's discussion with Marinda at DBW, she will create an article on deposit requirements and Title 14. Dean West agreed to write an 8 Bells tribute for Kevin MacDonald.

LEGAL/ARBITRATION: Dennis Moran discussed that there were two complaints ranging from issues of full disclosure on factors that can affect the value of a vessel and the legality of brokers not depositing the funds received for contractual deposits taken on vessels.

CYBA MLS: Mik Maguire commented that the slow development makes even more important the contribution of each and every brokerage to promote this MLS in their individual advertisement and internal offices. The Board agreed to establish a monthly meeting with YATCO to further develop strategy. George Sikich agreed to make calls to NYBA and work with Jeff Merrill on coordinating with the other associations.

GEO: Dean West reported that response has been strong, however, given the circumstances no new meetings are planned at this time. Many

(cont. on next page)

Board Of Director's Meeting... (cont. from page 26)

Board members complemented the accomplishments of Leilani Wales on this Committee and optimism appears high on its future.

NEXT MEETING: next Board meeting moved to 9 a.m. on May 6.

ADJOURNED: A motion to adjourn was made at 5:42 p.m.

CYBA Board Of Director's Meeting

May 6, 2020
MEETING MINUTES
Location: Online

CALL TO ORDER: 9:19 a.m.

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

RECOGNIZED GUEST(S): Jeff Merrill (Past President and Committee Chair) Mark White (Committee Co Chair)

FINANCIAL REPORT: Mik Maguire made a motion to cut off delinquent accounts as of May 31, seconded by JR Means. Vote passed. Annual Dinner, net cost \$7k.

CORRESPONDENCE: None.

MEMBERSHIP: Mark Rentziperis distributed numbers. Master Members are down and affiliates are up. Mark announced that he would like to step down as membership chair and will be stepping off the Board next year. Suggested Leilani Wales as a possible replacement. Dean will inquire.

SPONSORSHIP: Jeff Merrill reported that there is still one major sponsor with an unfulfilled commitment. CRC is in. In-kind is a possible solution. George has spoken to Steve Myers re sponsorship. CYBA is short in membership numbers making this difficult. Jeff mentioned platinum membership was agreed to, but may not be happening – per Don.

FORMS: Nick Friedman gave instructions on how to use sharefile for RightSignature and explained it thoroughly. Dennis Moran discussed the e-signature process difficulties and relative cost. Pushed pause on signing contract with DVI and are look-

(cont. on page 28)

CYBA MLS & THE FUTURE OF THE CALIFORNIA YACHT BROKER

07-28-2020 9:00 AM on line meeting more info to come by email

Introduction by Don Abbott and George Sikich President

- What is CYBA MLS?
- Why it was developed?
- How it can help you?
- Why it's important you participate now?

Update on YFS West.com/. YATCO.com/ YFS.com (global stats combining all sites). – presented by Lisbet and Jessika or Steve.

- Traffic Increase Stats
- Lead Increase Stats
- Social Media Stats
- SEO & Growth Strategy Ahead

The Future of Yacht Brokerage (by Scott Miller from the Innovation Machine:)

- The past
- Present
- Future

YATCO BOSS Enterprise and how it can change your business now.

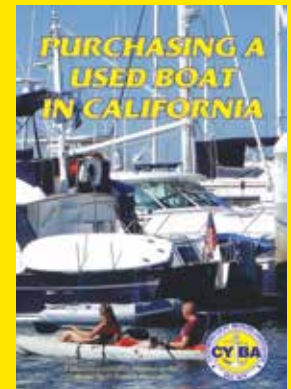
- Digital 1st. (website before physical office etc.
- Integration (harness all of your technology together – efficiency & effectiveness)
- Become a digital marketing professional

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Secure your future

Your CYBA Board of Directors believe this is an excellent resource for used boat buyers.

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don@cyba.info**



Board Of Director's Meeting... (cont. from page 27)

ing at potential fixes. Forms will be reviewed for changes but that is a separate project. Might be best to stay the course with Goran? Tom Russell had a conversation with Dennis – he will willing to help with changes but very busy right now. Board discussed adding the document of Conditional acceptance to new forms. Jeff has offered some additional ideas for form changes. Some maintained that forms currently used have stood the test of time (legally) and can still be used in the meantime.

LEGISLATION: Official Letter written to DBW, CFW, Jerry Desmond, Beau Biller, Mark Smith. Dean to forward letter.

BOAT SHOWS/EVENTS: Peter Zaleski reported that shows were all postponed. San Pedro and FLIBS are still on. Duncan is on board for CYBA to take a stronger role in his shows.

NEWSLETTER: Tony Faso gave out assignments for contributions and marked June 1st as a proposed date to have Rough Drafts in.

LEGAL/ARBITRATION: Dennis Moran reported no
(cont. on page 30)



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Best Practices For Boating... (cont. from page 4)

handling hoses and nozzles.

- Remind boaters to properly dispose of the gloves and wash their hands when fueling task is complete.
- Keep sanitizer and/or wipes nearby to clean commonly touched surfaces like credit card machines, hoses and fuel nozzles, or to clean hands after passing credit cards back and forth.
- Provide a trashcan nearby and secure it.
- Fuel dock operations should institute a payment process that limits touching the same surfaces. Consider implementing a pay-by-phone policy to limit close person to person interaction.
- In a full-service fuel dock, employees should remain socially distant from customer, use appropriate PPE, and wash hands or use hand sanitizer at the end of each transaction.
- Post signage about marina policy-related distancing and cloth face covering.
 - Sewage and Dump Stations
- Remind boaters to always maintain social distancing and use gloves when handling the pumpout system and dump station.
- Remind boaters to properly dispose of the gloves and wash their hands when finishing using these systems.
- Keep sanitizer and/or wipes nearby to clean commonly touched surfaces.
- Provide a trashcan nearby and secure it.
- Post signage about marina policy-related distancing and cloth face covering.
 - Parking and Public Docks
- Boaters should be reminded about social distancing and recommend cloth face covering when around others and while at parking areas and public docks.
- Post signage about marina policy-related distancing and cloth face covering.
 - Transient Boaters
- Boating facilities should follow the state and local County and City Public Health Office's guidelines and restrictions.
 - Restrooms and Showers

Follow the CDC cleaning Guidelines more than once a day if possible.

Inspect restrooms to ensure soap dispensers are stocked.

Post a public cleaning schedule and checklist around common areas like bathrooms and showers.

Limit number of people using these areas at any one time

 - Laundry Facilities

If you decide to open your laundry facility, follow the CDC cleaning Guidelines more than once a day if possible.

 - Limit the number of people in the laundry room at one time and remind users of the required

(cont. on next page)

social distancing

- Limit laundry room visits to the loading and unloading of washers & dryers only
- Request patrons wait outside the laundry room while the wash and dry cycles are in progress and not to fold clothes in the laundry room.

• Multi-Use Equipment And Life Jackets

If your facility offers life jackets and other equipment to the public on a loan basis, follow the CDC cleaning Guidelines.

Additional cleaning tips for life jackets, include:

- Hand wash or sponge down life jackets in warm, soapy water. (Do not submerge inflator on inflatable life jackets.)
- Follow by rinsing life jackets with clean water and hang to dry.
- Clean buckles, zippers, other hardware and hook/loop fasteners (e.g. Velcro®) with a 60 – 90% alcohol solution.
- Do not dry-clean, machine launder, use chlorine bleach, or apply direct heat to a life jacket.
- Always store life jackets in a warm, dry, well ventilated place out of direct sunlight.

Communicate With Your Boaters

Remember, communication with your tenants, customers, guests and liveboards about your facility's new operational guidelines is critical. You'll be able to manage the facility more effectively by setting expectations clearly and quickly, especially if certain amenities have been closed or limited, you are operating with reduced staff, or hours of operation changed. A few ideas for communicating with your boaters and visitors about your guidelines include:

- Your website
- Your social media platforms
- Your newsletter
- Email
- Texting
- Post signs around the commonly used areas of the property to get the message out and about.

Best Practices for Boating during COVID-19. DBW has identified a set of COVID-19 boating safety best practices for boaters based on state and national guidelines. Please visit www.parks.ca.gov/Flatten-TheCurve for more information.

Traditional Boat Sales is Dead?

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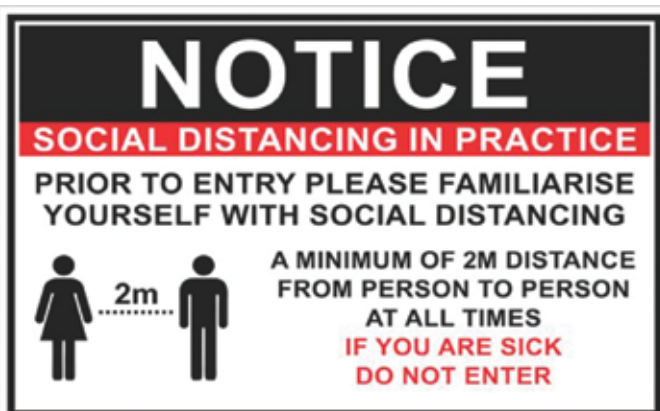
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current complaints. Recent issue – DBW newsletter corrections-retraction.

LEGAL SEMINAR: JR Means reported that the Legal Seminar has been postponed. Proposed Survey Monkey to membership to gauge the appetite of in-person versus video. Dennis Moran suggested 3-4 week delay in setting a date and sending survey. George Sikich and Peter Zaleski agreed. Peter Zaleski spoke to Cris Wenthur and he said anytime other than his Fall vacation (August?).

CYBA MLS: Visitors to YFSW has doubled. CYBA is behind on membership and brokers are not putting enough boats online. Tony Faso said YATCO's Jennifer uploaded his boats and was cost effective.

GEO: No updates. Peter Zaleski said maybe virtual?

ANNUAL DINNER: Group discussed going to a plan B – Mik to advise.

NEW BUSINESS: Dean West said Brokers contacted him about proposing best practices to get County blessings for showings. Discussed Liability about answering "does CYBA have guidance" – Don Abbot reminded us of guidance liability.

NEXT MEETING: Wednesday, July 1 at 9:00 a.m. (online)

ADJOURNED: A motion to adjourn was made at 10:52 a.m.

Look For The Logo



CYBA Board Of Director's Meeting

July 1, 2020
MEETING MINUTES
Location: Online

CALL TO ORDER: 9:02 (Go to Meeting, On-Line)

DIRECTORS PRESENT: George Sikich (Pres.), Nick Friedman, Mik Maguire, Dean West, Mark Rentziperis, Peter Zaleski, Don Abbott (ED)

GUEST(S): Mark White, Leilani Wales, Jeff Merrill

APPROVE MINUTES: May 2020, MEETING (pre-approved, online), no objections.

FINANCIAL REPORT: Mik Maguire (Treas.), presented P & L and Balance Sheet, discussions of particular line items:

Balance Sheet

1. Under "assets" we do not reflect physical assets (inventory & equipment written off), P & L
2. Annual Dinner: a loss of \$6500. (some paid in 2019 and the sponsors are free)
3. Membership: \$25,000? (what was collected in 2020, balance paid in 2019)
4. Sponsorship: \$12,000? (much was collected and reflected in 2019)
5. Telephone & Internet: (Constant Contact revenue)
6. GEO: Social Media expense

CORRESPONDENCE: Don Abbott, Yacht Closer agreement not being satisfied. Nick Friedman will contact Brad Parker about our CYBA member reports and respond to a committee, (Dean West, Mik Maguire, Jeff Merrill) will review our relationship in 7 days for board consideration.

MEMBERSHIP: (Mark Rentziperis) two new members... that joined for forms.

FORMS: (Nick Friedman) 1. Waiting on Tom Russell review of changes. 2. Need board members to use in trial for adjustments.

SPECIAL REPORT: None

LEGISLATION: (Dean West, Mik Maguire) Dean, Watch AB3030 for cuts in fishing areas. Proposition 13, could be detrimental to marine businesses due to added costs.

Mik, Add board members to the Platinum Advisors daily briefs.

SPONSORSHIP: (Jeff Merrill) Jeff is stepping off as Chair, so the board needs candidates by Friday

(cont. on next page)

to consider.

SHOWS/EVENTS: (Mark White, Peter Zalinski) Duncan McIntosh has not committed to 2020 shows yet. A discussion with him at the next BoD meeting is slated. A CYBA co-sponsored show was discussed in Norcal or Socal. Washington's 'virtual boat show' was reported on (Mark White) The board had mixed feelings about proceeding in that direction.

LEGAL/ARBITRATION: (Dennis Moran) George gave an overview of four pending cases.

LEGAL SEMINAR: (JR Means) George Sikich stated that the MRA convention was cancelled in the same time frame and that a ZOOM type event would be worth researching. Don Abbott was authorized to secure a ZOOM account for multiple purposes (Seminars, GEO events, etc.)

NEWSLETTER/WEBSITE: (Editor, Tony Faso) Next issue printing Friday. Jeff Merrill asked that the July Minutes be include if possible. Website: Nate Eckler is removed as Chair and replaced by Mik Maguire.

CYBA MLS: (Dean West, Mik Maguire, George Sikich)

1. Nick stated that broker members have to post all their boats to build inventory.
2. Brokers should be promoting YFSWest.com in their advertising.
3. George will discuss the lack of promotion by YATCO in publications and Google search optimizers with Steve Myers today.

GEO: (Leilani Wales) No current "in person" meet ups. Using online products like ZOOM could keep things going.

ANNUAL DINNER: (Don Abbott, Mik Maguire) The 2021 Annual Dinner in Ensenada, Mexico does not look valid and so a suggestion by Jeff Merrill was to consider an 'open air' picnic or other safe venue could be considered.

NEW BUSINESS: (Mark White) The question of LLC transactions was discussed and the importance of not representing same as a 'tax advantage' in advertising. Additionally, buyers should have legal representation in an LLC transaction.

NEXT MEETING: Wednesday September 16th, 9:00, On-Line

Adjourned: 10:43 a.m.

DBW Yacht & Ship Newsletter

DATE: April 10, 2020

ALL ABOARD

Greetings and best wishes for your health and safety during this unprecedented pandemic. With this Y&S Newsletter, the Division of Boating and Waterways (DBW) Yacht and Ship Licensing and Enforcement Unit is reaching out to the over 350 licensed brokers with the following updates for your brokerage:

- Holding Deposit Checks
- Expunged Convictions
- Change of Address or Brokerage
- Offers
- Verification of Ownership
- New Salesperson Application Request
- Application Process

But first, we would like to introduce our new Yacht and Ship Manager, Corrina Dugger. Corrina began her career in 1998 with the then-named Department of Boating and Waterways as an Investigator for the Yacht and Ship Broker Licensing Unit. She currently manages the Boating Safety Unit, including the Yacht and Ship Licensing and Enforcement Unit, For Hire Programs, and the Law Enforcement Maritime Training Program. She can be reached at (916) 327-1834 or by email at Corrina.Dugger@Parks.ca.gov.

See the end of this newsletter for our Yacht and Ship Broker Licensing Unit contact information.

DEPOSIT CHECKS ("GOOD FAITH DEPOSIT")

While out in the field for inspections, our staff has found many brokers holding uncashed deposit checks. Please review the following excerpts from the code section regarding deposit checks:

Harbors and Navigation (H&N) Code Section 714, Deposit and record of funds, neutral escrow depository requires a Broker who accepts funds from others in connection with any transaction to place such funds into a neutral escrow depository, or a trust account, as soon as possible. (The division views "soon as possible" within 24-48 hours, unless circumstances beyond the broker's control dictates otherwise).

The Broker shall retain all funds in the account until the broker makes a disbursement of the funds in accordance with written instructions from the person entrusting the money. The written instructions shall also set forth the specific purposes for which the Broker may use money deposited with him or her.

If the Broker wishes to use money from the deposit for a purpose not included in the written instructions, the Broker shall first obtain the written consent of the person entrusting the money specifically authorizing the use proposed by the Broker for the money.

The written consent may be given to the Broker by

(cont. on page 33)

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Hayden Insurance Service, Inc.

(continued page)

a letter, fax, email. A copy of the written consent must be placed in the listing file.

The only legal exception to hold a deposit check uncashed as specified in California Code of Regulations (CCR) Section 7604, Title 14 (3) (e) a check received from the offeror may be held uncashed by the broker until acceptance of the offer if:

(1) The check by its terms is not negotiable by the Broker if the offeror has written instructions that the check shall not be deposited nor cashed until acceptance of the offer and

(2) The offeree is informed that the check is being so held before or at the time the offer is presented for acceptance.

In addition, if the seller does not object to the Broker holding a buyer's deposit check uncashed, the Broker shall have written authorization from the seller and keep a copy of the letter on file in the Broker's office.

EXPUNGED CONVICTIONS

New applicants applying for a salesperson's or broker's license are failing to disclose ALL background convictions.

According to California Penal Code 1203.4; you must disclose ALL background convictions when applying for one of the following, even though you have successfully managed to obtain an expungement:

1. Applying for a state license;
2. Applying to become a peace officer;
3. Applying to work for the California Lottery Commission; or
4. Running for public office.

All convictions that have occurred during your lifetime must be listed on the application. Omitting background convictions on the application can be construed as intentionally leaving critical information out; therefore, your application can be subject to denial. Brokers should notify applicants regarding this matter when hiring

new salesperson(s).

CHANGE OF ADDRESS OR BROKERAGE

We are experiencing an increase of brokerages failing to notify the division of an address or brokerage change. Our office must have current information on file at all times pursuant to H&N Code Section 735.

Brokerage changes are, but not limited to: Salesperson transferring to another brokerage, brokers who accept a position to work for another brokerage under a broker to broker agreement, and newly established branches. All changes must be in writing.

When a salesperson transfers to another broker or is no longer employed by that broker, that salesperson's license must be returned to the Division immediately. The employing broker is required to control all brokerage licenses at all times.

Brokers who accept a position to work for another licensed brokerage (excluding corporate structured associate brokers), shall be considered to be working under a Broker-Salesperson Relationship Agreement (also commonly called a Broker-to-Broker Relationship Agreement). A copy of the agreement must be provided to our office.

Pursuant to CCR, Title 14, Section 7619. Broker-Salesman Relationship Agreement. Every broker shall have a written agreement with each of his salesmen, whether licensed as a salesman or as a broker under a broker-salesman arrangement. The agreement shall be dated and signed by the parties and shall cover material aspects of the relationship between the parties. Signed copies of the agreement shall be retained by the parties thereto, and shall be available for inspection by the division or its designated representative on request.

OFFERS

As a reminder, Brokers are re-

quired to present ALL offers until the sale is complete.

CCR, Title 14 Section 7623 Offers:

(a) The licensee must present or cause to be presented to the owner of vessel any offer to purchase received prior to the completion of a sale, which means, until the final acceptance is signed by all parties, unless expressly instructed by the owner to present such an offer.

Furthermore, the division suggests the Broker have a copy of the written instructions/consent from the seller instructing not to accept additional offers and place the written instructions/consent in the listing file.

VERIFICATION OF OWNERSHIP

Abstract Title/Coast Guard Documentation/ Bill of Sale/ Title Paperwork

Brokers are reminded to verify all owners of said vessel prior to the signing of the listing agreement.

It is the Broker's responsibility to ensure the conditions of the vessel by having proper inspections and surveys completed. Do not always take the word of the owner. Please obtain a statement in writing from the seller and place in the listing file. Also, if repairs or replacements of parts were performed on the vessel, prior to the listing agreement, please ensure all invoices are obtained for the work completed.

NEW SALESPERSON APPLICATION REQUEST

We are experiencing a high volume of calls from applicants requesting new Salespersons application. The new Salesperson Licensing Application is a controlled document and can only be mailed to the sponsoring broker. Please advise new salesperson applicants to refrain from calling our office and requesting applications. ONLY the sponsoring broker can request the new application via

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email or telephone.

APPLICATION PROCESS

Per CCR, Title 14 Code Section 7606.1 (a) The Division shall notify the applicant, in writing, within 10 days from receipt of application, that the application is complete or that the application is deficient, and what information is required.

Please allow the required time to process your application(s) before calling and checking on the status. As the broker of record, your responsibility is to keep open communication with your salespersons and provide correspondence in a timely manner. Once the application is approved, the Division will mail the study

material and exam test date to the Broker's address of record.

IN CLOSING...

Our office is getting excessive calls from applicants inquiring about their test results. Please have your salesperson make you the first point of contact.

We ask that the Broker of Record share this information with your licensees and administrative staff.

If there are any topics of interest would like to see addressed in future editions, please let us know.

Thank you for your cooperation and dedication to boating safety on California waterways.

YACHT AND SHIP LICENSING & ENFORCEMENT UNIT

Monique Cabral is the Broker Licensing Administrator. She can be reached at (916) 327-1847 or by email at Monique.Cabral@Parks.ca.gov

Fahim Buksh is the Salesperson Licensing Administrator. He can be reached at (916) 327-1838 or by email at Fahim.Buksh@Parks.ca.gov

Marinda Isley is the Licensing Enforcement and Complaints Investigator. She can be reached at (916) 327-1839 or by email at Marinda.Isley@Parks.ca.gov

Corrina Dugger is the Unit Manager. She can be reached at (916) 327-1834 or by email at Corrina.Dugger@Parks.ca.gov

CYBA MEMBERSHIP

Welcome Aboard New Members 2020

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.

Ryan Helling

Master Member

Swiftsure Yachts - Seattle

Sponsored by:

Tim Sanders @ Tim Sanders Yachts

Lon Bubeck @ Denison Yachting

Tracie Hughes

Sales Associate

Crow's Nest Yachts - Newport Beach

Sponsored by:

Leilani Wales - AGL Yachts

Thomas Mowbray

Sales Associate

Seattle Yachts - San Diego

Sponsored by:

Dan Peter - Seattle Yachts

Michael Broemer

Master Member

Continental Yachts - San Diego

Sponsored by:

Michael Kusler @ Kusler Yachts

Neal Esterly @ Neal Esterly Yachts

Craig Santos

Sales Associate

Sponsored by:

Tony Faso - Delta Marine Sales

Neil Wilson

Affiliate

Fifth Avenue Landing - San Diego

Sponsored by:

Leilani Wales - AGL Yachts

CYBA Members, if you have had a recent change in your place of Business or contact information, Please contact Don Abbott at don@cyba.info with any updates. 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 – brokermark1@gmail.com or 949.533.6505.

Need To Ship Your Yacht?

Allied Ocean Transport (www.allied-yacht.com) is a direct carrier shipping company specializing in providing safe, reliable, and cost-effective yacht transport and associated logistics services to yacht owners, brokers, and shippers worldwide. The Allied Ocean Transport transport support team brings together seasoned professionals with extensive business, shipping, and maritime operations experience.

In addition to facilitating the international needs of our yacht transport customers, Allied Ocean Transport operates a Heavy-Lift ship exclusively dedicated to North America yacht transport operations. For the convenience of customers, our good ship maintains a regular round trip sailing schedule east and westbound from the Port of Palm Beach, Florida, to Victoria, British Columbia, with four (4) or more additional regular ports of call on each sailing. Let us take you there!

Allied Ocean Transport, LLC
 2977 Fort Morris Road
 Midway, Georgia 31320
 Phone: 912-598-9050
 Fax: 912-335-4190



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DBW Postpones Yacht and Ship Licensing Examinations Until Further Notice Due to COVID-19 Restrictions

As the State of California continues to protect all Californians from the COVID-19 pandemic, current public health directives are prohibiting gatherings of any size. As such, many facilities are temporarily closed or have very limited access to protect public health. The Division of Boating and Waterways has postponed all Yacht and Ship Licensing examinations until further notice. The health and safety of applicants and state employees is our priority.

We understand applicants are eager to take the licensing examination, but it is important to remember that current public health directives demand physical distancing. The Department is working closely with local health directives, and upon modification of Governor Gavin Newsom's Shelter in place order, we will resume with the examinations process that will align with safety protocols to ensure the safety of applicants and our staff. Applicants that have applied for the examinations will be notified.

Calendar Of Events

- Sept. 16 CYBA Board Of Directors Meeting
9:00 a.m. Online
- Sept. 16-19 Newport Boat Show
Lido Marina Village, Newport Beach, CA
- Sept. 17-20 LA Harbor Boat Show
Cabrillo Way Marina,
LA Harbor/San Pedro, CA
- Oct. 2-4 YachtFest
Marina Village Yacht Harbor, Alameda, CA
- Oct. 28-Nov. 1 Fort Lauderdale Boat Show
Fort Lauderdale, FL
- Jan. 28-31 San Diego Sunroad Boat Show
Spanish Landing Park East, San Diego, CA
- TBD Anacortes Boat & Yacht Show
Cap Sante Marina, Anacortes, WA
Virtual Show @ anacortesboatandyachtshow.com
- TBD Fred Hall Outdoor Recreation Show
Del Mar Fairgrounds, San Diego, CA

