



THE CYBA NEWS

July 2022 - October 2022

The California Yacht Brokers Association Newsletter

A CYBA Sponsored Boat Show!

We have finally done it! We've managed to pull all the pieces and parts together, get industry support, contract with a show manager with tons of experience and have an absolutely wonderful venue! That's right... in Northern California! A CYBA sponsored boat show! We will be working on this very hard over the next few months (with a planned date of May 4-7, 2023). Our gracious hosts at WestPoint Marina plan to have an outstanding facility available to us (right across the street from a huge Google complex) with plenty of parking, wonderful

(cont. on next page)



This rendition shows the completed yacht club and restaurant at Westpoint Harbor.



Photo shows the future yacht club and restaurant at the Westpoint Harbor facility.



The current harbor office at Westpoint.



Photo shows the Google headquarters across from Westpoint with attached parking for the event.



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from the PRESIDENT

**Peter Zaleski, CPYB,
San Diego Yacht Sales**

As I reflect on the first year of my term as president of the CYBA, the number one topic that members approached me about is the growing number of boats listed for sale that are "Not Available for Co-op."

Our business was built upon Brokers working together to help our buyers and sellers transfer ownership of vessels. The strength of this process is the cooperation of the almost 1,000 license holders in California.

Section 2 of the CYBA Code of Ethics addresses our responsibility to clients.

Fiduciary Duty to Client

In accepting a position as an agent, Member pledges himself to protect the interests of his client. This obligation of absolute fidelity to the client's interest is paramount, but it does not relieve

the Member from obligation of dealing fairly with all parties to the transaction.

I call the listing agent of all boats that meet my clients' wants and needs regardless of the co-op status. I have heard many reasons for not cooperating on listings. No one has given me a reason that I think truly has the seller's best interests intended. Getting sellers the most return for their investment in the shortest time possible is best served with over 1,000 people working together, not one dealer standing alone.

With post pandemic business returning to a more balanced supply and demand, I hope to see the No Co-op trend to fade away along with Covid-19.

What do you think? Please send your comments to me at CYBAPresident@GMail.com

CYBA Boat Show!... (cont. from page 1)

dock facilities and a great on land display. This will be one that really puts us on the national map. We're at the Gateway of Silicon Valley with a whole new demographic and we're excited about the potential of new product and great brokerage opportunities. To find out more, visit your CYBA website.



Photo shows the Westpoint Harbor footprint and access from San Francisco Bay.

Pass It On - California Boater Card

By Jeff Merrill, CPYB

Do you have your California Boater Card? I didn't... but ran into a business reason in another state that required it, so I did it. I had put it off for a few years, and finally decided OK how big of a deal could this be? What's involved? How much time did it take? Is it worth it? These are the questions that I was asking and finally I decided OK - I'm spending more time thinking about it, time to focus and get it done.

In speaking with past CYBA president, George Sikich, it became clear that the BoatUS course was relatively easy to complete and priced right - free. Signing up for the California state course was not difficult, and I was able to create a membership account at the same time. Be sure that whatever online course you do select is NASBLA approved - that seems to be the national standard.

Once registered, you are on your own timeframe to complete the course, but once your course has started, you must complete within a few months. The course is divided into eight different sections that focus on an introduction to a general important boating area. The course went into details that would eventually turn into test questions at the end of each section. Each chapter page in the review has a 30 second timer on it so you can't advance to the next page without spending at least 30 seconds on that page. (This was a bit frustrating, but if they didn't throttle us back, we'd all just keep skipping ahead).

Once I committed, I knew I didn't want to take this twice so I focused on what I was reading, shutting down distractions so that I could absorb the content. At the end of each chapter there are 10 questions, each with four answers. I could almost immediately eliminate two and there usually was one best answer. I was embarrassed with some of the ones that I missed, but that's why you take the course - to learn the material and be a better boater. There were also some interesting things in studying this that I had forgotten about or didn't know - I have to admit, that made it kind of interesting. Even so, it still took too much time and I had other priorities tugging me away. But, don't give up - you will get through and should pass.

Once I finished each chapter course with strong passing grades, I thought that I was done, but wait, there's more. Completing the coursework is your preparation to take a final exam. Probably eight hours over two days of studying and I was now on the home stretch.

The final exam consisted of 50 questions with four answers to choose from. As you answer each question you get immediate feedback as to whether you got it right or wrong so you can keep score as



you're going and have a good idea of how you're doing. The questions I got wrong I could see the better answer with hindsight, but it was a fair test without any trick questions.

Getting through the 50-question final exam maybe took a half an hour without a time limit on each question. Hurray, I'm done, but, well, actually not. After passing the 50-question final exam I had to take and pass one final 10 question California only section.

I received a passing grade certificate from BoatUS, and that triggered the California DBW to send me their CA PDF card with the promise to deliver the actual plastic card, which I received a week or two later.

If you are like me, you have probably spent more time dreading taking the test than it will actually take you to sign up, study the coursework and take the final. Just get it out of the way and pass it on. Even if it's just to encourage our clients to accomplish this, I believe CYBA members should be leading by example to our clients and families. We can all do this and make our boating safer for everyone!

For more, visit CaliforniaBoaterCard.com

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Happy Hour Gathering Of Thanks

Hello friends in the local boating community!

Whether you are in boat sales, work at a local boat yard, sew sails, pump fuel, or sling hash, this is a group event for you! Please join us for this special "Happy Hour Gathering of Thanks" event.

We are gathering to share boating ideas, professional networking, laugh a little, make new connections, tell Shelter Island tales, and hear the latest news in the yachting industry. We are thankful for all of you and for your continuing support for the CYBA-GEO MeetUp.

Plan on joining the CYBA-GEO Committee for appetizers at Miguel's Port Side Pier, 1360 N. Harbor Dr., San Diego on Thursday, 11/17/2022 and support our local boating industry. This is open to anyone, whether new to the yachting industry, a long-time member, or vendor. Bring a friend!

This event is sponsored by Marine Group Boat Works - Special thanks to Kitty Persson of MGBW for her support for the CYBA-Growth Expansion Outreach Committee.

We hope you will RSVP and attend! Please contact Leilani Wales with any questions at leilani@aglyachtsales.com



Don Abbott's Retirement

I first met Don in 1982, sailing with Dick Southworth in the Encinal and Islander Yacht Club's Friday Night Beer Can Races. Soon after (because of my breaks in industrial teaching), Don approached me about selling boats for the summer at John Beery Yachts. Don, soon after went to Recreation Publications, working with Ken Schaff and publishing magazines for the marina industry.

Don had been our CYBA executive Director in the '90s, retired

from the job and Bob Gorman stepped in as Executive Director. Soon after Bob's passing, Don was asked to come back. He has served the CYBA as Executive Director for many years and has watched and helped with tremendous growth and success. His retirement will be a loss to the association but we feel his replacement will do a great job as well. Many thanks to Don, for the years he contributed to make our industry better...



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- Vessel Stock Purchase Agreements with or without post-closing merger restructuring to avoid future inefficient, expensive or illegal ownership structures.

Vessel New Build Contracts including assistance with Technical Team assembly. WLG has a worldwide web of project managers, naval architects and yacht designers. WLG will guide your buyer through the phases of conception, contract, milestone construction inspections and finally the launch phase which includes ownership structure, tax, VAT, registration and regulatory planning and compliance.

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

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Property Tax Strategy, Exemption and Minimization.

WLG is the leader in representing yacht owners concerning obtaining exemption from, minimizing or reducing California Property Taxes. WLG has taught the maritime industry, including local governments, the true basis and methodology of California Property Taxation including its constitutional law underpinnings.

Custom Contracts. WLG is best known for its ability to draft custom maritime contracts for the most complex maritime transactions conceivable in the most efficient and understandable manner possible.

Proper Broker and Brokerage Operational Structures. WLG will consult with brokers and brokerages concerning the optimal operational structure from both an income tax, estate tax, and regulatory perspective.

Trust & Estate Planning. WLG will consult with brokers to ensure they personally have trust and/or estate plans in place to protect them and their families. WLG has drafted and administered thousands of trust and estate plans during its 36-year history.

The WLG Team – The Attorneys

WLG believes it is the most efficient maritime tax firm in the world with a full staff ready to serve your needs.

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CA Boater Card

Hey Boaters! 2023 is quickly approaching, which means boaters 50 years of age and younger are required to have their California Boater Card before heading out onto the water. In 2018, California began implementing a new law that requires boaters to carry a California Boater Card while operating a motorized vessel. This card verifies that its holder has successfully taken and passed an approved boating safety course. The program is being phased in by age to give boaters ample time to obtain their card. By 2025, all persons who operate a motorized

vessel on California waters will be required to have one.

The California Boater Card program supports California State Parks Division of Boating and Waterways' (DBW) mission to provide safe and convenient public access to California's waterways and leadership in promoting safe, enjoyable and environmentally sound recreational boating. All boaters are encouraged to take a boating safety course and apply for their California Boater Card regardless of age.

To find out more about the approved courses, the phase-in

schedule, or to apply for your California Boater Card, please visit www.CaliforniaBoaterCard.com



Yacht Donations: A Sales Arrow Every Broker Should Have In Their Quiver

By Steve Rizzone
Director, The International SeaKeepers Society

Donating a yacht to a 501 (C) (3) charity like the International SeaKeepers Society can be a compelling option for many of your client listings. Besides the personal satisfaction derived from contributing to an ocean-orientated charity, there may be meaningful income tax benefits available to the owner/donor.

While many brokers are aware of the yacht donation program, there are a number of misconceptions surrounding the program including: donations are only for older boats, a donation cannot compare to an outright sale in terms of value to the client, the practice is not well established, and brokers do not earn fees on donations, all of which are not true.

With respect to the process itself, it is very straightforward and typically flows along the following lines:

- Broker/SeaKeepers Contact:
 - A broker or yacht salesperson identifies a possible donation candidate and brings it to the attention of SeaKeepers; a dona-



tion facilitator is assigned, based on geographic area, to assist and support the broker/agent.

- Broker/SeaKeepers/Potential Donor Contact:

- Broker/agent and the facilitator meet to discuss the specifics of the listing, the owner's expectations, etc. (If no listing is available, a brief description of the yacht including make, model, hull number, year manufactured, equipment, engine hours, and any other pertinent information is helpful)

- Broker/agent and facilitator decide on the next steps, which normally is a call with the owner.

- During the call with the owner, the facilitator goes over the potential benefits of the donation, the donation process and answers any questions to ensure the owner has the information necessary to

consider going forward without making a formal commitment.

- Donation Process:
 - If the owner decides to continue forward, an "intent to donate" letter is signed by the owner, broker, and SeaKeepers. The letter confirms in writing the terms and process of the donation discussed in earlier conversations but does not obligate the owner to complete the donation.

- The donor then retains the services of both a qualified yacht appraiser and a certified marine surveyor, the boat is surveyed, the results of which are incorporated in the final appraisal which forms the basis of the donor's tax deduction.

- Based on a physical inspection, the results of the survey and an inventory of equipment, SeaKeepers develops a material improvement plan.

- SeaKeepers prepares all documents required to accept the yacht and receives ownership. SeaKeepers experienced personal then prepare and submit the required forms to acknowledge the gift.

- Upon receipt of the gift, SeaKeepers pays the brokerage a

(cont. on next page)

commission.

- Post Donation:
 - Once the donation is completed, SeaKeepers will assess the yacht and determine suitability for the various SeaKeepers vessel programs.
 - Should the vessel be made available to the public, SeaKeepers will work with the broker who coordinated the donation, providing a second opportunity for a commission.

Throughout the process, the broker/agent maintains full control of all customer contact. The SeaKeepers representative's job is to support the broker/agent and facilitate the process, all in the best interests of the owner/donor. If you have any questions or would like any further information regarding donations, please feel free to contact SeaKeepers.

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~ STUDY SESSION AND TESTING ~

**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.

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

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

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

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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 @ 925-588-8929.

CYBA Announces A New Social Media Chair!

Traci Hughes is our new media guru and she comes to the board with an extensive background in marketing. The key to any successful organization is good communications with it's membership and a wide broadcast to the industry relating public. Traci will get us there on both levels. First, a 'freshing' of our CYBA website will make it more member friendly, next, our Facebook page (yes, we have one!) will offer tips, gems and announcements... and even Twitter (hello Elon) will track our happenings! Help Traci out by providing

interesting topics and photos!
...additionally,
Traci Hughes has joined IYC



as a Sales & Charter Consultant based out of the California office. A Southern California native, Traci Hughes grew up in Huntington Harbor, CA where she began yachting with her family when she was just a baby. Traci has been the office manager for a respected yacht brokerage and continued her professional growth through yacht management, marketing and events, sales support, and later by becoming a yacht sales associate. She is a committee chair and member of the California Yacht Brokers Association.

Our New Executive Director

Ty Mellott grew up boating in Wyoming of all places! Ty's love of boating and all things water became apparent quite quickly and he is familiar with sailing but admittedly his heart lies in the powerboat world. Having owned both larger boats and a handful of smaller boats you will more than likely find him enjoying his time on the water powered by a throttle vs. the wind. Whether it be on the water or off, most of his time is spent with his family and six grandchildren. When not on the water, Ty can be found in various outdoor activities, of which none are more important than coaching his oldest granddaughter's softball team. Prior to moving to Northern California's Bay Area, Ty lived in Florida as well as Southern

California. He worked for Delta Airlines and prior to that spent 4 years in the U.S. Navy with nearly three of those years aboard the *USS Missouri* (BB63). Ty Mellott has been involved in the marine industry since 1997, working for Recreation Publications. Working primarily on *Bay & Delta Yachtsman* magazine covering Northern California boating topics that involve not only the recreational boater but items of interest involving the industry as well. With the title of Co-Publisher for the past 15 years, Ty has continued to provide content and material of interest for his Nor-Cal readership. Ty served on the board of directors to the Northern California Marine Association for a total of 9 years. He served as President for one



Ty and Becky Mellott.

year and chaired several committees (including various boat show committees). He currently is on the board of directors for the California Delta Chambers and Visitors Bureau has been a (involved since 2006). He is looking forward to serving the board of directors of the CYBA and its members as Executive Director.

New Member Special

Wayne Goldman, Membership Chair

The Membership drive we ran, from February 1 through March 31, was a huge success. We increased our member base by 32, going from 335 to 367 total members. Great job to everyone that helped. Let's try to keep adding members. Please mention the benefits to anyone you know that is not a member.

We are now running a Mem-

bership Special through the end of this year. Any (new member only) pays the initiation fee and the dues for the remainder of the year are waived. Please pass this on to any non-members that you know.

Benefits of CYBA include:

- Industry standard contracts and forms
- Working with fellow CYBA members

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CPYB - New Year, New You

Sign up today and separate from the crowd

We all know Californians are the only people required to pass a state test to earn a yacht sales license. If you never leave the state, or dabble part time, that may be all you need.

There are only three ways to truly be called a "broker". In California after passing the sales test and then the broker test. In Florida if you upgrade from sales (no testing). The most widely acclaimed and accepted credential is the CPYB designation (Certified Professional Yacht Broker).

If being a yacht broker your career, especially if you travel to other regions for brokerage, you owe it to yourself to become a CPYB. Presently, there are less than two dozen CPYB's in California.

What does it take? Being in the yacht sales business for three

years and knowing your way around boats and boating transactions. There is a comprehensive guide to help you study and understanding the materials will provide you with a solid foundation to make you a better broker.

The CAC (CPYB committee) revised the test taking in 2022 so you can study and pass section by section instead of one sitting for the full exam. This new format has accelerated interest and there are now more CPYB's... don't get left behind.

There are less than (500) CPYB's in the world. It is a group of dedicated yacht brokers who understand the importance of continuing education and professional conduct. Make the time to join the ranks, it is a designation that will open doors and reward your efforts.

Jeff Merrill, CPYB and Nick Friedman, CPYB are the two CYBA



delegates representing you on the CAC national committee. Please contact Jeff or Nick, to discuss getting you started. Additional details are on www.CPYB.net.

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Legal Seminar 2022, Newport Beach

(This is an overview of the event and may not be the complete picture... please contact the presenter for more details, ED)

Nick Friedman, Shoreline Yachts & Joni Geis, Sterling Financial, Natalie Reyes, Seacoast, Marine Lenders.

Subject: Fraud

A review of current issues regarding money wire transactions and interception.

The fiduciary responsibility of the Master Broker and being aware of deposits and funding through office sales agents.

Charlie Daley, John Jarvie, Craig Chamberlain, Oversea Ins., Novamar Ins.

Subject: Insurance in the Current World

Too often vessels descriptions are not complete and with a loss, equipment may not be fully covered. The CYBA listing form asking for prior known conditions is paramount. Cris Wenthur stated



that secured insurance should be a condition on the purchase agreement. Catamarans are having more difficulty being insured because of recent storms in the Gulf.

Kells Christian & Steve Dillingham, Surveyors

Subject: Disclosures

Many surveys run afoul because the seller did not disclose 'pre-existing' conditions. Sea trials are most effective before the survey because conditions may change moving ahead with the inspections. The seller should be prepared for oil samples taken

(new oil doesn't help) and the vessel pushed to maximum conditions. Volvo IPS: props must be removed at inspection. Seakeepers: test beforehand.

Kate Pearson, Safe Harbor

Subject: Marina Availability & Abandoned Vessels

There will be no increase in slips in California in the near future. 1960-70 era marinas will have to be 're-sized' to meet current demand. Liveaboard status is being reconsidered by some city councils to fend off the housing issues (Alameda being an example). 30% of SoCal boaters are from 'out of state'. Brokers are encouraged to interact with the harbor office staff to resolve issues and created better communication about availability.

Michael Wales, ESQ.

Subject: Advertising

You must be very careful in advertising a vessel particularly

(cont. on page 12)



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as to it's condition. Do not represent a fair conditioned boat as excellent. Make sure your client (buyer) has secured insurance (see above). Michael explained the difference in 'arbitration' (fact gathering) vs 'mediation' (negotiation of issues).

Document co-op agreements in emails...not texts. Remember, the broker could be liable for fund transfer fraud. Pay attention to recent ransomware extortion. Have good security and caution sales staff to not open unknown attachments.

ADA scams are continuing but recent legislation is improving the Unruh law and compliance.

Dennis Moran, Northrop & Johnson, Arbitration Chair

Subject: How does it work?

If a party was to bypass the CYBA arbitration clause and sue, it is likely that the court would direct them back to arbitration as prescribed. The committee consists of

legal counsel and two analysts. Arbitration fees run between \$800-\$900. The hearing takes 2-3 hours and a legal response is typically 30 days. Dennis provided many reasons why brokers or sales people are pulled into arbitration.

Seakeepers Donation Program (New CYBA sponsor), Steve Rizzone

Subject: How easy are vessel donations and what are the advantages?

Started by Paul Allen to help fund ocean protection, Seakeepers now has 30 years

With a very successful donation program and can be very attractive for the boat owner and the broker. A very thorough presentation of it's workings was given.

Division Of Boating & Waterways, Joanna Andrade, Monique Cabral & Michael Beals

Subject: How to pass an audit.

The trio gave insight to the

most common broker office audit failures...and how to fix them (look at vessel info, term of listing, trust accounts). They discussed broker fee increases and asked for input. Make sure your bond meets the new criteria. "Out of state" brokers cannot list a California vessel.

Octavio Jose Gomez

Subject: Boating (and selling) in Mexico

You (broker) cannot sell a boat in Mexico! (Unless you want to pay a 30% tax).

You have to return to the U.S. for the sale. You cannot do an 'off-shore delivery' in Mexican territorial waters. Things have changed, records are being kept... and MTIP cancellations MUST BE DONE.

The information regarding the seminar is hoped to be accurate but the only way for you to know for sure... is not to miss the next one!



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About CCA California

Our Objective

To conserve, promote and enhance the present and future availability of coastal resources for the benefit and enjoyment of the general public.

About CCA

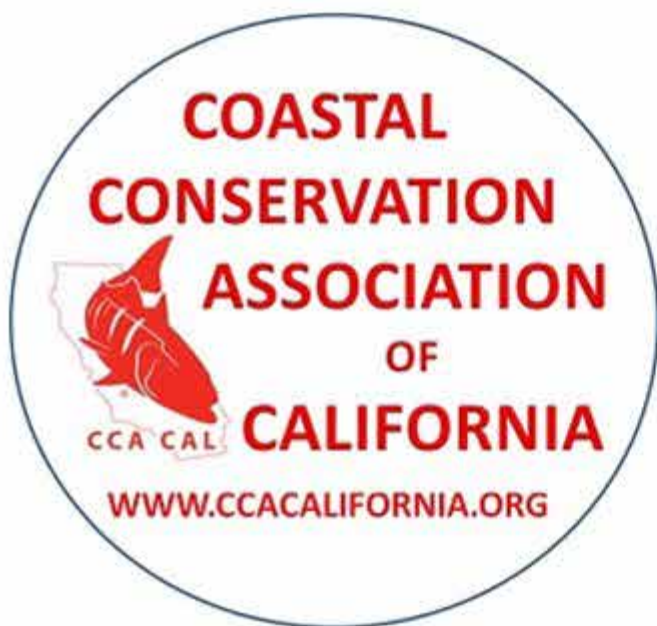
The Coastal Conservation Association (CCA) was initially created in 1977, after drastic commercial overfishing along the Texas coast had decimated redfish and speckled trout populations. A group of recreational anglers gathered to create the Gulf Coast Conservation Association. Only four years later, gill nets along the Texas coast were outlawed and both red drum and speckled trout were declared game fish.

The successful conservation movement that started with the "Save the Redfish" campaign got the attention of anglers across the Gulf and by 1985, chapters had formed all along the Gulf Coast. CCA continued to grow within the South- and Mid-Atlantic regions in the 1990s, and now have chapters formed up and down the West Coast. There are now 19 states with 226 local chapters that have a growing membership of 126,000 members.

Our Story

The Coastal Conservation Association of California (CCA CAL) was created in 2015 when recreational anglers and outdoor enthusiasts grouped together to work for the conservation and enhancement of our marine resources and coastal environments.

Today, we are working to protect not only the health, habitat and sustainability of our marine resources, but also the interests of recreational saltwater anglers and their access to the resources they cherish and use on a daily basis.



What We've Done For Anglers In California

- Continue to fight against fishing tackle and lead bans
- Fought to keep Bluefin from becoming listed as an Endangered Species
- Continue to fight against destructive fishing gear that hurts our resources
- Protect against unfair fishing regulations
- Continue to support and expand finfish hatchery programs
- Continue to fight for artificial and restoration reefs
- Support programs to increase fishing opportunities

Election - Board Of Directors

In a recent email from the CYBA Board of Directors, it was noticed that the chances of actually getting a member to respond increased, if there was more information included in this "Call for Candidates" Few brokers attend our meetings, either live or online, so they would have little or no way of knowing what is entailed in running for the Board of Directors.

What are the duties? What is the term? What is required? What is the benefit of serving, personally and to the industry? What would the requested "Bio" include? Are you someone willing to take on the challenges of helping to guide the association through these challenging times?

As a volunteer organization, the CYBA is only as strong as its Board. A dynamic organization, able to withstand the constant onslaught of California's regulatory and legislative overreach, vagaries in the economy, and increased

competition for the client's recreational expenditures... and it requires dynamic, energetic, self-motivated individuals with a desire to serve the industry, and to make the going better for those that follow, while maintaining a professional environment for all of us to conduct business.

The requirements is to be a CYBA broker in good standing, the term is for two years and the biography is roughly 100 words about yourself and why you interest (accompanied by a passport type photo). Simple yes? And the rewards are incredible!

Contact: Peter Zaleski, President, CYBA @ peterzaleski@gmail.com



New Member... (cont. from page 8)

- Arbitration & Mediation committee
- Code of Ethics
- Legislation, Education
- Social networking activities
- Close working relationship with the Division of Boating & Waterways
- CYBA newsletter and website
- CYBA name recognition with peer organizations
- Boat shows

Currently, we have 367 total members with 123 Master Broker members, 38 Associate Brokers, 168 Salespeople, 33 Affiliates and 5 Administrators. There are 304 Licensed Brokers in California, approximately 50% are CYBA members. There are 666 Licensed Salespeople in California, approximately 25% are CYBA members with a 5% increase from last quarter.

You can reach me at 510-759-8481 if you have any questions. Wayne

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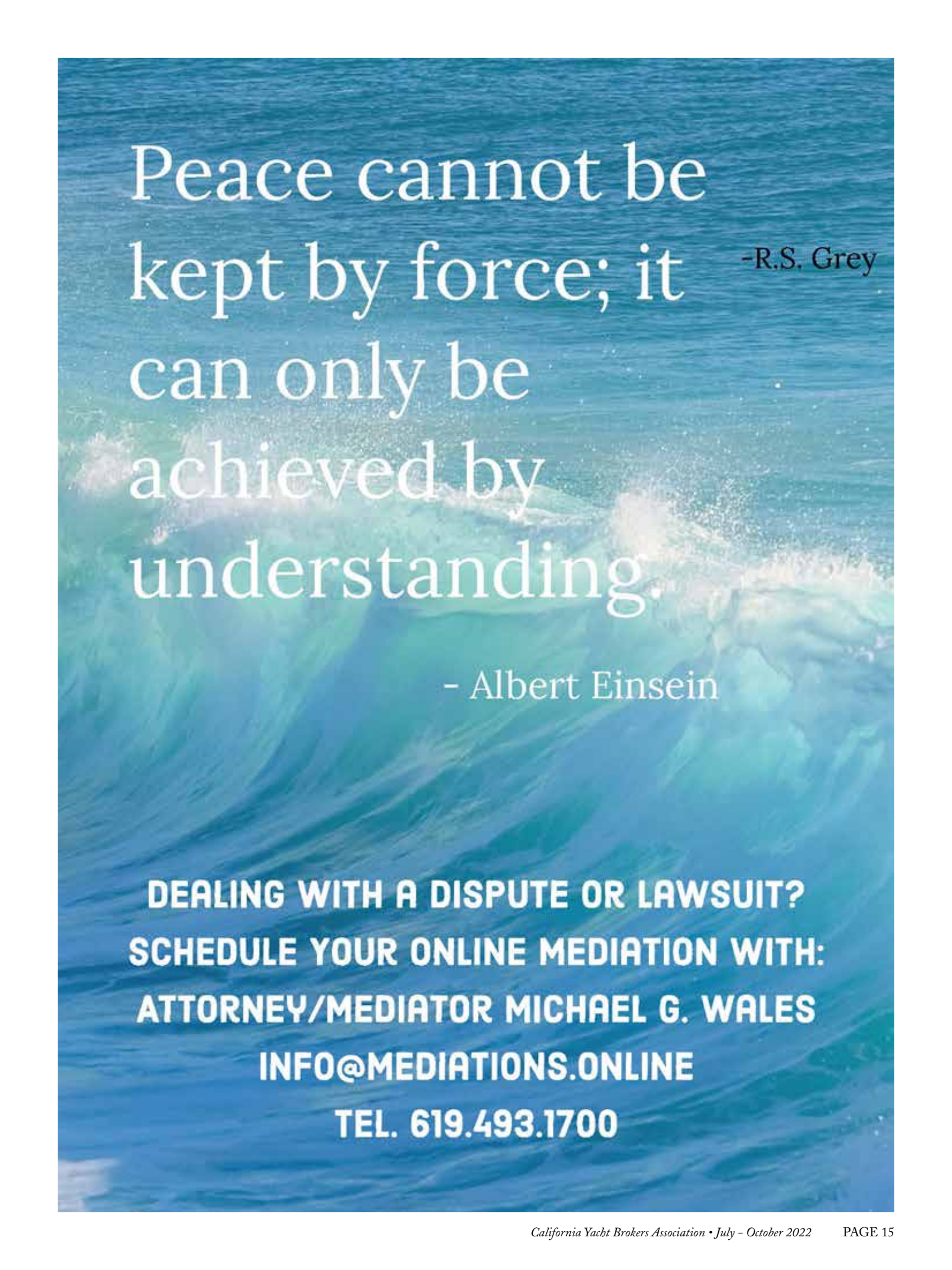
CHECK TO SEE IF THE WATER IS FRESH OR SALTY. IT GIVES YOU A BETTER IDEA OF WHERE YOUR LEAK IS COMING FROM!*

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

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-R.S. Grey

- Albert Einsein

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The Significance Of The CG Document Stamp; The Abstract Of Title

**George Sikich,
CYBA Past President**

Everyone is familiar with the U.S. Coast Guard Document and the importance of the Certificate. You must get a copy of this for every listing and place a copy in your file. I am finding way too often sellers do not keep this aboard (that is a Coast Guard Violation) for various reasons, none of which are valid. Reviewing the information on the certificate is crucial. Make sure the HIN and Official # are accurate... as well as the Managing Owner and other owners. The HIN tells you quite a bit about the boat: the production number, when it was made and the model year (which can be different from the production year). Check the expiration date, I am running into quite a few expired documents.

Another important aspect of the listing is to get an 'Abstract of Title', which is \$25.00, you can get this from the Coast Guard

National Vessel Documentation Center website (www.uscg.mil/hq/cg5/nvdc/). The main function of the Abstract is to see if there are any liens or incumbrances on the boat. Generally, a Preferred Ships Mortgage would be the main item, indicating the boat has a loan on it. However, other liens may exist; boat yards, marinas, etc.... Also, you may see a Notice of Lien (rather than an actual lien). This may have no legal effect other than to inform the world someone claims to have a lien. The seller may tell you that no liens exist. So, you order the abstract and see that the boat has a lien, (the seller may have paid that lien off)... the problem is that they failed to get a "Satisfaction of Lien" which must be presented to the NVDC to remove the lien. I had a boat that was paid off 20 years prior and the lender never sent the Satisfaction of Lien to the NVDC.

I called the lender and they

told me they no longer had those records, the boat was in an estate and I was unable to complete the transaction. Had I ordered the abstract, I would have known the circumstance and saved myself a major headache. The clarification on this can be sorted out by a documentation company or lender. Having this info prior to closing is helpful in executing a timely closing.

The abstract will give a history of ownership, however, this only includes owners who documented the boat with the Coast Guard, if somewhere it was registered to a state or foreign entity then that owner would not be disclosed on the abstract.

Other information on the COD. Example: a boat is a 1990, but you see it was not titled till 1992. This can have several meanings; most likely the boat was not sold till '92 (not uncommon for a

(cont. on page 18)

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boat to sit in a dealer's inventory for some time). Another explanation is that the dealer used the boat for demonstration purposes.

These two items are another step in assuring the strength of your listing. To all brokers, I say "Know your Listing". George



Why is he smiling? Tony Faso, past board member, is hosting an audit by our own Division of Boating & Waterways personnel. Do you recognize them? They really don't bite...

Changes Are On The Horizon

**Nick Friedman,
Forms Chair**

WE WANT YOUR INPUT.

The last significant rewrite of the CYBA Forms was completed about ten years ago. And while the forms are still very relevant and legally as complete and effective as any, it is time to examine the changes that have occurred in our business climate and adapt the contracts to modern day needs and requirements.

We are about to embark on an evolutionary re-write of our current contracts and the addition of a number of new forms. Some of the ideas floated have been:

- 1) A 'conditional acceptance form'
- 2) A separate 'final acceptance form' for ease of e-signature
- 3) Auto-propagating data form (can be sent to your document service of choice)
- 4) A 'waiver of liability' document
- 5) Numerous content change to the existing contracts

There are many other thoughts, and we are calling on our mem-

bership to offer suggestions for changes to the current forms and the addition of new forms. Please, if you have ideas, send them to our dedicated forms e-mail at: forms@cyba.info

Most recently we have addressed the current property tax controversy by simplifying the pro rate paragraph. When you choose the non-prorate paragraph, the Final Statement will no longer show a line for the amount and dates as it has in the past. When choosing the prorate option, the amount and dates stay as they have always been.

Our goal is to compile these suggestions by the end of the year then sort through and integrate those that can be used. So please act soon if you have suggestions. Once we have formatted the modifications and additions, we will pass them by legal, the Division of Boating and Waterways and then on to our software developer. We hope to implement the changes sometime in the spring.

**IT ALL BEGINS WITH YOU.
SEND YOUR SUGGESTIONS AND
COMMENTS SOON**

CYBA Board Of Directors Meeting

Meeting held at Balboa Corinthian Yacht Club, Newport Beach

Called to order by President Pete Zalenski at 3:10 p.m.

Members in attendance: Don Abbott (ED), George Sikich, Scott McNERNEY, Wayne Goldman, Mark White, Mik Maguire, Lelani Wales, Nick Friedman and Peter Zalenski

Guest: Traci Hughes

Last Board Minutes: Motion to approve. (Nick Friedman, 2nd (Leilani Wales) Approved.

Financial Report: Mik presented P&L and Balance Sheet. Discussion ensued on what to

do with extra newsletters, and agreed we should send them to non-members. Financials were Approved and 2nd by Lelani. Correspondence - Nothing to report

Membership: Wayne Goldman: We have 182 sales members, 125 Master brokers, and 36 affiliates. Kudo's to Wayne, as this is our highest membership total ever. Wayne made a motion to waive fees for any members who sign up 4th qtr of 2022, Nick 2nd. Approved.

Advocacy and Legislation: Dean West not here, nothing to report... however: Don will report at the Legal

Seminar tomorrow. There was some discussion related to independent contractor status.

Sponsorship: George Sikich: Considering Bass Pro Shops, West Marine and Overseas Insurance. SeaKeepers are now a sponsor. Don brought up a discussion on sponsor benefits and perhaps we eliminate or adjust their free dinner at our banquet.

Shows and Events: Mark White: Jim Behun is meeting with Loews Coronado, a possible show site in San Diego the week before Super Bowl. Motion: NorCal Show will be at Westpoint Marina in Redwood

(cont. on page 24)

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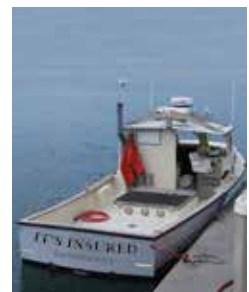
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CYBA President's Perspective... 2022 Legal Seminar

Peter Zaleki

The California Yacht Brokers Association held our most popular event of the year at Bahia Corinthian Yacht Club in Corona del Mar October 6th, 2022. We had the largest attendance ever with over 120 members attending. There were 18 speakers that brought the latest news and advice, tailored to the Yacht Brokerage industry.

Past CYBA President Nick Friedman, Broker at Shoreline Yacht Group, started off with a personal experience on several types of on-line fraud, including what to look for when sending wire transfers. Natalie Reyes from Seacoast Marine Financing added in a Bankers view on what to look out for and how to help your clients get the best financing available. John Jarvie with Oversea Insurance and Charlie Bailey from Novamar Insurance shared how to navigate the changing environment in the marine insurance sector. Charlie expanded on what type of Insurance was best while traveling in Mexico.

That conversation segwayed into marine and mechanical surveys. Kells Christian, Regional Director of the Society of Accredited Marine Surveyors (SAMS), shared examples of his experience with hull surveys. Steve Dillingham, owner of Dependable Marine, advised on how to prepare for an engine survey.

Next up, Kate Pearson, President of the Marine Recreation Association and V.P. of Business



SAMS is the credentials you're looking for in accreditation in surveys.



Kate Pearson spoke to the lack of inventory and needed modernization in our marinas.

Development with Safe Harbor Marinas spoke about how to get a slip for the boat you just sold. With no new marinas in sight, she explained to make more room for new vessels we need to get the derelict boats out of our current marinas and advised it is a good idea to get to know your local marina managers. The CYBA's newest Sponsor, International Sea Keepers had Steve Rizzone speak to us on how his organization promotes oceanographic research, conservation and education through direct involvement in the yachting community and how boat donations support their efforts. After lunch, our honored guests from the Division of Boating and Waterways, Johanna Andraede, Monique Cabral and Michael Beals, brought us the latest news from Sacramento.

Octavio Jose Gomez traveled up from south of the border to help us understand the sometimes confusing, often changing laws in Mexico.

Attorney Michael Whales had several examples of experience with yacht transactions with his law practice. Dennis Moran, Broker at Northrop & Johnson, Past CYBA President and current Arbitration chair, shared that it has pretty quiet on the CYBA Arbitration side. That means the members have been doing a great job keeping out of legal trouble. This is one of the least used and potentially most valuable assets of CYBA Membership. Dane and Cris Wenthur from the Wenthur Law Group often spoke up during the seminar to share opinions and clarify the law. They had hand-outs for their

(cont. on page 22)



Bahia Corinthian Yacht Club facility, hosts for the 2022 CYBA Legal Seminar.



The relationship between Mexico and U.S. boaters is important to preserve.

8 New CYBA Brokers Have Joined In The Last Month



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presentation that helped to keep up with the wealth of knowledge they shared about Maritime Law.

Closing the Seminar was Dean West, Principle of Dean A. West Marine Enterprises. He is also a past President of the CYBA and current Ethics & Legislation Committee Chair. Dean arranged for everyone to get a copy of the CYBA Code of Ethics. He started his impassioned presentation with the observation that we had a full house and that they were the type of people he liked to do business with, those that

(cont. on next page)



Ethics are what we signed on for in joining the CYBA.

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



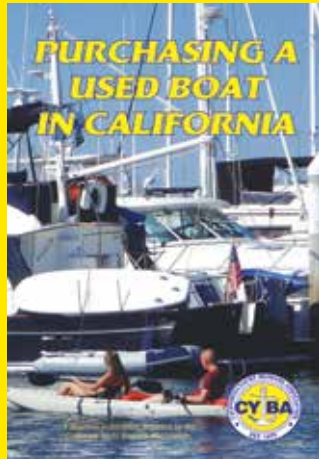
A "full house" at the 2022 CYBA Legal Seminar in Newport Beach with over 120 guests!

choose to better themselves with further education and have dedication to doing the right thing for the Brokerage Community and our clients. I agree with Dean!

One of the highlights for me was the amount of conversation, camaraderie and mingling at every break. We plan for more social interaction at the next Legal Seminar. If you are in the Marine Business in California, you should be there. Please plan to join us.

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

You can download the booklet in PDF format from the CYBA.info website or order the hard copies from:



Don Abbott
don@cyba.info

Are We Going To See Some Action?

(Editor's note: For years the CYBA with members like Dean West and others, have insisted that the State do a study of the "real impact" our industry means to the State's economy. We have been 'undervalued' for years...)

Boating and Waterways Commission Subcommittee on Alternative Funding makes the following recommendations:

- Recommend the Department of Parks and Recreation provide an annual report to the Boating and Waterways Commission, of the \$26 million annual diversion from the Harbors and Watercraft Revolving Fund, for accountability purposes.
- Recommend the need to identify criteria for reporting, such as nexus to recreational boating.
- Recommend that DBW expend funds necessary to fulfill a comprehensive and impactful Outdoor Recreation Economic Impact Report detailing the relationship of recreational boating in California to the overall economy.
- Recommend that the Governor's Office of Business and Economic Development be consulted for possible seed money to compliment Harbors and Watercraft Revolving Funds.
- Recommend that the Outdoor Recreation Economic Impact Report explore both the boating industry impact on California economy and DBW boating programs designed to support recreational boating.
- Recommend an ongoing Advisory Group be formed by the Commission with input from the Department.

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Michael G. Wales, Esq. Attorney At Law

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Oversea Yacht Insurance

Seacoast Marine Finance

Sterling Acceptance Company

Trident Funding

City, May 4-7 2023. Lelani motioned, Pete 2nd, Approved. Pete and Mark will pursue a Spring San Diego show location.

GEO: Lelani Wales: Setting up a meeting to recognize Women Leaders in the marine industry. These meetings have about 25 people in attendance. Next meeting in November.

Social Media: Traci Hughes (Chair) is working on our social media; Instagram is up and running, and helping Mik with the newsletter. Please send her content at traciHughes2@gmail.com

Forms: Nick Friedman: Working on revisions and updates. Right Signature subscription will be \$300 moving forward. Use PA Amendment to add 'transaction name'.

Don sold his YachtsForSale.com business, but the new owners are still working with us on free ads.

New Business: Executive Director-Don Abbott: This is Don's final year and we thank him for his service. Ty Mellott is a candidate for the position and he will be vetted at the seminar tomorrow by Mark White and Peter Zaleski. Still discussing compensation and role details.
Peter Zaleski... Need to define the committees for future work.

Annual Dinner: Need ideas for location!! (January 2023)

Next Meeting: December 7th (where, TBD)
Adjourned: 6:00 p.m.

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Calendar Of Events

Oakland/Alameda Lighted Boat Parade	December 3, 2022
National Pearl Harbor Remembrance Day	December 7, 2022
San Joaquin Yacht Club's Lighted Boat Parade	December 10, 2022
Annual Frozen Bun Run Windmill Cove	January 1, 2023
Seattle Boat Show, Lake Union and Century Link Field	February 3-11, 2023
36th Annual International Sportsman Expo, Sacramento, CA	February 19-22, 2023
CYBA Northern California Sail and Power Boat Show	May 4-7, 2023
Sacramento California Boating Congress, Sacramento	March, April 2023
CAHMPC, Training Conference & Trade Show	May 23-25, 2023

