



THE CYBA NEWS

November 2022 - March 2023

The California Yacht Brokers Association Newsletter

CYBA Pacific Sail & Power Boat Show!

Plans are moving ahead quickly for the 2023 Pacific Sail & Power Boat Show, hosted by your CYBA and Sail America, coming to Northern California, May 4-7. Many dealers are signing up for new boat space as well as brokerage. Marine industry wide services and products representatives across the country are starting to show up with applications and the boat show manager, Jim Behun has been actively pursuing creative ideas for the floorplans. This includes in the water and out and working with the site ownership, West Point Marina, Jim is excited about this really special event.

Discount accommodations

with area hotels have been arranged and food. Concessionaires are being contracted. Marketing agencies are busy sending out promotional releases and arranging electronic advertising. It's getting pretty energized around here! Northern California's been waiting

a long time for a great show and this promises to deliver a really wonderful event. Don't miss this opportunity to participate in a CYBA hosted boat show... in the heart of Silicon Valley!

Contact: Jim Behun @ 858-230-1221.

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Jim Behun, Show Manager.



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from the PRESIDENT

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

What to expect when you are Inspected.

We have been hearing from members about their experiences during a Division of Boating and Waterways official inspection.

Several have received fines. In this article we will share some of the reasons members are getting fined and how to prepare for inspection.

Each of us has a file on record in Sacramento. Some of the information in that file includes when and how many times your Brokerage has previously been inspected.

A letter is typically sent giving at least 30 days notice of an on-site inspection. If this date is not practical, it may be possible to schedule the inspection for another time. Another alternative may be to send your records to Sacramento for review.

Most on-site inspections begin with reviewing the Licenses and Broker to Salesperson agreements.

Be sure to confirm the licenses are up to date and prominently displayed in the office.

The broker must have an agreement with each salesperson on file. A signed and dated CYBA Salesperson Agreement form covers this requirement.

Most inspection notices request the last 4 years of transactions to be available on inspection day. This includes Trust account records, Closed deals, Listed vessel files and Current pending deal files.

Members have found it convenient to have the files divided into separate year groups for ease of

access during the inspection.

It is best to review your forms to make sure that they are completely and accurately filled out.

Missing information is one of the primary reasons for violations. These include Hailing port, Document / Registration Numbers and who the brokerage is representing, Buyer, Seller or Both.

Don't forget the tenders. Make sure the ownership information accurately matches the Document or Title.

Listing Agreements must be up to date and match the currently advertised price. If the price has changed, an addendum or new form should be filled out. Scratching out the old price and hand writing in the new one is not allowed.

We have also heard of fines being assessed for Broker of Record not approving and signing Co-op forms and Closing Statements.

Another violation is the use of third party escrow companies like Pacific Maritime Title in Seattle. Any vessel sold in California should be funded through your brokerage's Trust account. This account is likely to be audited during your Inspection. This is covered by Harbors and Navigation Code 714.

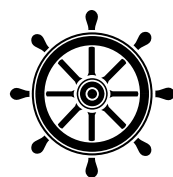
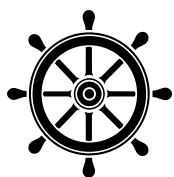
I would highly recommend reading the Harbors and Navigation Code 700-740 and the California Code of Regulations, Title-14 Article 8 prior to your Inspection. It is difficult to play the game if you don't know the rules. Copies can be found on the Division of Boating and Waterways Website at https://dbw.parks.ca.gov/?page_id=28774



Naos Yachts Opened A New Office On San Francisco Bay

Beneteau is once again on the Bay! Naos brings the Beneteau line up and Lagoon catamarans to Richmond. The San Francisco Bay office will be staffed by Torben Bentsen and Sam Gordon, both established Bay Area sales agents.

In keeping with its DNA (the Los Angeles office is located at The Boat Yard in Marina del Rey and the Channel Islands Harbor office in the Seaside boatyard), Naos Yachts based its new office in the Maritime Centre next to the KKMI boatyard in Pt. Richmond. This close proximity to a boatyard, allows NAOS Yachts to provide the best service to its customers and be a stone's throw away from all maintenance and repair work on their boats.



More Northern California News

What does it take to be the Yacht Club of the Year? You need 250 "club of the year" points. You get points for steering your yacht club in the right direction. Community service, Cruise Ins, Cruise Outs, Education. CPR, Dock Walking class, Club Safety Officer, boater safety and seamanship attendance at the "change of watch," Opening Day on the Bay, Inter-Club cruise outs, monthly meetings in the Bay Area, decorating the boats for Opening Day! Donations to Recreational Boaters of California, donation to the PICYA scholarship fund, organize a regional Opening Day, on time submissions for the PICYA yearbook and helping with the Wheelchair Regatta... whew! That's a boat full!

We are proud to announce that VWYC - Village West Yacht Club reached 5-Star Status this year. It took them 35 years to achieve this and to become the Yacht Club of the year! Now they have a 5 Golden Anchor Marina and a 5 Star Yacht Club. Congratulations!

Additionally, Ebony Boat Club was awarded "Yacht Club of the Year" for the same commitment to strengthening their club and outstanding out reach to the boating community at large.

Ebony Boat Club (EBC) was founded in 1987 to expand the yachting experience to minorities. Thankfully, times and attitudes

in the boating community have evolved to accept all people regardless of race or religion. Their favorite acronym for E. B. C. is Everybody's Boat Club! Yacht Clubs normally exclude smaller boats, so, in an effort to include all boats regardless of size, the name Ebony Boat Club instead of Ebony Yacht Club was adopted.



Don Abbott's Retirement

Well, it finally happened... twice. Some years ago, our Executive Director for many years, Don Abbott, retired from the CYBA and was replaced by Bob Gorman. Bob served us well for over five years and on his passing, we asked Don to return and help us through some very difficult times in CYBA history. He took a financially strapped association and built it into who we are today... about to produce a CYBA hosted, major boat show in Northern California. Don once again, has elected to retire, and we were happy to recognize that event with a dinner at the Bay Club in San Diego, attended by many past presidents, well-wishers and people that have known Don since he first came to California from Hawaii. It was a really great time and a lot of funny "inside stories" were told!

The CYBA wishes the best for Don and we are happy to know that Ty Mellott, his replacement, will do that same fully committed job to making our CYBA successful.



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

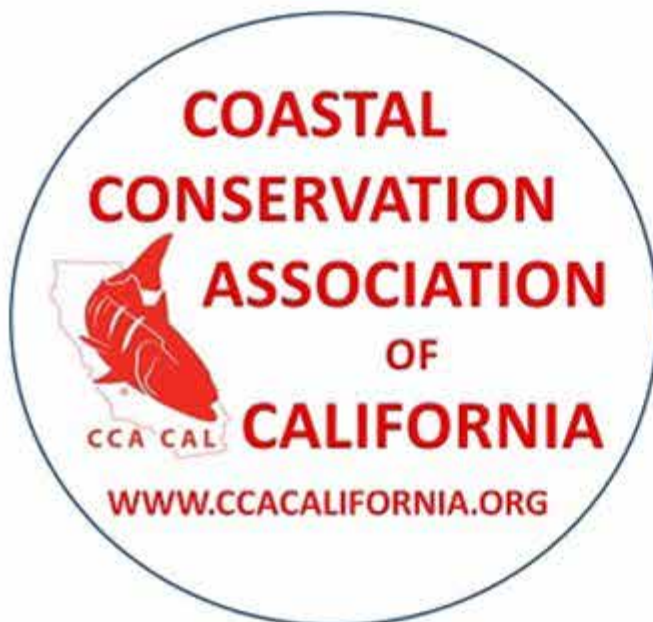
The Coastal Conservation Association (CCA) was initially created in 1977, after drastic commercial overfishing along the Texas coast had decimated redfish and speckled trout populations. A group of recreational anglers gathered to create the Gulf Coast Conservation Association. Only four years later,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

Better License Practices

**Presented by Michael Beals,
Investigator, Boating Safety Unit**

In the hopes that we never hear of a fellow broker using pressure tactics to secure or hold listings, let's hear what our Division of Boating & Waterways investigative unit has to say about same:

Coercive and oppressive methods are discussed under Harbors & Navigation Code 732 subsection g... and then California Code of Regulations more nar-



rowly explains the use of landing piers or mooring places (marinas and slips) during the course of a brokerage deal. Harbors & Navigation Code Section 732. Denial of application, suspension, or revocation:

The department may deny an application or temporarily suspend or permanently revoke the license of a broker or a salesperson at any time if the licensee, while a broker or salesperson, in performing or attempting to perform any of the acts within the scope of this article, has committed any of the following acts:

(g) Uses coercive or oppressive methods for the purpose of obtaining business or of procuring a listing or participating in a transaction. California Code of Regulations Title 14, Article 8, Section 7615. Coercive and Oppressive Methods.

It shall constitute coercive and oppressive methods within



the meaning of Section 732, subsection (g) of the Harbors and Navigation Code, if a licensee who is also the owner, operator, or otherwise in charge of a landing pier or mooring place:

(a) Exacts or demands all or part of a broker's fee or commis-

(cont. on page 8)



PACIFIC SAIL & POWER BOAT SHOW

May 4-7, 2023

Westpoint Harbor

Redwood City – California





2023 CYBA Officers & Committee Chairpersons

President: Peter Zaleski
 Vice President: Mark White
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 Treasurer: Mik Maguire
 Executive Director: Ty Mellott
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 Forms: Nick Friedman, Jeff Merrill
 Sponsorship: George Sikich, Lelani Wales,
 Scott McNerney
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 Arbitration: Dennis Moran
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kept by force; it
can only be
achieved by
understanding.

- Albert Einsein

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sion from the sale by the owner or any other licensed broker or salesman of any yacht or boat moored at said landing pier or mooring place solely because said yacht or boat was or is moored at such pier or landing place;

(b) Expels or denies or refuses to permit the continued use or lease of such landing pier or mooring place by an owner of a boat or yacht for the reason that said boat or yacht is listed for sale with another licensee;

(c) Expels or denies or refuses to permit the continued use or lease of such landing pier or mooring place by the purchaser of a boat or yacht moored at such landing pier or mooring place because another licensee had made the sale of such boat or yacht.

NOTE: Authority cited: Section 703, Harbors and Navigation Code. Reference: Sections 732 and 733, Harbors and Navigation Code.

National Spotlight

Data from the U.S. Department of Commerce's Bureau of Economic Analysis (BEA), released in November, shows the outdoor recreation economy has seen record-breaking years, sustaining remarkable growth despite navigating a post-pandemic environment. In 2021, outdoor recreation generated \$862 billion in economic output, accounting for 1.9 percent of U.S. GDP, making it a larger contributor than agriculture, extraction of oil and gas, and mining. Outdoor recreation also supported 4.5 million American jobs. What's more, recreational boating and fishing are the number one contributor to the near-billion dollar outdoor recreation economy, surpassing RVing, hunting, and other outdoor activities.

New SoCal CYBA Members for February

Joel Swan, Big Bay Yachts

John Dwyer, Denison Yachting

Johnny Roost, Schock Boats

Patrick Shuss, Shoreline Yacht Group

Pete Sisk, Shoreline Yacht Group

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Register Now For The 7th Annual Boating Congress

Your Opportunity To Make A Difference!

This year's California Boating Congress, sponsored by the Marine Recreation Association, is set for April 11 & 12, 2023 at the Hyatt Regency Hotel, in Sacramento, directly across from the California State Capital Park. The

2023 CBC will kick-off with an evening Welcome Reception on the 11th, with a full day of interaction with marine and boating industry regulators and California state legislators on the 12th.

After more than two years of COVID restrictions limiting our ability to interact with state legisla-

tors and regulators, the California Boating Congress will return to a more normal personal-interaction format, with informational seminars in the morning sessions and meetings with legislators in the afternoon.

Ethically Speaking, Are You?

(Ed. Note: The following is an excerpt from a presentation given by Ethics Chairman Dean West at the recent CYBA Yacht Sales & the Law Seminar)

By Dean West

This column is another in an occasional series discussing sections of the CYBA's Code of Ethics

The CYBA Ethics Committee has been around likely as long as the ethics themselves have and that's a long time. The CYBA



Code of Ethics were the first in the industry that we are aware of, and they have found their way (in some cases verbatim) into the by-laws for most of the major yacht broker associations nationwide.

Back in the 1970's as a fledgling association, we were out in front of the issue of ethics, today as one of the grand old broker associations, we try to remain out in front of changes and developments in ethical conduct.

(cont. on page 12)



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The Code of Ethics is displayed on the CYBA.info website under "About." I ask that you readers refer to it... even you old timers, because there are things that we forget about or things that don't come in to play regularly... sections that we might be a little bit rusty on. Refer to them from time to time – not just when you are pissed at another broker!

What the Code is:

29 sections of ethical considerations for the proper conduct of yacht sales. They cover interactions with your clients, interactions with other brokers, interactions with service people, and reflect close coordination with the California Harbors & Navigation Code - so they are a great foundational instrument to build your brokerage or your yacht sales career on top of.

One point that I would like to make is that the issues or sections covered in the Code of Ethics

change over time in relevance... but not in importance.

The importance is always there but sometimes it becomes less relevant - it could be due to market conditions or perhaps regulatory driven - yet the importance remains constant.

Currently one of the issues that seems to be "market driven" is:

Section 18: Co-ops and broker commissions.

Members should cooperate with other brokers on vessels listed with him whenever it is in the best interest of the client. All cooperative agreements should be executed as early as possible and prior to the submission of an offer to purchase, and should designate the percentage of the Commission and all Commission splits. Negotiations concerning a vessel listed on an exclusive/central basis with one broker should be carried on with the list-

ing broker, not the owner, except with express consent of the listing broker.

I'm sure we have all noticed that there are an increasing number of vessels listed for sale on different advertising and MLS venues that clearly state "not available for co-brokerage."

This is particularly true and problematic on the East Coast, but it does find its way into our business structure out here in California. Maybe even some of you readers are trying to pull this questionable move, but I hope not.

Denying broker cooperation is a very slippery slope as co-ops are the foundational backbone of our industry - it's what gives the interaction between brokerages a major advantage over peer to peer sales, FSBO, or by owner – all currently found on a number of websites that we are seeing pop-

(cont. on next page)

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up recently that facilitate direct listing/sales without the benefit of a yacht broker. Brokerage sales are designed to give both buyer and seller professional representation and PROTECTION through our licensing, experience, knowledge of the industry and CODE OF ETHICS!

I would suggest that when one undermines the essence of broker to broker transactions, they undermine the brokerage industry in its entirety.

I have some very strong opinions about it and I base my opinions on ethical foundations.

My opinion is that you have a fiduciary interest to your seller to get his boat sold – as quickly and for the highest sales price as possible. Denying the ability to sell that boat to all of the brokers in the international marketplace other than yourself, is not representing your fiduciary duty to the seller's interest in a proper manner.

What does arise when a broker

or brokerage attempts to prohibit co-brokerage is that dual agency is created. Thusly a salesperson or a brokerage is representing both buyer AND seller and this is a very tenuous position to be in for a number of reasons which I will explain.

For example - dual agency in the real estate market (which is much more heavily regulated than is our industry and wherein deals are reviewed by lenders, escrow companies, title companies, insurance companies, brokerage firms' legal staffs – all on a regular basis... with all that review and scrutiny being conducted within the sales process, all towards keeping the transaction on track... nevertheless dual agency is illegal in a number of states including Florida, Colorado, and Texas! There's a reason for that!

Dual agency puts you in a position as the selling/listing agent where your fiduciary duties

are now directed to two persons and what might be of benefit to one might be to the detriment of the other and you have a causal position - since you represent both and you have done all the negotiating and communication between the two parties.

Courts do not smile on this at all. We CYBA members are protected in most cases... by utilizing the CYBA forms... and thereby we are generally prevented from getting pulled into the court system, through our fine arbitration process.

But I can tell you and I'm sure that our Arbitration Chairman Dennis Moran will back this up: if you come before an arbitration panel having conducted the act of dual agency, your actions are going to be scrutinized to the nth degree. And if you aren't 100% ethical in your conduct, the hammer is going to come down on

(cont. on page 14)

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For another example: your client says "let's list my Viking for \$1 million... I'll take 850K... but let's put it out there for 1 million for now." You also have a client looking for said Viking and he asks you "what do you think I should offer for it?"

Who are you representing there - the seller or the buyer?

Another example: The surveys are complete and there are myriad issues wrong with the boat and the buyer asks you, his dual agency broker "what do you think I should ask for a survey allowance or what items should I ask the seller to repair" again who do you represent in this scenario?

You might get away with these scenarios and perhaps you have, but the risks exist and the courts and the arbitration system will hold you to an exceptionally high standard. If you are a brokerage owner, and two different salespeople of yours are representing buyer & seller, you STILL have dual agency in house, and YOU the broker are going to be held to high standards of disclosure, transparency and conduct.

The last point on this dual agency mine field is that of the aforementioned disclosure. The CYBA grapples with disclosure on a regular basis and we try to stay on top of it hence the additional questions that have been added to the end of our listing agreement.

But you have a duty through

Section 9: Accuracy of facts, misrepresentation thereof: Member should use his best efforts to ascertain all pertinent facts concerning every vessel for which he accepts the agency so that he may fulfill his PROFESSIONAL OBLIGATION to avoid error, exaggeration, misrepresentation or CONCEALMENT of pertinent facts.

Do you know what the facts are on each vessel you are listing?

I find this (and I'm sure many of you do too) very lacking in some brokers - they know little to

nothing about the listing. They're just happy to get it and they're looking forward to the cash but they know little about the boat. Or even worse, they know something about the boat that the seller may or may not have disclosed and they clam up and do not inform the buyer WHO THEY HAVE A FIDUCIARY responsibility to inform, perhaps thinking, "we'll let the surveyors uncover the defects."

WRONG! That will NOT save you, you cannot arbitrarily confer your duty to disclose onto the discovery conclusions of another - be it a surveyor or a bottom scrubber. That is not conducting yourself properly as a broker, nor is it ethical.

Getting back to the central issue of creating dual agency by denying co-ops on your listings, what about the scenario wherein you have an offer on your listing, and someone in your own office brings in an offer on your listing? How are you going to conduct yourself to assure your SELLER'S fiduciary interests are being served if you somehow block your associate's deal from being accepted... maneuvering so as to get your own deal accepted? What if your cohorts' buyer is mean spirited and litigious, and he is irate about not getting the boat, thinking he has been played by you, the listing/SELLING agent?

Dual agency is a serious position to be in and it needs to be conducted in a serious, ethical manner. California is the most litigious state in the union... are you confident that you'll be protected if a deal goes to hell and YOU are controlling both sides?

When greed compels you to change the fundamental transactional process of our industry, and to deny participation by another broker on your listings, you open the door to heightened scrutiny of your deals, and a much higher expectation of fiduciary responsibility, disclosure, and transparency.

I would urge you to resist

the siren's song of having both sides of a deal, and conduct your business in a forthright manner, wherein you make your listings available to other brokers as you would want them to make theirs available to you.

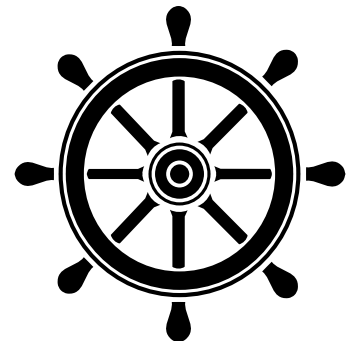
It is my belief that the ability of our industry to remain as we know it exists on these fundamental principles of broker-to-broker cooperation. We are but a few key strokes or clicks away from an entity such as Boats Group flipping a switch and selling directly online, thereby foregoing the need for brokers altogether. It happened to a much larger industry - travel agents - and it is happening to a degree to the auto industry. Let's not be foolish and think it can't happen to us.

Don't make it easy for outside interests and corporations to redefine our brokerage industry! Retain your broker-to-broker relationships and serve your clients' interests in a professional, ethical manner.

Ethically speaking, it's the right thing to do!

I encourage your feedback, on this or any other Ethically Speaking, Are You? columns. If you would like me to cover a particular section, or situation, please e-mail me at ethics@cyba.info

About the author: Dean West is owner/broker for Dean A. West Marine Enterprises. He is Chairman of the CYBA's Ethics Committee and of the Advocacy and Legislation committee, a CYBA Past President and the former Chair of the Ethics Committee of the International Yacht Council.



Eight Bells

We heard from Jill Angel that Dick Angel passed away last August 2nd. Dick was a significant figure in the CYBA for many years and had a great influence in making the CYBA what it is today. We have missed not having his input these past several years, knowing that you could always count on Dick to have an opinion and often times a different way of looking at an issue. He was NOT predictable! RIP to one of our great Past Presidents.



Jim DeWitt was born in Oakland in 1930. His impressive career never veered far from his early passions – racing sailboats and art. The spirit and honesty of his vibrant, colorful, usually action-oriented marine art reflects both his prodigious artistic skills and his long and successful career racing sailboats. As a young man in 1963, Jim won the North American Men's Sailing Championship. In 1992, he was recognized as the top American Marine Artist by the official America's Cup Gallery in San Diego. In 2013, Jim was named Artist in Residence by the Golden Gate Yacht Club, host of the historic 34th America's Cup in San Francisco.

After high school, Jim studied art for six years at the California College of Arts and Crafts, and at Los Angeles Art Center in Pasadena, California. In addition to shows and exhibitions in San Diego, San Francisco, New York, Waikiki and Newport, Rhode Island, Jim has exhibited in galleries and museums worldwide.

DeWitt originals are enjoyed, collected and valued by art enthusiasts around the world. Well known collectors include Dennis Conner, Buddy Melges, Bill Koch and Roy Disney.



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

CERTIFIED PROFESSIONAL YACHT BROKER (CPYB)



~ 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:

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

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.

Yachts Support Science At Sea

SeaKeepers Celebrates 25th Anniversary

If you're looking for opportunities to make a difference or give back, there are a myriad of ways to do so in the yachting and boating industry. The International SeaKeepers Society, better known as SeaKeepers, is celebrating its 25th anniversary this year as a non-profit organization that supports marine science education, research, and conservation by working with privately owned vessels as platforms for oceanographic research, educational outreach, and marine conservation. Their efforts permit scientists to maximize research potential and provide the yachting community with a way to advance marine science and raise awareness about global ocean issues.

Founded in Monaco in 1998, SeaKeepers began as a group of yacht owners who realized they shared more than just a passion for yachting and were concerned about the deteriorating condition of the world's oceans. With the help of the yachting community, they wanted to advance oceanographic research. Today, SeaKeepers continues its legacy through the DISCOVERY Yacht Program, comprised of Scientist-led Expeditions, Citizen Science outings, Educational Outreach events, and Community Engagement activities.

The degree of participation from a vessel can vary, from sharing depth measurements from navigation instruments while out at sea, to hosting a floating classroom for children in the Bay, to week-long expeditions with a team of researchers and scientists. Whether you donate time aboard your vessel or support oceanographic research on your voyage, opportunities are available to engage vessels of all types and sizes. The most essential piece to facilitating programming is continually identifying vessels to support educational, conservation, and research efforts worldwide.



With the emergence of new technology and projects, vessels have the ability to participate in Citizen Science from anywhere in the world.

From captains to crew to yacht owners and their families, participating in our Citizen Science programs with no prior knowledge of instrument deployment or marine science is not an issue, and collecting scientific data has never been easier. Citizen Science offers a valuable opportunity for vessel owners to get involved in smaller-scale marine research initiatives. These outings do not require scientists to be on board. SeaKeepers offers independent programs that fit the vessel owner's interests, each with unique research and educational goals. Currently, initiatives SeaKeepers offers to participate in are the Seabed 2030 Project and the Neuston Net Research Collective.

Participate in Seabed 2030

As part of the effort to map the world's oceans by 2030, SeaKeepers has partnered with the Seabed 2030 Project, along with the International Hydrographic Organization (IHO) Data Center for Digital Bathymetry (DCDB) at the National Centers for Environmental Information, Boulder, Colorado. This collaboration provides and manages small hardware data loggers that are used to collect bathymetric data from volunteer observer vessels. The project was launched at the United Nations (UN) Ocean Conference in June 2017 and is aligned with the UN's Sustainable Development Goal #14 to conserve and sustainably use the oceans, seas, and marine

resources. Any vessel can get involved by relaying information collected on board from data loggers. These loggers can be easily installed and integrated into the boat's existing data tracking systems. As vessels travel the world and visit remote areas, participants offer the rare ability to map zones most vessels or people will never see and where information may be scarce. Learn more about this project [here](#).

Join Neuston Net Collective

The Neuston Net Research Collective unites the academic world and the international yachting community in an effort to conserve and understand our oceans through research with net tows. Citizen Science kits allow crews and owners to conduct plankton survey-style transects related to our partner research projects. These Nets are made with fine mesh and towed by vessels to collect samples of neustonic organisms, algae, plastics, plankton, seawater, and more. Nets are provided to vessels around the world depending on the location required for research. Learn more about this project [here](#).

Community Engagement & Educational Outreach

Shoreline programming focuses on local Community Engagement for cleanups of beaches, waterways, and reefs, an additional aspect of programming that has gained momentum in the last two years. Participants are provided with access to collect data using the online platform called Clean Swell and are given a presentation on the dangers trash and pollution cause to the ocean.

There's also an opportunity for vessels to participate in Educational Outreach. By uniting educators, scientists, and students in a "floating classroom" experience, participants engage in marine science learning aboard vessels. They are given the opportunity to

(cont. on next page)

observe relevant marine research and interact with experts in the field of marine science while doing fieldwork. Outreach expeditions have focused on observing marine wildlife, deploying scientific instruments, reducing plastic pollution, teaching sustainability practices, and more.

Most recently SeaKeepers has extended their learning format to include a series of downloadable lesson plans, which can be used in conjunction with the SeaKeepers video series or as standalone materials to highlight marine issues and concepts. Materials are designed for grades 4-6 and 8-10. In 2022, SeaKeepers launched the Junior SeaKeepers Program, which provides high school students in grades 10-12 with hands-on experiences in marine conservation issues. Students will learn about topics from local experts while receiving training in conducting scientific research and science communication. The goal of this free educational program is to give young ocean ambassadors the tools to not only understand the problems that face our oceans but also encourage a career track in the field of marine science.

Donate Your Vessel For A Cause

Like many other non-profit organizations, SeaKeepers heavily relies on donations to support and facilitate programming. Since 1998, the charity has incorporated vessels into their programming activities and also accepted vessel donations as a means to support operations.

SeaKeepers facilitates the entire yacht donation process, taking possession of the vessel "as is, where is,"; picking up the vessel for relocation, and processing the required paperwork to file with authorities as necessary. Donating your vessel can immediately eliminate your ownership costs and considerably reduce your income tax burden while supporting a worthwhile mission in support of ocean conservation.

"The yacht donation program at SeaKeepers is a vital component in our mission to protect and restore the world's oceans," says SeaKeepers Chairman Jay Wade. "Donations directly fund our scientific and educational programming for ocean conservation, therefore, letting us provide more Scientist-led Expeditions, Citizen Science, Educational Outreach, and Community Engagement. In addition, yacht donations provide donors and yacht brokers with a great alternative to the time and expense involved in selling a vessel. Donors benefit by reducing their carrying costs and obtaining a reasonable tax donation from a safe, reputable charity. Yacht brokers benefit from the ability to help their customers exit yacht ownership quickly and cost-effectively, as well as having access to competitively priced inventory for sale and charter. These features combine to create a win-win-win situation for SeaKeepers, donors, and brokers."

SeaKeepers continues to expand its mission with a chapter in Singapore and the launch of a new of-

fice in the United Kingdom. To support as a vessel owner, ocean advocate, or charitable donor, you may become a SeaKeeper by visiting WWW.SEAKEEPERS.ORG

CYBA Board of Directors Meeting Calendar – 2023

January 26th	Board of Directors Meeting San Diego
March 22nd	Board of Directors Meeting Zoom - 9am
May 3rd	Board of Directors Meeting West Point Harbor - Noon
May 4th-7th	West Point Boat Show West Point Harbor
July 12th	Board of Directors Meeting Zoom - 9am
September 27th	Board of Directors Meeting Zoom - 9am
October 4th	Legal Seminar SWYC San Diego - 8:30am
November 15th	Board of Directors Meeting Zoom - 9am

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2023 Women Of The Waterfront Award

Nominations are now open.

This award recognizes a notable woman in the yachting industry, a CYBA member who exemplifies exceptional service and support in the promotion of the profession and the CYBA's standard of professionalism. This will be the first woman's award presented through the CYBA's Growth Expansion Outreach committee.

We are asking for your assistance in identifying and nominating individuals who you feel meet these criteria:

- A CYBA member in good standing.
- Actively engaged in boating/sailing industry activities on a local, regional and/or national level.
- Exemplifies the professionalism, ethical behavior, and business practices that are the trademark of the CYBA membership.
- Actively promotes the CYBA and other professional associations in recreational boating to elevate professionalism, high standards of conduct, consumer awareness, and growth of the industry.

The recipient will be chosen based on evidence provided by the nominator as part of the application. In January 2024, the recipient will be awarded an engraved Weems & Plath gift as their personal keepsake and highlighted in a press release, social media, on the CYBA website and CYBA Newsletter and presented at the CYBA Annual Dinner.

Contact: Leilani Wales, GEO Chair, Leilani@aglyyachtsales.com

CPYB – What Are You Waiting For?

If being a yacht broker is your chosen profession, especially if you travel to other regions for brokerage, you owe it to yourself to become a CPYB.

What does it take? Being in the yacht sales business for three years and knowing your way around boats and boating transactions. Once you sign up (discount for being a CYBA member) you will purchase a great reference study companion called The Guide to help you prepare for the test.

Even while studying you will be improving your game, the materials will provide you with a solid foundation to make you a better broker which also benefits your clients.

Every career path has options. The most successful people seem to be those who are constantly improving and seeking to become better. The CPYB credential identifies those dedicated yacht brokers who understand the importance of continuing education and professional conduct. This is not an exclusive membership society, it is a group of hard-working brokers who know what it takes to be the best and are very welcoming to the addition of more, high-caliber,

like minded yacht brokers.

The CAC (CPYB committee) revised the test taking in 2022 so you can study and pass section by section (five sections) 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.

Jeff Merrill, CPYB, Nick Friedman, CPYB and Mik Maguire, CPYB, are the three CYBA delegates representing you on the CAC national committee. Please contact any of us to discuss getting you started. Additional details are on www.CPYB.net

Nick Friedman, CPYB

Cell: 310.748.5409

Email: YachtBroker@Pacbell.net

Mik Maguire, CPYB

Cell: 510.552.7272

Email: YachtsmanMik@Gmail.com

Jeff Merrill, CPYB

Cell: 949.355.4950

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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.

The WLG Team – The Staff

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Jack Zabel, Legal Assistant (Vessel Matters)
(619) 398-9050 Ext. 206 / jack@wenthurlawgroup.com

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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.

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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

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Ashley A. Harris, Attorney

(619) 398-9050 Ext. 203 / ashley@wenthurlawgroup.com

CYBA Board Of Directors Meeting Minutes

Board Meeting and Election Meeting January 26th Bay Club Hotel

Election Meeting:
Called to order at 1:40 p.m.

Board Members Present:
Pete Zaleski, George Sikich, Mim Maguire, Scott McNerney, Mark White, Wayne Goldman, Lelani Wales.

Absent:
Russ Carrington, Nick Freidman
Executive Director: Ty Mellott
Guests: Tracy Hughes, Tracey Finberg, Jim Behun, Tony Faso, Mark Bay (Past Pres), Dean West, Guy Newmark (Past Pres.), Jeff Merrill

Invocation of Officers:
Mark, Peter, Lelani and George were up for reelection and were reelected. Motion made by George to certify election, 2nd Mik. Motion passed.

Current Board:
Pete Zaleski - Pres.
1st VP - Mark White
2nd VP - Wayne Goldman
Secretary - Scott McNerney
Treasurer-Mik Maguire
Board Members at large - George Sikich, Lelani Wales, Nick Friedman, Russ Carrington

Motion made by Lelani to accept the board, 2nd by Wayne-Motion Passed

Motion made by Mik to accept committee chairman, 2nd by Lelani-Motion passed

Meeting Adjourned 1:50 p.m.

General Board Meeting: Called to order: 1:51p.m.

Boat Show:
Jim Behun-Wesport Redwood City Boat Show set for May 4-7, 2023 with CYBA sponsor. No title sponsor for first year, Jim feels it would be advantageous to build the show, then find a

title sponsor. Much discussion on pricing for in water slips and food options, as well as discounts for fuel purchased by exhibitors. Jim anticipates 40-50 in water boat slips available, and will come back to the board with a budget.

Previous Meeting Minutes:
Were approved by Scott and motion was made by Mark to accept these minutes. George 2nd, motion passed

Treasurer Report:
Mik provided P&L and Balance Sheet for Board Review. George questioned the line item of Continuing Education for \$10,653. This is for our RightStart Lic. Fee, and Mik will change the description on the P&L Scott made a motion to accept the P & L and Balance Sheet, George 2nd, motion passed.

Correspondence:
Ty-Received notifications from CPYP/CAC. Questions from out of state brokers about listing in CA, Ty will respond with a resounding no. Sail Time opening a location at Pier 39. Sail America wants to help support the Westport Boat Show.

Membership:
Wayne reported that membership is up 15% from last year and that he has had success waiving the initial fee. The board agreed to allow Wayne to use his best judgment on fees in order to increase membership base. He received an application from Joel Romero without a check, so the application was not complete. Therefore, no need to discuss.

Legislation:
Dean announced that April 11-12 is the CBC meeting in Sacramento. Dean recommends all Board Members attend as many important subjects that

affect our business will be discussed and we need to give feedback to our lobbyist.

Topics include:

1. CARB
2. Abandoned watercraft
3. Wind Farms
4. Sales tax
5. 30-30 which will decrease usable waterways for boating.

Ethics:

Dean updated the board on Deborah Reynolds, who was expelled from CYBA due to multiple felony convictions. She is still a licensed broker by the DBW, and the DBW is monitoring the situation closely. She has asked for an appeal from the courts, and Dean will keep us updated on her status as a yacht broker. Dean would like to represent the CYBA at the ABC conference in Washington DC, and the board agreed. Mark made a motion to approve Dean's travel expenses and Mik 2nd. Motion passed.

Dean also brought up our relationship with the DBW. Many brokers feel that the relationship has been adversarial rather than cooperative. Dean would like brokers to let him know of any situations as he has had success discussing issues with DBW, and will bring up our issues immediately.

Sponsorship:

George has 3 new sponsors this year, and is working on a few more.

Event:

Pete announced that the Legal Seminar is October 4th or 5th in San Diego-SW Yacht Club. Annual Dinner-Much discussion about adding more awards and various venues

(cont. on next page)

GEO:

Lelani mentioned that Lori Rodgers is helping her with the Women of the Year award. She decided that the membership should nominate the candidate, and the Board should vote. The next meetup is scheduled Feb. 1, 530-730 at Bringinton.

Forms:

Nick and Jeff- Jeff face-timed Nick, so he was able to talk to the Board while feeling poor. Discussion about verbiage on forms, changing, "check in hand" to "deposit." Also, trying to figure out how to address Co-Op on forms. Jeff and Nick will work on it and bring something back to the board.

New Business:

Reviewing our relationship with right signature. Now that Ty is the ED we need to change our bank account so he can take over. Also Ty noticed that the bank had our corporate status incorrect on account information.

Mik made a motion to change CYBA's US Bank Platinum checking account to a non profit account in addition change the status of CYBA from unincorporated to incorporated for this account. In addition Ty Mellott is the executive director of the CYBA as of January 1, 2023. Wayne 2nd, motion approved.

Ty informed the board that we currently have a debit card on our account and we should switch it to a credit card for safety and convenience. Scott made a motion to allow Ty to make this change, and George 2nd, Motion passed

Next meeting:

Will be at the CBC meeting in Sacramento April 11, time TBD

Meeting adjourned: 5:05 p.m.

Minutes approved BOD 3-22-23

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: Ty Mellott Ty@cyba.info



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

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CYBA Board Of Director's Meeting Minutes

Held by Zoom 3-22-23

Meeting called to order by President Pete Zaleski at 9:04 .am.

Board Members Present: Pete Zaleski, Scott McNerney, George Sikich, Nick Friedman, Mark White, Wayne Goldman, Lelani Wales, Mik McGuire and Executive Director Ty Mellott.

Board Members Absent: Russ Carrington

Guests: Tony Faso, Dean West, Jeff Merrill and Boat Show Chairman Jim Behun

Boat Show: Jim Behun - Response has been great so far. 40 boats, and 22 booths are committed, and he anticipates selling 3000 tickets. Seminars are being organized, and volunteers for parking would be helpful. He anticipates \$130-140K in revenues, and to turn a profit. Mik made a motion to centrally locate all of the CYBA boat show assets. Nick 2nd, motion passed unanimously.

Minutes: Scott approved the minutes. Mark mentioned that the committee members should have their reports to the Board before the meeting so the Board could be more prepared. He thought we made a motion at the last meeting to do this, but we didn't. So, Mark, with Ty amending, made a motion that the chair of each committee shall send out their report to the President 7 days before the Board Meeting, and the President will send it to the Board Members. Scott 2nd, motion passed Unanimously.

Financial Report: Mik McGuire - Mik presented P&L and Balance Sheet. Our CD's matured so the funds have been moved to our checking account anticipating boat show expenses. Mik and Ty clarified the confusion on the Continuing Education line item on the P&L. The item contains state the following expenses. MRA-\$895, Legal Seminar-\$605.36, Legal Seminar \$9152.65.

Correspondence: Ty Mellott - Received correspondence from CBC, Sail America and a couple of mediation disputes. These disputes were resolved.

Membership: Wayne Goldman - 399 members so far, and he is working on a mass mailer and trying to get the Yacht Broker database from DBW.

Advocacy and Legislation: Dean West - CBC is in April and it is a great forum to get our ideas to the state government. He needs a count as to who from CYBA is planning on attending.

Sponsorship: George Sikich - George reported that

Reliant Documentation has dropped down to a bronze level. George mentioned that with Covid, and the lack of CYBA functions and Boat shows, some are questioning the value proposition of a CYBA sponsorship. The Board agreed that we all need to do a better job in reaching out to our current sponsors, and to find new ones. George is going to divide up the sponsor list, so that the members with ties to the sponsor can do more outreach. Acquiring and retaining sponsorships is not a one person job, and all members should pitch in to help as needed.

Events: Pete Zaleski - Next Board Meeting will be on May 3 at the Westport Boat Show. San Diego Boat Show the PR firm is C3 Communications. Newport Boat Show- Over 100+ boats are being displayed. Annual Dinner: 2nd weekend in January, probably in SD, but Pete is still working on location.

GEO: Lelani Wales - Great last meeting, looking to SafeHarbor marinas as a sponsor. Due to the success of these meeting, there was discussion to expand this to a statewide program. Any volunteer hosts in SF Bay Area or LA should reach out to Lelani. There was much discussion on the Women on Waterfront awards. Next GEO is in May.

Forms: Jeff Merrill, Nick Friedman - They are still working on new forms and hope to have something in place by October. Both Nick and Jeff believe Co-op needs to be a key component of the forms. They are looking for feedback from all members as to what people want to see. Really important to send this feedback. They have lowered our commitment to Right Signature, so now we are break-even, erasing last year's loss.

Ethics: Dean West - Dean has a letter going in the next newsletter.

New Business: We have a Board Member who has been absent from numerous meetings. Mik suggested that Peter reach out to this member and see if he still wants to commit to the Board, or if he would like to resign. Pete agreed to follow up, and let the Board know of this Board Members status moving forward.

Peter firmed up the date of the annual dinner- January 13, 2024.

George will pursue finding a sponsor for the wristbands at the boat show.

Peter adjourned the meeting at 11:39.

California Boat Shows Are Back!

By Mark P. White
Vice President and Boat
Show Committee Chairman



2023 NBIBS;

This show at Lido Village in Newport Beach, CA is happening April 27-30. This show is being promoted by an entity called "Revel Republic". The primary contacts are Jordan Watcher and Hany Ghabour. This show replaces the show that Duncan McIntosh and his company use to promote. Revel Republic (RR) has promoted events in the past, but this is their first boat/yacht show. As such, they have relied on people that have participated in shows before to help and advise them.

One of the major concerns from potential exhibitors was higher fees than they normally paid in California for in-water displays. I agreed and was able to negotiate a 30% discount for all current CYBA members. I suggest we use this to help increase our CYBA membership.

My understanding from the RR promoters is they are very pleased with the participation and the number of exhibitors from all different mediums that have committed to come. I have encouraged a forum for after the show to discuss both successes and what can be improved in years to come.

Address

3432 Via Oporto (show office)
Newport Beach, CA 92663

Dates

April 27th | Pre-Show (Invite Only)
April 28th | 10:00AM - 7:00PM
April 29th | 10:00AM - 7:00PM
April 30th | 10:00AM - 5:00PM



NBIBS 2023 | Preliminary Site Map
Final Site Map Subject to Modifications

Show Admission

General Admission \$25 | VIP Tickets TBA
Children 12 years and under FREE

Anticipated Boats and Yachts On Display
200 - 300 Vessels

Potential Brokerages Present
40 - 60 Dealers

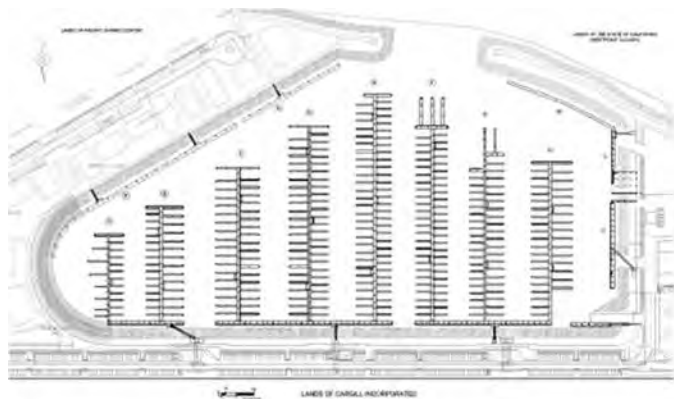
Expected Guest Attendance
5,000 - 8,000 visitors per day



2023 CYBA Pacific Sail & Power Boat Show;

This event is taking place at The West Point Marina in Redwood City, CA. May 4th – 7th, 2023. This is the event that the CYBA acquired from Sail America. Mark Sanders the owner of the Marina and his staff

(cont. on page 24)



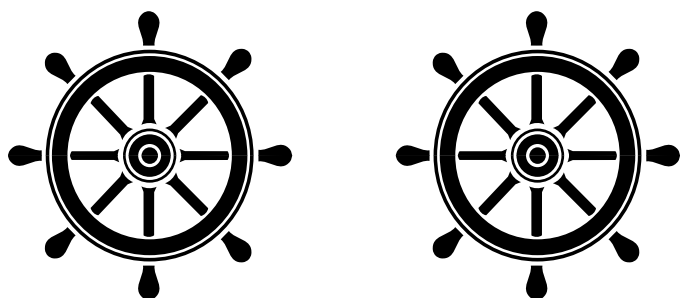
Preliminary Boat Show Site Map
<https://pacificboatshow.com/>

have been very accommodating and understand how much a successful show can help with getting their slips filled.

We have had our share of challenges and hurdles as you would expect with a first-time show, but for the most part we are progressing with facility, exhibitors, vendors, and P. R. people.

We have hired Jim Behun to manage the show. Jim is a very experienced show manager putting on multiple shows all over California. I have found Jim to be a straight-shooter and an excellent communicator, which is extremely important.

Jim and our new Executive Director "Ty Mellott" have been in constant contact. They both have been critical in keeping the show moving in a positive direction. Ty has a strong network of connections in the Bay area marine industry, and it has helped greatly.



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Calendar Of Events

Sacramento California Boating Congress,
Sacramento, CA
April 2023

CYBA Pacific Sail and Power Boat Show
Westpoint Harbor, Redwood City, CA
May 4-7, 2023

CAHMPC, Training Conference & Trade Show
May 23-25, 2023

