



THE NARI RENOVATOR

The Ohio Valley Chapter of the National Association of the Remodeling Industry

January 2005

www.naricincinnati.org

CotY winners will receive awards at January meeting NARI Region IV vice president will report on national activities

Winners of Ohio Valley NARI Contractor of the Year awards for 2005 will receive their awards at the chapter's January dinner meeting on Thursday, January 13, at the Holiday Inn I-275 North. Also on the program for the evening is a report on NARI national activities by Jim Turner, NARI Region IV vice president.

At the meeting Kessler Home Improvement will receive the CotY in the Residential Kitchen \$30,000 to \$60,000 category.

Murphy Home Improvement will receive CotY recognition for outstanding projects in the the Residential Interior and Residential Exterior awards.

Neal's Design & Remodel will receive awards in the Residential Bath \$30,000 and Over, Residential Kitchen \$60,000 and Over, and Residential Addition \$100,000 to \$250,000 categories.

We expect the award winners to take a couple minutes to describe the exceptional projects that earned CotY recognition for them.

We'll also have a special guest at the January

meeting. Jim Turner, NARI Region IV vice president and president of NARI of Central Ohio, will be on hand to give a personal report on the latest developments at the national level of NARI.

The meeting will be at 6:30 p.m. Thursday, January 13, at the Holiday Inn I-275 North. Please call the OVNARI office at 1-800-498-6274 to make reservations for the meeting

New Ohio Valley NARI leadership team takes office with arrival of the new year

It's a new year, and a new team of officers and directors has taken over leadership responsibility for Ohio Valley NARI.

On January 1 Greg Fischer, CR, Gregory Construction Company, moved from the position of chapter president to chairman of the board of OVNARI. Norb Boh, CR, Norb Boh Construction, is the new president of Ohio Valley NARI for 2005. He previously served as a director in 2004.

Jeff McCoy, Exteriors Unlimited, who served as a director in 2004, is the new vice president. Matt Bliemeister, Nationwide Floor & Window Coverings, moved from vice president to secretary. Steve McCord, CR, Steve McCord Carpentry, continues as treasurer. Glen Hollon, Hollon Construction Company, will continue to serve as a diector.

Fred Cernetisch, Pella Windows of Cincinnati, and Larry Kessler, CKBR, Kessler Construction Services, joined the board as directors.

Ed Kramer, CR, CabitDesign, Inc., chairman of the board in 2004, and Steve Zimmer, CR, Steve Zimmer Remodeling, retired from elected leadership positions after many years of service to the chapter.

Call to R.S.V.P.

What: January Dinner Meeting

When: Thursday, January 13

Where: Holiday Inn I-275 North
Hauck Road @ I-275 Exit 46

Time: 6:30 p.m.

Call: Ohio Valley NARI at 800-498-6274

Cost: \$25 for NARI members

Court decision affects workers' comp administrators by Bob Dunlevey, Dunlevey, Mahan & Furry

In December the Ohio Supreme Court issued a decision regulating and restricting how your third party administrator may represent you in workers' compensation proceedings.

The case started when the Cleveland Bar Association filed a complaint against CompManagement based on that firm's practice of representing employers before the Industrial Commission. The bar association alleged that CompManagement was engaged in the unauthorized practice of law and thus, was in violation of the agreement entered into in 1970 between the actuarial services and the Unauthorized Practice of Law Committee which permitted third party administrators to represent employers on a limited basis.

The Supreme Court held that non-lawyers who appear and practice in conformity with Industrial Commission Resolution R04-1-01 in a representative capacity before the Industrial Commission and the Bureau of Workers' Compensation are not engaged in the practice of law.

However, in recognition that no person may practice law in Ohio who has not been admitted to the Bar, and further recognizing that the practice of law is defined by the Ohio Supreme Court, non-lawyers such as third party administrators may not perform the following functions before the Industrial Commission or the Bureau of Workers' Compensation:

- Examine or cross-examine the claimant or any witness, directly or indirectly;

- Cite, file or interpret statutory or administrative provisions, administrative rulings or case law;
- Make and give legal interpretations with respect to testimony, affidavits, medical evidence in the form of reports or testimony, or file any brief, memorandum, reconsideration or other pleading beyond the forms actually provided by the Commission or the Bureau;
- Comment upon or give opinions with respect to the evidence, credibility of witnesses, the nature and weight of the evidence, or the legal significance of the contents of the claim file;
- Provide legal advice to injured workers and employers;
- Give or render legal opinions, or cite case law or statutes to injured workers and employers before, at or after the time when claims are initially certified or denied certification as valid claims by the employer upon the presentation of claim applications by employees;
- Provide stand-alone representation at hearing by charging a fee specifically associated with such hearing representation without providing other services.

The effects of this decision are already being felt. The Industrial Commission in Cincinnati has held that non-lawyers may do nothing further than direct a Hearing Officer's attention to various documents. They may not say anything else and they certainly cannot argue the case.

While the Supreme Court appears to have adopted the status quo which existed prior to this decision, such is not the case. It is clear that the Industrial Commission is strictly enforcing Resolution R04-1-01 as well as the 1970 agreement. Contractors who wish to dispute a significant workers' compensation claim, are strongly encouraged to have an attorney represent them.

Only an attorney can argue before the Industrial Commission. An attorney must be present to argue the facts or the law and to cross-examine a witness or the claimant.

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THE NARI RENOVATOR A Publication of Ohio Valley NARI

The NARI Renovator is produced by Ohio Valley NARI as a service and benefit to its members. The organization's office is located at 136 South Keowee Street, Dayton, Ohio 45402; (800) 498-NARI or fax (937) 222-5794.

Ohio Valley NARI Board of Directors

Chairman of the Board: Greg Fischer, CR, Gregory Construction
President: Norb Boh, CR, Norb Boh Construction
Vice President: Jeff McCoy, Exteriors Unlimited, Inc.
Secretary: Matt Bliemeister, Nationwide Floor & Window Coverings
Treasurer: Steve McCord, CR, Steve McCord Carpentry
Directors:
 Fred Cernetisch, Pella Windows of Cincinnati; Glen Hollon, Hollon Construction; Jeff McCoy, Exteriors Unlimited

NARI members throughout the nation are targeted by an e-mail spam attack

Several weeks ago NARI members throughout the nation were inundated with e-mail messages that appeared to be NARI-related, but which originated totally outside the association. The national office was flooded with telephone calls and e-mails from members reporting hundreds of e-mail messages invading their inboxes. NARI had been victimized by spoofing spammers.

As most everyone knows, "Spam" is unwanted junk e-mail that clutters computer inboxes. As anti-spam tools have become more sophisticated, spammers have developed more sophisticated techniques for evading spam filters. One of those techniques is hijacking other people's computers and e-mail addresses to send their junk. This has become known as "spoofing."

To build such a distributed network of spam zombies, spammers cooperate with virus authors who equip their worms with small programs that can send bulk emails. Additionally, these spam-sending engines often scan the address books, web caches, and other files for email addresses. There is no fool-proof way to prevent an e-mail address from getting onto spam lists. The best anybody can do is:

- Keep your email program updated and patched.
- Be wary of any attachments you did not request.
- Use an anti-virus program and download virus definition updates regularly.
- Don't fall for the "To unsubscribe click here" scam. All that does is confirm your address. No spammer has ever removed an address from his list.

After the NARI spam attack the national office took action to help prevent a recurrence.

"We're taking steps at NARI National to alleviate this problem by channeling broad inter-member electronic communications to you directly from this office," said Mary Busey Harris, executive director. "We have removed all e-mail addresses from our data base.

"We value our relationship with you, and sincerely apologize for any disruption this has caused. We believe this new precautionary measure will enable us to better serve you. Please contact any member of our staff for further assistance or information."

Court decision *(Continued from page 2)*

While the Supreme Court appeared to ratify the existing agreement, the Industrial Commission has chosen to strictly interpret the Resolution and that agreement to the point where third party administrators should only represent employers in routine matters before the Industrial Commission and the Bureau of Workers' Compensation.

You can find more information about this matter in the library at the Dunlevey, Mahan and Furry web site, www.dmfdayton.com.

Bob Dunlevey, a partner in the Dayton law firm Dunlevey, Mahan & Furry, managed his family's construction company before turning full time to the practice of law. You can contact him at (937) 223-6003.

The mission of Ohio Valley NARI is:

- ✓ To establish and maintain the association's firm commitment to developing and sustaining programs that expand and unite the remodeling industry as well as to ensure the industry's growth and security.
- ✓ To encourage ethical conduct, sound business practices, and professionalism in the remodeling industry.
- ✓ To present NARI as the recognized authority in the remodeling industry.

These missions are carried out by:

- ✓ Promoting the common business interests of those engaged in the industry.
- ✓ Sponsoring educational programs and activities for members.
- ✓ Enlightening consumers to the needs and advantages of home remodeling and maintenance, thereby improving the nation's housing inventory.
- ✓ Recommending legislative and regulatory action that safeguards and preserves the remodeling industry, and stimulates the marketplace.

Goals of chapter to accomplish mission:

- ✓ To provide education to enhance professional and personal competencies.
- ✓ To create and encourage networking.
- ✓ To develop and promote the profession.
- ✓ To serve as a resource center.
- ✓ To provide quality publications to members.
- ✓ To improve membership and membership participation.
- ✓ To improve consumer awareness.
- ✓ To remain proactive on current and pending legislation.



Ohio Valley NARI

Serving the Cincinnati Metropolitan Area
136 South Keowee Street • Dayton, Ohio 45402
800.498.NARI

NARI members can participate in marketing teleconference seminars in coming months

NARI's national office is offering members the opportunity to participate in a series of monthly marketing seminars to be presented in teleconference format by noted marketing expert Adrienne Zoble.

January 18: Trade Showmanship--Trade shows are an important marketing strategy for remodelers, but they are expensive in terms of both time and money. You want to get your investment back. Adrienne will show you how.

February 15: Growing your Business Through Schmoozing or How to Sell When you Hate Selling--Adrienne will help you look at strategies that take little time, cost virtually nothing and work quickly. Get out there. Build relationships and trust.

March 15: On Generating Referrals--This is an industry that begs for business via referrals. How do you make referrals happen?

April 19: Creating a Referral/Advocate Program--Once you increase your referral business, how do you thank your referrers? How do you keep them apprised of lead progress to encourage additional referrals?

May 17: Who Are Your Clients & Customers?--The more narrowly you define your markets, the more effectively you can target those markets. You can't be all things to all people.

The seminars will be held from 10:00 a.m. until 11:30 a.m., eastern time. The cost to participate in the seminars is \$75 per session or \$200 for three sessions. Participation is limited to 25 persons per session.

Register for the seminars by going to www.azobelassoc.com/payment.html and clicking on the NARI Seminars button. You can also register by e-mail to azoble@azobleassoc.com or by FAX or phone at (970) 282-1152 (FAX) or (970) 282-1150 (phone). Include your phone number, fax, and email address.



Coming Events

January Dinner Meeting

January 13, 6:30 p.m.
Holiday Inn I-275 North
CotY Awards presentation
and
Report from NARI National
by Jim Turner, Region IV VP

February Dinner Meeting

February 10, 6:30 p.m.
Holiday Inn I-275 North
Moisture Control Strategies
a miniseminar by
Brent Rice, Tyvek Product Specialist
Parkside Plunkett-Webster