December 2015

CMSA

The **Communicator**

THE CALIFORNIA MOVING & STORAGE ASSOCIATION



2016 Convention Registration Open Now!

The 2016 Annual CMSA Convention is being held May 10–15, 2016 at the Resort at Squaw Creek in Olympic Valley, Calif. It seemed only fitting that this year's theme be taken from the Olympics motto, "Citius, Altius, Fortius," which translates to "Swifter, Higher, Stronger." The motto is meant to inspire people to strive to be their best. In today's ever-changing market-place, movers must keep striving to create ways to succeed. This year's program is focused on helping movers accomplish that goal!

We are in the final phase of keynote speaker negotiations and are sure that you will enjoy and find value in our Friday morning presentation.

We will also have industry leaders giving insight on issues and challenges affecting the way movers handle local, interstate, international and military moves. Our aim is to provide valuable takeaways for every member attending! Sometimes a person needs to take a step away from the day-to-day activities to see the bigger picture and create new strategies for success. That is what CMSA wants you to do at this convention.

Make your time at the convention count. Regroup, rethink and reenergize yourself among your fellow CMSA members. There will be lots of learning and networking opportunities, including the Exhibitors Welcome Reception, General Business Sessions, Friday Legislative Luncheon, Military Breakout Session, and Van Line Panel Discussion. Of course, what would the convention be without a few fun social events!



(2016 Convention cont. on page 6)



Chairman's Corner By: Patrick Longo

This past month, I had the pleasure of spending a beautiful November Saturday morning with close friends and family walking on the field of my happy place: Angel Stadium in Anaheim, home to my beloved Angels. We were all

walking as a team joining more than 5,000 supporters participating in the Walk to End Alzheimer's, which benefits my Chairman's Choice Charity — the Alzheimer's Association. Team CMSA raised \$5,530 (made the top 30 team contributors list) toward the fight to end the nation's sixth-leading cause of death. I want to thank each and every one of you who were able to join us on the walk and those who posted donations on our site. I am extremely overwhelmed by your commitment to this cause and generosity. A special thank you goes out to our hardworking CMSA staff who initiated this team, the website page and for all that they did to make this terrific day happen. Thank you to Steve Weitekamp, Renee Hifumi, Brianna Wahlstrom and Gale Iwashita as well as their families. We appreciate you all so much. This event also inspired the Longo family to make it an annual family event to pay tribute to our late father, who suffered from this disease. We will continue to fight this for many years to come.

This month, I also attended the Independent Contractor/Workforce Seminar in Long Beach, hosted by CMSA President Steve Weitekamp and CMSA Counsel Mark Hegarty. Included in the event was an updated IC workbook drawn up by Steve and Mark, providing valuable information to our companies working with contractors. The workbook is really well-written and brings real value to our association. Great work, Steve and Mark. It turned out great.

Holiday season is officially here, ready or not. I hope everyone had a safe and happy Thanksgiving. Enjoying special time with the family is one of life's treasured gifts we all should take advantage of. So many things to be thankful for and too many to write out, but one thing I will reflect on is the ability we all have to respect and appreciate the business we are in. We have the opportunity to affect families like ours transition into the next chapter in their lives with a solid, professional and caring move. We

(Chairman's Corner cont. on page 4)





President's Comments By: Steve Weitekamp

In November, CMSA conducted Independent Contractor/Workforce Seminars in both Northern and Southern California. Thanks to the efforts of CMSA Counsel Mark Hegarty, we created an updated IC workbook, a

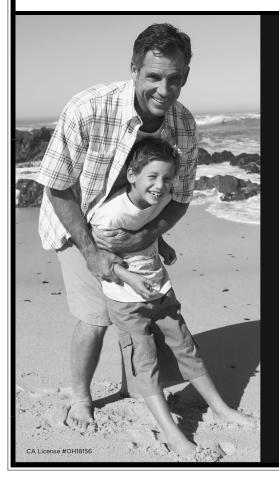
copy of which was presented to each seminar participant. Hegarty's presentation allowed for member dialog on the material reviewed, and there were many questions posed by those in attendance on important topics, including independent contractors, employees and staffing options. There was a detailed discussion that included a review of AB 1897 and AB 1509 (our recent legislative efforts in support of permitted carriers). There was even a discussion of the recent Uber driver class-action lawsuit, with Uber drivers claiming they are misclassified employees and not independent contractors.

Military affairs issues were also a focus in our November agenda. At the recent SDDC

Personal Property Forum, the concept of a pilot Channeling Volume Move program was presented. The pilot is the aggregation of shipments for two high-volume traffic lanes: Washington, D.C. to/from San Antonio, Texas, and Norfolk, Virginia to/from San Diego, California. It was suggested that carriers and other interested parties file comments in the Federal Register. Below are our filed comments about the pilot program:

"In communications with impacted members of the California Moving and Storage Association's (CMSA) military affairs committee who regularly provide the crews to pack, load and haul Military business CMSA has heard concerns about the pilot program. Many are already concerned with the compensation level they receive and are further deflated about a pricing model which will provide lower levels of compensation for the same work. Will this negatively impact those providing the service, during a time when capacity is already a challenge?

(President's Comments cont. on page 4)



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(Chairman's Corner cont. from page 2)

should not take for granted the service we provide. I believe the first impression and smooth transition is tremendously important in how people transition into their next home, and we are a big part of that.

Look forward to seeing you at the Greater L.A. & O.C./Beach Cities Joint Holiday Party and I wish you all a very Happy Hanukkah, Merry Christmas and a safe Happy New Year's!

The 2016 CMSA College & Vocational Scholarship applications and required documents are due Wednesday, February 10, 2016, at noon!



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(**President's Comments** cont. from page 3)

"Members have expressed concern that this pilot program could either cut the service provider (frequently a small business) out of the program or force them to accept pricing, lower than the current rate on file, established without consideration of their costs or get no work. Members have asked, how will small businesses be able

to participate in a program with high daily minimums of service and what impact can we expect this to have on service to areas not in the two pilot channels?"

On behalf of the CMSA staff (Renee and Gale), my family and I, we wish you a holiday season filled with joy, friends, family, health and happiness in the New Year!

Happy Holidays!



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CMSA Chairman Pat Longo and Friends Attended the Walk to End Alzheimer's at Angel Stadium



CMSA Chairman Pat Longo, CMSA Staff, friends and family supported the Chairman's Choice of Charity by walking at the Walk to End Alzheimer's event at Angel Stadium in Anaheim on Saturday, November 14. Special thank you to the Longo family and friends for participating in the walk. Team CMSA had 30 walkers and raised \$5,530 for the Alzheimer's Association.



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(2016 Convention cont. from page 1)

CMSA has created a new Young Professionals Group to engage young members and to groom them for leadership roles within CMSA. This group is targeted for those under 40 years of age (or young at heart)! An exciting scavenger hunt using social media will be held just before the Thursday night Exhibitors Reception as an icebreaker with social time held at the resort bar afterwards. Let CMSA staff know you are interested by writing "YES" in the Young Professional Group interest box on the convention registration form or contacting the CMSA office.

The annual golf tournament will be held at the Old Greenwood Golf Course in Truckee, Calif. This is a Jack Nicklaus signature designed course that was rated among the 10 Best New Public-Access Courses in the Country by Golf Magazines. It is nestled among 600 acres of towering pines in the mountains and provides a picturesque setting for golfers to enjoy.

This year, we are doing something a little different for our Friday night dinner event. We may not be in New Orleans or in the appropriate month, but we can still party Mardi Gras style at our themed dinner! There will be a photo booth, party games, lots of beads and prizes! We'll even have a costume contest for those willing to really get into the Mardi Gras spirit!

And no CMSA convention would be complete without our popular Saturday luncheon that spotlights the achievements of our chapters, fundraising accomplishments and scholarship winners. CMSA will recognize all the hard work and commitment made by our members and industry colleagues.

The end of the convention culminates with the Saturday night Chairman's Ball, a can't-miss -event, where attendees are introduced to the new CMSA Chairman of the Board and the giant ceremonial gavel is passed.

Don't miss this great event! Register today! The forms are included in this issue.

Book your room at the Resort at Squaw Creek by calling (800) 403-4434 and ask for the California Moving & Storage Association group rate of \$194 plus tax per night, or use the reservation link on our website by visiting www.thecmsa.org and clicking on the Convention Calendar webpage.

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(2016 Convention cont. on page 7)

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(2016 Convention cont. from page 6)

mountain setting, the Resort at Squaw Creek rests at the base of Squaw Valley, site of the 1960 Winter Olympics, and just minutes from North Lake Tahoe.

The resort offers three distinctive on-site res-

taurants, boutique shopping, outdoor swimming pools, outdoor hot tubs, a luxury spa, health & fitness center, and supervised children's programs for family travel. Weather permitting, other nearby recreational opportunities include tennis, hiking, biking, horseback riding and fly fishing.

CMSA 98th Annual Convention Schedule

TUESDAY, MAY 10		THURSDAY, MAY 12 (c	ontinued)
3:00 p.m. – 5:00 p.m.	Executive Committee Meeting	4: 30 p.m. – 6:00 p.m.	Young Professionals Meeting
6:00 p.m. – 10:00 p.m.	Movers & Shakers Reception/Dinner	5:00 p.m. – 6:00 p.m.	Associate Member Committee Meeting
	for Board, Committee Members & Chapter Presidents	6:30 p.m. – 9:00 p.m.	Exhibitors Welcome Reception
	(By Invitation Only)	FRIDAY, MAY 13	
WEDNESDAY, MAY 11		7:30 a.m. – 12:00 p.m.	Registration Desk Open
8:00 a.m. – 6:00 p.m.	Registration Desk		Ореп
	Open	8:00 a.m. – 9:00 a.m.	Squaw Creek Breakfast
8:00 a.m. – 9:00 a.m.	Insurance Committee		Dicamaci
	Meeting	9:00 a.m. – 12:00 p.m.	General Business Session
9:00 a.m. – 10:00 a.m.	Government Affairs Committee Meeting	12:30 p.m. – 2:00 p.m.	Olympic Valley Luncheon
10:00 a.m. – 11:00 a.m.	Membership Committee Meeting	2:00 p.m. – 4:00 p.m.	Military Breakout Session
11:00 a.m. – 12:00 p.m.	•	6:00 p.m. – 9:00 p.m.	Mardi Gras Theme Dinner Event
	Committee Meeting	SATURDAY, MAY 14	
1:30 p.m. – 5:00 p.m.	Board of Directors Meetings	8:00 a.m. – 12:00 p.m.	Registration Desk Open
3:00 p.m. – 5:00 p.m.	Early Exhibitor Setup	8:00 a.m. – 9:00 a.m.	Alpine Sunrise Breakfast
THURSDAY, MAY 12		9:00 a.m. – 12:00 p.m.	General Business Session
7:00 a.m. – 8:30 p.m.	Registration Desk	12:30 p.m. – 2:00 p.m.	Gold Medal Luncheon
	Open	12:30 p.m. – 3:00 p.m.	Booth Tear-Down
8:30 a.m.	Golf Tournament	6:00 p.m. – 7:00 p.m.	Chairman's Reception
8:00 a.m. – 4:00 p.m.	Exhibitors Setup	7:00 p.m. – 11:00 p.m.	Chairman's Dinner/ Dancing



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CARB Roundup for 2015 and Forecast for 2016

By Sean Edgar, CleanFleets.net, CMSA Affiliate Member

California Air Resources Board (CARB) regulations continued to affect the moving and storage industry in 2015. As 2016 approaches, new challenges are on the horizon. This article provides an end of year checklist for movers and forthcoming regulations:

Truck and Bus Regulation: Fleets that "phased-in" compliance for their heavy trucks must meet a 100% filter requirement on 1/1/2016 unless reported credits extend that date. For lighter trucks, nearly all 1997 and older model year trucks (i.e. 1996 engines) must be replaced unless mileage tracking and reporting to CARB is accomplished under the low use exemption. Federal auditing will affect the van lines as USEPA is teaming up with CARB to conduct fleet audits and enforcement. A Virginia interstate carrier recently paid over \$390,000 for missing filter deadlines and failing to verify the CARB compliance of trucks they hired;

Opacity Testing: All diesel truck owners of two or more trucks greater than 6,000 lbs GVWR must have the opacity test or state Smog Check inspection performed to cover the December 31 compliance deadline. Make sure you have an opacity test result for each truck and CleanFleets performs this testing should it not be completed yet during 2015.

Flat Floor Trailers (53-feet and longer):
CARB received federal approval in 2013
for this regulation. Both the trailer and
the tractor that pulls it on California roads

must meet the aerodynamic requirements by adding Smartway approved aerodynamic devices and/or tires. Only fleets that applied to CARB back in 2011 or 2012 can be running a portion of their trailers non-compliant. Big enforcement expected in 2016;

Propane Forklifts and Sweeper: The little known Large Spark Ignition (LSI) Regulation affects owners of four or more propane or gasoline forklifts and sweepers. There were fleet average targets to meet between 2009-2013 and facilities that do not know if they met the targets may call us for advice.

Keeping Documentation: Ensure that you have clear records of what you own, how much you use and make the CARB-required disclosures when selling trucks;

Sustainable Freight Strategy: In 2016, CARB and/or the South Coast AQMD will focus regulations on "freight facilities" (which includes warehouses) with the goals of identifying possible facility emissions caps based on distance to neighbors and number of truck trips. Sean Edgar testified for CARB to abandon this project because clean trucks are already mandated at all freight facilities.

CleanFleets has already assisted dozens of CMSA members with these requirements. You may email Service@CleanFleets.net with any questions related to this article or call 916-520-6040 Ext 102.

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CPUC Investigations Result in Enforcement Actions and Fines Imposed on Various Moving Companies

SAN FRANCISCO, November 12, 2015— The California Public Utilities Commission (CPUC), in its ongoing commitment to consumer protection, took a number of actions in the third quarter of 2015 to protect consumers from illegally operating moving companies.

The CPUC took the following enforcement actions against moving companies for violations of the Public Utilities Code and CPUC rules and regulations, including Maximum Rate Tariff 4 (MAX 4), which contains maximum rates that carriers must observe as well as rules and regulations governing intrastate moves:

Criminal Filings

Taclog Inc. doing business as (DBA) Taclog Moving Services and Brandt J. Keller, Menifee (Unlicensed), Case HHG
2696: On July 8, 2015, the CPUC requested that the Riverside County District Attorney's Office file a misdemeanor complaint against this company for advertising without CPUC authority pursuant to Public Utilities (PU) Code Section 5314.5. On August 10, 2015, case was assigned to a Senior Deputy District Attorney, and in September 2015, Keller was arrested on a warrant issued for the above violation.

UPDATES

Brendon Arman Attias DBA South Coast Moving and Advantage Moving (Unlicensed): The CPUC requested that the Orange County District Attorney's office file a misdemeanor complaint against this company for operating without CPUC authority; and failure to maintain in effect public liability/property damage, cargo, and workers' compensation insurance. On October 16. 2014, the Orange County District Attorney's Office charged the company with violation of PU Code section 5133 (3 counts). Attias pled guilty to three counts of PU 5133(a) and was placed on one year probation with search and seizure terms, and ordered to pay restitution of \$1.400 to the first victim and \$410 to the second victim.

- Rustam Kholov and Umed Salomov, a general partnership DBA San Francisco Moving, Belmont and Andrey Slivko DBA Vector Moving, San Diego (MTR 190802) Case HHG 2171: CPUC staff requested that the San Diego District Attorney's Office file a misdemeanor complaint against this company for operating without workers' compensation insurance coverage. The defendants pled guilty to a violation of LC3700.5, and sentencing is set for January 4, 2016.
- ASAP Relocation Inc. DBA America's Best Movers, San Jose (MTR 189718), Case PSG 2079: ASAP Relocations was a target of multi-agency taskforce along with the Santa Clara District Attorney's office, the FBI, the DOT, ICE, Weights and Measures, and other agencies targeting problem moving companies in Santa Clara County. Owner Roni Hayon and others were arrested and released on bond. As a result, one company worker pled to a felony conspiracy to violate PU Code 5139, and an attempted Workers' Comp fraud as a misdemeanor; another pled to a misdemeanor conspiracy to commit 5139; two fled the country and are listed on the DOT's OIG Most Wanted website; and anther pled no contest to insurance fraud and was sentenced to 5 years of formal probation and restitution of \$160,000.

Administrative Citations

Power Moves Service LLC, (MTR 191291) based in Salinas was fined \$2,000 for the following violations:

- 1. Operated as a moving company without a permit
- Engaged employees without evidence of WKCP
- 3. Operated without cargo insurance
- 4. Failed to provide shippers with the "Important Notice About Your Move"
- 5. Failed to provide the "Important Informa-

(CPUC Investigations cont. on page 12)

(CPUC Investigations cont. from page 11)

- tion for Persons Moving Household Goods" booklet
- Issued incomplete Combined Agreements for Moving Services and Freight Bill
- 7. Failed to report gross revenues
- 8. Advertised without a valid permit

James Walsh DBA Moving Agent Corp. (MTR 191171) based in Woodland Hills was fined \$1,000 for operating after denial of a household goods application.

1. Grigging Compa

Affordable Moving & Storage LLC, Sonora (MTR 190200) based in Sonora was fined \$5,700 for the following violations:

- 1. Operated as a moving company after suspension of its permit
 - 2. Various MAX 4 violations
- 3. Failed to provide shippers with the "Important Notice About Your Move" document

Overcharges and Refunds

The CPUC assisted and/or directed moving companies to refund consumers more than

\$18,000 for overcharges and other violations of MAX 4.

Cease and Desist Notice

Fourteen companies were issued a Cease and Desist notice for operating and advertising without a valid permit (unlicensed, revoked, or denied). Additionally, more than 100 notices were sent to suspected illegal moving companies in the San Diego area.

Companies issued a Cease and Desist notice included:

- Griggin Moving Delivery, Griffin12 Moving Company, GMD, Sacramento (Unlicensed)
- 2. Benjamin Jordan DBA Nice Guys Movers, Santa Rosa (Unlicensed)
- 3. Richard Charles Kelly DBA Kelly Moving, San Rafael (Unlicensed)
- 4. George Joseph DBA Jojo's Delivery In Motion, Long Beach (Unlicensed)
- 5. Santa Monica Moving Services, Santa Monica (Unlicensed)
- Greystone Relocation Concierge, Los Angeles (Unlicensed)

(CPUC Investigations cont. on page 13)



THE CALIFORNIA MOVING & STORAGE ASSOCIATION STRENGTH IN NUMBERS

(CPUC Investigations cont. from page 12)

- 7. Brian M. Foley, Buddytruk Inc., Santa Monica (Unlicensed)
- 8. California Bear Moving and Storage Inc., San Jose (MTR 191317)
- 9. Fog City Piano & Furniture Movers Inc., Pacifica (MTR 190348)
- 10. Seghey Dozhin DBA Eureopean Moving Services, Los Angeles (Unlicensed)
- 11. Rick Resendiz DBA Super Mover Brothers LLC, Sherman Oaks (Unlicensed)
- 12. Paul Ross-Daniel DBA A Way 2 Move, Rocklin (Unlicensed)
- 13. Fernando Castillo DBA In & Out Movers, San Francisco (Unlicensed)
- 14. Thomas Joseph Carty DBA Carty Moving and Storage, San Francisco (Unlicensed)

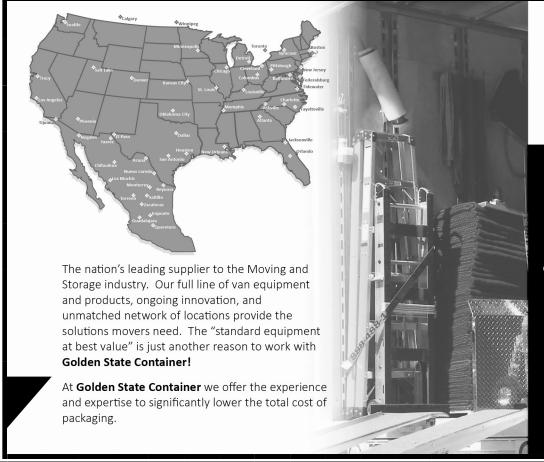
Official Notice

The following companies were issued an Official Notice for advertising and operating with-

out a permit.

- 1. Michael Daniel Gutierrez DBA Mike's Moving, Riverside (MTR 191252)
- 2. Out of the Box Moving Solutions, Vernon (MTR 191329)
- 3. Anthony Smith DBA Peace of Mind Moving, Carmichael (Unlicensed)
- 4. Juan Vallejos DBA Bay Hauling and Moving, Solano (Unlicensed)
- 5. Chao Tung Chan DBA Best Moving Inc., Rosemead (MTR 191380)
- Magdaleno Lopez DBA Mike's Moving Transport Services LLC, San Jose (MTR 191326)
- 7. Ben Tehrani DBA Commercial College Movers, San Mateo (Unlicensed)
- 8. California Bear Moving and Storage Inc., San Jose. (MTR 191317)

For more information on the CPUC, please visit www.cpuc.ca.gov.







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Highway Users Rank America's Worst 50 Traffic Bottlenecks

The worst traffic bottleneck in the country is in Chicago, III., according to a new study by the American Highway Users Alliance — and Los Angeles owns the next six of the top 10.

In the top-ranked Chicago chokepoint, on the Kennedy Expressway (I-90) between the Circle Interchange (I-290) and Edens Junction (I-94), the bottleneck was found to extend 12 miles, costing motorists 16.9 million hours' worth of time, equivalent to \$418 million in 2014. More than 6.3 million gallons of fuel is wasted on I-90 while cars idle or crawl in traffic. By just fixing America's worst bottleneck, an annual reduction of 133 million pounds of carbon dioxide emissions would also be likely, the study found.

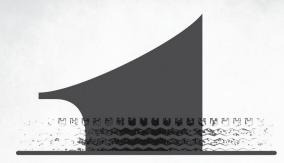
Besides identifying and ranking the nation's 50 worst traffic bottlenecks, the study, Unclogging America's Arteries 2015, examines the top 30 chokepoints closely and details many of the major benefits that will accrue to society by fixing them. In addition to improving mobility and quality of life for motorists, fixing the top 30 bottlenecks alone would over 20 years:

- Save \$39 billion due to lost time,
- · Save 830 million gallons of fuel,
- Reduce more than 17 billion pounds of greenhouse gas emissions (CO₂), and
- Prevent 211,000 vehicle crashes.

"This report furthers the unassailable truth that America is stuck in traffic," said Transportation Secretary Anthony Foxx, speaking at the press conference announcing the survey results. "The good news is that this problem is solvable, and Congress can be part of the solution. As a long-term surface transportation bill moves through conference, I urge our elected leaders to provide the funding growth and policies that are necessary to improve commutes, to raise the bar for safety, and to keep the country moving in the 21st century."

Bill Graves, who is chairman of the American Highway Users Alliance and president and CEO of the American Trucking Associations, called the study "a huge reminder of the very high

(Traffic Bottlenecks cont. on page 15)



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(Traffic Bottlenecks cont. from page 14)

costs of neglecting our nation's transportation infrastructure. We hope this report will be one more huge wake-up call to our nation's leaders about the importance of addressing our critical highway needs.

"These bottlenecks cost our economy billions with the delays they cause moving our nation's freight. They are truckers' worst nightmares come true, but one that tens of thousands of our nation's freight haulers have to deal with daily," Graves said.

The study's top 50 list includes trouble spots in the following metropolitan areas: 12 in Los Angeles, nine in and around New York City, three in Chicago, three near Washington, D.C., three in Houston, three in Boston, three in Dallas, three in Miami, two in Atlanta, two in Philadelphia and two in San Francisco/Oakland.

Surprises included Austin breaking into the top 30 list at number 10, and Norfolk, Va., and Tampa, Fla., coming in at 38th and 45th, respectively.

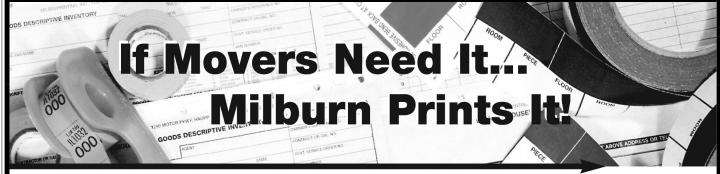
The study relies on the same data used by the Federal Highway Administration to pinpoint the major chokepoints and is a follow-up to a report the American Highway Users Alliance issued more than 10 years ago. Bottlenecks were ranked based on backups in both directions over the entire day, not just one direction during rush hours.

The Los Angeles region had far more top bottlenecks than any other metropolitan area, claiming the 2nd through 7th worst spots, as well as the 11th, 13th, 14th, 29th, 30th and 40th. L.A.'s worst was the 405 between SR22 and the 605, where the annual cost of delay exceeded \$190 million, wasting 1.8 million gallons and 36.7 million pounds of CO₂, with daily backups more than 4 miles long.

Also breaking into the top 10 was New York City with the 8th and 9th worst bottleneck at the notorious Lincoln Tunnel and on I-95 from Manhattan across the Bronx. Metropolitan New York also had the 18th, 19th, 21st, 31st, 33rd, 37th and 42nd ranked chokepoints.

The report notes that bottlenecks can be fixed and points to specific chokepoints that have been addressed and, as a result, were not included in the rankings. Projects cited include the Woodrow Wilson Bridge replacement on I-

(Traffic Bottlenecks cont. on page 16)



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 Estimated Cost of Services, Change Order for Service, Important Notice To Shippers,
 Shipper's Consent to Use of Electronic Documents and Electronic Signatures
 - Interstate Bill of Lading, Estimate, Order for Service and Consumer Booklets

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(Traffic Bottlenecks cont. from page 15)

495 in the Washington, D.C. area, the Marquette Interchange in Milwaukee and the Katy Freeway reconstruction in Houston.

Data for this report was gathered and analyzed by CPCS Transcom Inc., a management consulting firm specializing in transportation sector strategic, economic analysis, and policy advice. Data for the study come from the American Transportation Research Institute and HERE North America LLC GPS probes. The HERE/ATRI data set is similar to the Federal Highway Administration's National Performance Management Research Data Set. The data set allows for a rigorous estimate of delays due to congestion. The HERE /ATRI data set comes from passenger and commercial vehicles to provide actual traffic and speed measurements.

Further information about this study is available on the Highway Users website at www.highways.org.

Source: TruckingInfo.com

The Periodic Smoke Inspection "Fleet" Program (PSIP) Fact Summary

The PSIP program works alongside the Heavy-Duty Diesel Inspection "Roadside" program to ensure that all California heavy-duty vehicles are properly maintained, tamper-free and free from excessive smoke as directed by the California Air Resources Board.

Here are the facts about the program.

- Established to promote self-inspection of fleet vehicles.
- Requires California-based truck and bus fleets with two or more heavy-duty diesel vehicles (gross vehicle rating over 14,000 pounds; except for 1998 and older, the rating is over 6,000 pounds) to conduct annual smoke opacity and tampering selfinspections for all of their vehicles.
- To ensure compliance, the California Air Resources Board audits maintenance and inspection records and may test a representative sample of vehicles.



Is the Sharing Economy Due for Extinction?

By: Diana Maier, Esq.

Guest contributor to the SharedHR Bulletin

Lawsuits against on-demand sharing economy companies for misclassifying their workers as independent contractors rather than employees are gaining momentum, particularly after recent rulings against Uber. The lawyer who sued Uber and Lyft for not classifying contract workers as employees is now representing workers against four more on-demand companies: delivery services Postmates and Instacart, laundry service Washio, and the shipping company Shyp. Workers from Postmates, Shyp, and Washio filed a lawsuit against their alleged employers on June 29th.

The idea behind the sharing economy, according to Wikipedia, is that "information technology [is used] to provide individuals, corporations, non-profits and governments with information that enables distribution, sharing and reuse of excess capacity in goods and services. A common premise is that when information about

goods is shared (typically via an online marketplace), the value of those goods may increase, for the business, for individuals, and for the community."

If it sounds too good to be true, that's because it is, apparently. Sharing economy, on-demand companies set up business structures that guarantee independence and flexibility – there is not necessarily a set schedule, a desk to sit behind, or a boss to answer to, and sometimes there is an ever-present opportunity to take or refuse engagements as workers desire. In this way, it makes perfect sense that on-demand companies would classify their workers as contractors – the reins of control are loosened or non-existent. However, this means that quarantees of minimum wage and paid overtime, family and medical leave, and unemployment insurance are also non-existent. Likewise, because there is no employer-employee relationship with contractors, employers are not legally obligated to provide a safe or even harassment-free environment or

(Sharing Economy cont. on page 18)



(Sharing Economy cont. from page 17)

other job protections. In fact, technically, contractors have no right to bring an employment lawsuit against employers at all. In order to sue for any of these things, workers must first allege that they are in actuality employees who were wrongly classified. Assuming that finding is made, a worker can then proceed with her other claims.

So why do the companies set themselves up for potential lawsuits? Well, the cost savings and ensuing low rates from creating contractors instead of employees is what enables many of these companies to survive and compete against their non-share counterparts in the first place. But there is a catch. As workers realize the reality of the lack of protections and benefits they have in the workplace, they become disgruntled, seek out attorneys, and file lawsuits. This is further complicated by the fact that traditional contractor vs. employee lines aren't fully relevant to these non-traditional workplace structures. That's why although the plaintiffs' lawyer who is suing all these companies claims this is a workers' rights issue, in reality it's much more complicated than that. The workers who contract with sharing economy companies gain a freedom and quality of work life they might not otherwise have. But they give up things in the bargain. When they regret their choice, courts may be forced to decide an issue without precedent. In the Lyft case, U.S. District Judge Vince Chhabria said in his decision that he's not sure if Lyft drivers fit in either category of California's "outdated" employment codes. "The jury in this case will be handed a square peg and asked to choose between two round holes," he wrote. "The test the California courts have developed over the 20th Century for classifying workers isn't very helpful in addressing this 21st Century problem."

Homejoy, an on-demand home cleaning company which uses independent contractors, is just the latest company to struggle with the ramifications of misclassification. Adora Cheung, Homejoy's CEO and co-founder, announced that the company shut down after coming under fire for its worker classification. While calling its workers independent contractors, the company maintained a significant amount of

control over its cleaners, including aspects such as the locations where they were assigned jobs, how many jobs to perform each day, which customers to see, the job start time and end time, and the amount of driving they needed to do. The full complaint is available here.

More to the point, though, is that Homejoy, like Uber, is completely dependent on its independent contractor workers for its product offering. Any time a company classifies its key product-producing workers as contractors, there is a serious risk of a misclassification lawsuit.

With four lawsuits against Homejoy, the San Francisco-based company had a difficult time raising money to continue operations. The prevalence of such lawsuits against on-demand companies across the country has caused investors to shy away from the risk in backing them. Cheung stated that the lawsuits against the company and their impact on fundraising were the "deciding factor" for the closure.

While these lawsuits are causing some companies such as Homejoy to close, others with similar business models are able to stay afloat. Handy, a home-cleaning and handyman startup, has also been sued over its independent contractor use. However, with over \$60 million raised in private investment, the company is moving forward with business as usual. It's even offering a \$1,000 incentive for Homejoy professionals to register to work with Handy after Homejoy closes. Despite being sued, Handy has enough funding (like Uber) to stay in business nonetheless.

In addition to the misclassification activity in the courts, the U.S. Department of Labor issued a memo last week stating that "most workers are employees under the FLSA's broad definitions." With the increased scrutiny over the way that on -demand companies classify their workers, these businesses are faced with tough decisions about where to go from here.

Although it might seem like the solution is to never use independent contractors, it's important to remember that the use of independent contractors is still a perfectly viable and legal option for companies, especially those that are risk-tolerant. However, if a company chooses to continue using independent contractors, it may want to consider restructuring its business and

(Sharing Economy cont. on page 19)

(Sharing Economy cont. from page 18)

re-documenting its worker agreements to make sure they are compliant with existing classification guidelines. If it can't do that, it's better to leave workers as they are and factor in the risk of a lawsuit in expenses (getting legal advice as to extent of the risk) or reclassify independent contractors as employees instead. The trick for the last option is to phrase things in such a way that workers don't attempt to sue for past misclassification procedures.

Calendar of Events

Calendar of Events				
Wed., January 13	San Diego Chapter Meeting	Thurs., February 18	Sacramento Chapter Meeting	
Thurs., January 14	Central Valley Chapter Meeting & Poker	Sun., February 28	Ventura/S. Barbara Bowling Tournament	
	Tournament	Wed., March 9	San Diego Chapter	
Tues., January 19	Mid Valley Chapter		Golf Tournament	
	Meeting	Thurs., March 17	Sacramento Chapter	
Wed., January 20	Monterey Bay Chapter	hapter Sun., April 10	Golf Tournament	
	Meeting		Greater Los Angeles	
Thurs., January 21	Central Coast Chapter	Cam, 7 pm 10	Day at the Races	
, , , , , , ,	Meeting	Wed., April 13	San Diego Chapter	
Wed., February 10	San Diego Chapter	vved., April 13	Meeting	
vvca., i coluary 10	Meeting		G	
T 5 1 40	9	Sat., April 23	North Bay Chapter	
Tues., February 16	North Bay Chapter Meeting		Bocce Tournament	
Wed., February 17	Northern Region	2016 CMS/	A Convention	
	Chapter Meeting		10 to 15	
Wod Fobruary 17	O.C./Beach Cities	_		
Wed., February 17	O.C./Deach Cities	Resort at	Squaw Creek	

Resort at Squaw Creek Olympic Valley, CA

CLASSIFIED ADVERTISING

CHARGES: 1-5 lines \$15; \$2 each additional line. CMSA box number \$5. Special heading/setup extra. Call CMSA at (562) 865-2900 to place your advertisement.

Chapter Bowling

Tournament

EMPLOYMENT OPPORTUNITY

Looking for managers in L.A./Orange and Northern Bay Area. Must be extremely computer literate. Must be good with people and should have experience in the Moving and Storage Industry. Send resumes and letters of inquiries to: CMSA, Box J2, 10900 E. 183rd St., #300, Cerritos, CA 90703.

EMPLOYMENT OPPORTUNITY

Rebel Van Lines is looking to hire Class A & B drivers. To apply, please email nan@rebelvanlines.com or call 800-421 -5045.

EMPLOYMENT OPPORTUNITY

Rebel Van Lines is looking to hire an experienced and aggressive residential Household Goods Salesperson/Estimator for Los Angeles and Orange County areas. Email resume to: nan@rebelvanlines.com.

It pays to advertise!

EMPLOYMENT OPPORTUNITY

Ernie's Van & Storage in Rocklin, CA is looking to hire a qualified & experienced HHG/NAC salesperson. For more information, please contact msowell@evsmoving.com.

BUSINESS WANTED

We are interested in purchasing all or a part of your business. We are able to provide quick cash for certain assets. We can assist in an exit strategy. Major CA markets are desired. Discussions will be in strictest confidence. Send information to CMSA, Box J1, 10900 E. 183rd St., #300, Cerritos, CA 90703.

EMPLOYMENT OPPORTUNITY

Rebel Van Lines is looking to hire an experienced O & I Salesperson and Modular Furniture Salesperson. Please email resume to: nan@rebelvanlines.com.

CMSA Initiates Young Professionals Group

At the 2016 Convention, the CMSA will be initiating a Young Professionals group to allow young movers in the industry to network and become active leaders in the CMSA. The group's first meeting will be held on Thursday, May 12, at the Resort at Squaw Creek in Olympic Valley. More details will follow in the coming months.

CMSA Board Members Jesse Chabot of Golden West Moving in Riverside and Thomas McCarthy of McCarthy Transfer & Storage in El Cajon are leading the charge for this group and encourage all young professionals to attend the group's first meeting. Both are young professionals in the industry who wish to encourage other young professionals through this startup group.

"One thing I have found through my experience coming up through the ranks, as a younger mover, going to the meetings and conventions can be intimidating in the beginning," CMSA Board Member Thomas McCarthy said. "...This is where I think the CMSA has a huge opportunity to help cultivate the future leaders of our association.

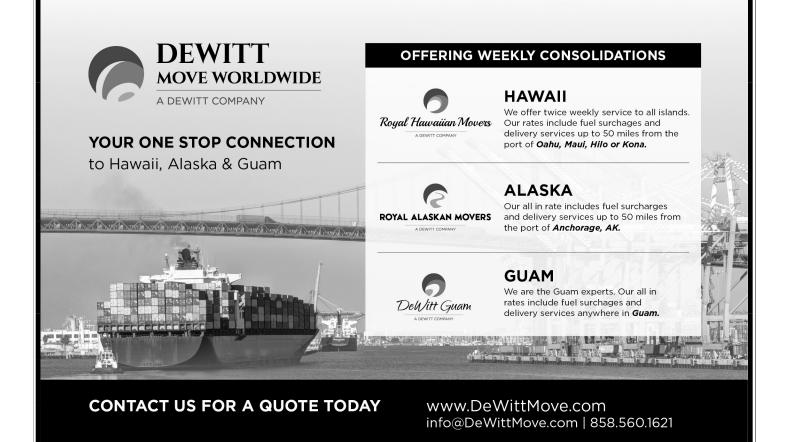
If you or anyone at your company wishes to participate in the Young Professionals Group, please put a check mark at the top of your 2016 Convention full registration form where it asks if you are interested in joining the CMSA Young Professionals Group.

CMSA Staff Member Departs Association



After five-and-a-half years of superior service to our Association, Brianna Wahlstrom ended her employment with CMSA effective December 3, 2015. While we are sad to see her depart, we are hopeful that her next step, working as a

technical publication specialist, will provide her satisfaction and growth. We are grateful for all her efforts in support of CMSA and its members, and her departure will have an impact on our small office. Thank you, Brianna!





You're Invited to the California Moving & Storage Association's 98th Annual Convention!

Meet your California colleagues in Olympic Valley, Calif., May 10–15, 2016, and learn about issues affecting both the California & National Moving Industry.

Check out the convention room rate!

CMSA ROOM RATE: \$194 Per Night + Tax*

Call toll-free 800-403-4434 and request the group rate for "California Moving & Storage Association."

The rate is for Resort at Squaw Creek, 400 Squaw Creek Road, Olympic Valley, CA 96146. The above rate also applies three (3) days before and after the CMSA official convention dates based on availability if you decide to extend your stay.

*Hotel rate is for single or double occupancy and subject to the prevailing state and local taxes (currently 10% and 0.065%).

We have an informative and fun-filled schedule of events planned for the Convention.

The resort and the surrounding Squaw Valley area offers many activities, which include: year-round outdoor swimming pools, access to miles of hiking and biking trails, boating, rafting and paddle-boarding on nearby Lake Tahoe and the Truckee River, horseback riding, tennis and more! Don't forget to sign up for CMSA's Annual Golf Tournament being held at Old Greenwood Golf Course on Thursday, May 12, 2016.

Convention Registration Fee - \$475

Check our website for Convention and Exhibitor Registration forms at: www.thecmsa.org

CMSA CONVENTION SPONSOR/ADVERTISING/DOOR PRIZE FORM

		BLE FOR SPONSORSHIP	Sponsors Sponsors
1. Tues.	May 10		DEWITT CO./Royal Hawaiian Movers
2. Tues.	May 10	Movers & Shakers Dinner ◆*	TransGuard Insurance Co. of America
3. Thurs.	May 12	Golf Tournament •	Pioneer
4. Thurs.	May 12	Exhibitors Reception •	New Haven Moving Equipment
5. Fri.	May 13	Squaw Creek Breakfast	CardConnect
6. Fri.	May 13		Paul Hanson Partners
7. Fri	May 13	Friday Night Dinner Event	Kentucky Trailer,
		(Unlimited sponsorships available	The Pasha Group/
		for this event.)	Gateways International
			& Van Line Companies
8. Sat.		Alpine Sunrise Breakfast	Lambert Transfer & Storage
9. Sat.	•	Gold Medal Awards Luncheon •	Champion Risk & Ins Svs/Vanliner Ins.
10. Sat.	May 14	Chairman's Reception & Dinner •	CDS Moving Equipment
All Other S ₁	ponsorship	at / • Sponsorship of Major Event (incluses (includes 1 Free Registration) - \$1,60	00
Event #	_	Ame	ount \$
PERSON C	LAIMING	FREE CONVENTION REGISTRATI	ION(S):
Name		Badge First Name _	
Name		Badge First Name _	
Company _			
Phone		E-mail /	Address
			an, etc.):
We will noti	fy you whe	ther your requests can be accommodat	ted and if any additional fees are necessary.
For any add	itional pers	sons registering, be sure to use the Con	vention Registration form.
Conventi	on Advert		
	on Mavert	ising Opportunities (does <u>not</u> includ	de free registrations):
H		· · · · · · · · · · · · · · · · · · ·	de free registrations):) Program Back Cover Ad \$550
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Return with payment and/or door prize(s) to CMSA, 10900 E. 183rd St., #300, Cerritos CA 90703 or fax form to: (562) 865-2944. For questions, call Renee Hifumi at (562) 865-2900.

CMSA 98th Annual Convention Registration Form May 10–15, 2016

EARLY REGISTRATION DEADLINE: MARCH 10, 2016 FULL registrations paid by March 10, 2016 are eligible for the drawing to win \$50 CASH on May 14, 2016!

First CMSA Convention? (Y/N) _ Interested in joining the CMSA You		roup? (Y/N)		98th Annual Convention Resort at Squaw Creek Olympic Valley, CA May 10-15, 2016
Register the following company's re	_	1	_	
CMSA Member		Badge First Nar	me	
Spouse/GuestOther		Badge First Nar	ne	
			Email	
Address	City _		State	ZIP
Date of Arrival				
REGISTRATION FEE: (See rev CMSA MEMBER or SPOU CHILDREN'S PRICE (up to NON-MEMBERS (each) Sponsors & Exhibitors—Please use Special Food Requests (e.g. vegetar We will notify you whether or not yo	erse side) SE (each) o 12 yrs.) appropriate forms t ian, gluten-free, veg	Before March 10 \$475.00 \$325.00 \$625.00 o ensure proper hand gan, etc.):	Afte <u>Mar</u> \$57: \$350 \$72: ling of cor	er ch 10 5.00 0.00 5.00 mplimentary registrants.
Enclose registration fees with this Discover or MasterCard. Credit c () Visa () DIS	ard registrations ma	y be faxed to (562) 8	65-2944.	•
Name on Card	Card # _			Exp. Date
Card Billing Address Three-Digit CVV Number Please mail this form with payment,	_			
**CANCELLATIONS: Cancellati any incurred costs (not to exceed 50	% of total fees paid). After April 10, 20	16 , we will	l be unable to make

ROOM RESERVATIONS: Call Resort at Squaw Creek at (800) 403-4434 to make reservations and ask for the group rate for **California Moving and Storage Association**. A reservation link can also be found online by visiting www.thecmsa.org and clicking on the Convention Calendar webpage. Reservations must be made by **April 10, 2016** to guarantee the special group room rate. All major credit cards are accepted for deposit.

Exhibitor Registration Form

98th CMSA Annual Convention EXHIBIT DATES: May 12-14, 2016

IMPORTANT!: Global Experience Specialists (GES) will be the official exhibit services contractor. All work performed in the Exhibit Area is under union jurisdiction and under safety jurisdiction. GES Show Rules & Regulations provided upon request.

STEP 1: RESPONSIBLE PARTY INFORMATION	STEP 4: CHOOSE YOUR BOOTH
1. Full Name of Attendee Responsible for Booth	Priority will be given according to seniority and date registration form was received. See booth diagram for choices.
First Name to Appear on Badge	RESERVE BOOTH # (s) FOR MY EXHIBIT.
Company Name to Appear on 11" X 17" Booth Sign	In case your first choice is taken, please list alternate booth #s. 2nd Choice (s)3rd Choice (s):
Telephone Fax	Companies you don't want to be next to:
E-Mail Address (Registration Confirmation will be sent via E-mail) Special Food Requests:	
CMSA reserves the right to reject registration from exhibitors deemed inappropriate by the CMSA President and/or the CMSA Board of Directors.	STEP 5: SELECT METHOD OF PAYMENT
STEP 2: ADDITIONAL ATTENDEES	☐ Check Enclosed ☐ Charge to Credit Card
	CREDIT CARD INFORMATION:
2. Full Name	□ VISA □ MasterCard □ Discover Card
First Name to Appear on Badge	Name on Credit Card
E-Mail Address	Credit Card Number Exp. Date
Special Food Requests:	Billing Address Billing Zip Code
3	
Full Name	3-Digit Code on Back of Card
First Name to Appear on Badge	Authorized Signature Date
E-Mail Address	STEP 6: RESPONSIBILITY AGREEMENT
Special Food Requests:	By registering to be an Exhibitor at the CMSA Convention,
USE ADDITIONAL SHEET TO LIST MORE ATTENDEES.	you are agreeing to the terms below:
STEP 3: ASSESS EXHIBITOR FEES	Exhibitor shall be fully responsible to pay for any and all damages to property owned by Hotel, its owners or managers which results from any act of omission of Exhibitor. Exhibitor agrees to defend, indem-
Booth registration <u>includes</u> one (1) convention registration. A six-foot draped table, two chairs and wastebasket is provided.	nify and hold harmless the California Moving & Storage Association, the Hotel, its owners, managers, officers or directors, agents, employees, subsidiaries and affiliates from any damages or charges resulting
Booth Registration Before March 10, 2016 @ \$1,200 \$ After March 10, 2016 @ \$1,500	from or arising from or out of the Exhibitor's use of the property. Exhibitor's liability shall include all losses, costs, damages or expenses arising from or out of or by reason of any accident or bodily
Booth Electricity—\$100 per booth \$	injury or other occurrences to any person or persons, including the Exhibitor, its agents, employees, and business invitees which arise
Additional Attendee(s): Members \$475 ea./Non-Members \$625 ea. \$	from or out of Exhibitor's occupancy and/or use of the exhibition premises, the Hotel or any part thereof. The Exhibitor understands that

\$20 from each exhibitor's booth fee will be included in the CMSA Scholarship Fund Donation & Booth Bingo Raffle!

Grand Total:

Exhibit Dates: May 12—14, 2016

Early set-up available after 3pm on Wed., May 11, 2016.

erty and that it is the sole responsibility of the Exhibitor to obtain such

Refunds for any cancellations done before April 10, 2016 will be subject to administrative fees plus any incurred costs (not to exceed 50% of total fees paid). No refunds will be made after April 10, 2016.

CMSA ANNUAL GOLF TOURNAMENT REGISTRATION FORM

OLD GREENWOOD GOLF COURSE

12915 FAIRWAY DRIVE TRUCKEE, CA 96161 (530) 550-7010

THURSDAY, MAY 12, 2016 10:30 AM SHOTGUN (Golfers should arrive at course by 10:00 a.m.)



SPONSORED BY: PIONEER

Entry fee -- \$135.00 per person / Includes: green fee, shared cart, range balls & box lunch w/ soft drink.

Primary Contact:	
Golfer 1:	Company:
Phone:	Email:
List golfers in your foursome	e. (Foursomes will be formed by golf co-chairs unless listed below.):
Golfer 2:	Company:
Golfer 3:	Company:
Golfer 4:	
Sponsor	HOLE-IN-ONE CONTEST red by: TRANSGUARD INSURANCE CO. OF AMERICA
Refunds are subject to a \$15	processing fee. No refunds for cancellations after April 10, 2016.
Enclose golf fees with this form	n. Make checks payable to CMSA, or use your Visa, MasterCard or Discover Card.
() Visa () MC	() DISCOVER () Check enclosed Amount:
Name on Card:	Card #:
	Three-Digit Code:
Billing Address & ZIP Code: _	
	Email Address:
GOLF CLUB REN	TAL FEES ARE PAID DIRECTLY TO THE PRO SHOP— <u>NOT CMSA.</u>
_	by providing a count below so that the pro shop will be sure to have enough that reserve a set will be guaranteed a set!!! Club rentals are available at the pro shop for \$50 per set
	e your choice: 1) Male/Female 2) Titleist/Cobra 3) Right Handed/Left Handed

Please mail this form, with payment to: CMSA, 10900 E. 183rd St., Suite 300, Cerritos, CA 90703 or fax to: (562) 865-2944.

2016 CMSA CONVENTION - INDIVIDUAL EVENT TICKET FEES:

Thurs., May 12	Exhibitors Welcome Reception Golf Tournament Registration (USE GOLF FORM)	Adult \$150.00 \$120.00	<u>Child</u> \$100.00 \$120.00
Fri., May 13	Squaw Creek Breakfast Olympic Valley Luncheon On-Site Dinner	\$35.00 \$60.00 \$100.00	\$25.00 \$42.00 \$50.00
Sat., May 14	Alpine Sunrise Breakfast Gold Medal Awards Luncheon Chairman's Reception & Dinner/Ball	\$35.00 \$60.00 \$150.00	\$25.00 \$42.00 \$100.00
Additional Ticket(s) Order F	orm:		
ATTENDEE NAME	EVENT		FEE
	GRAN	D TOTAL:	
Special Food Requests (e.g. accommodated and if any ac	vegetarian, vegan, etc.): We will notify you dditional fees are necessary.	whether or not y	our requests can be
TICKETS WILL B	BE COLLECTED AT THE DOOR PRIOR TO	ALL FOOD FUN	NCTIONS!
	or registration packet. Cancellations made before curred costs (not to exceed 50% of the fees paid		
Contact Name	Company		
Phone	Email		
	COVER () MC () Check Enclosed		
	Exp. Date Three-Digit (
	r form and normant to: CMSA 10000 E 192 rd		

Return completed order form and payment to: CMSA, 10900 E. 183rd St., Ste. 300, Cerritos, CA 90703 or fax to: (562) 865-2944. For questions, call Renee Hifumi at (562) 865-2900.