

Bureau of Household Goods and Services Continues Its Positive Engagement with Permitted Industry

On July 18, 2019, CMSA President Steve Weitekamp joined Former CMSA Chairman Chris Higdon and their fellow Bureau of Household Goods and Services (BHGS) Advisory Council members for their second of three scheduled meetings for 2019. The meeting took place in the Bureau's Sacramento Headquarters and was also attended by numerous BHGS staff members and members of the public. The Bureau staff did an outstanding job of reviewing issues, actions and plans, as well as fielding many questions from the members of the Advisory Council.

The Bureau reviewed their budget and personnel reports. The news is positive as they are operating within their available resources and are continuing to successfully fill additional enforcement positions.

The charts on pages 6 and 7 reflect, in a far more detailed fashion than we have historically (old regulator) received, BHGS consumer engagement and investigations.

While all agree that more can be done, we are pleased with their actions to date. One item not to be missed is the fact that BHGS

has taken direct action on 38 Hold Hostage shipment that has resulted in the release of 30 shipments so far. The significance of that number cannot be

overemphasized. Thirty families have been reunited with shipments from bad actors masquerading as movers who intended to at very least extort additional money.

We also had a detailed report on the Bureau's robust legislative agenda and believe that the bills discussed that directly impact

(BHGS continued on page 6)



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CHAIRMAN'S CORNER

by Thomas McCarthy

How was your commute this morning? Mine was a little longer than usual as I flew up to Sacramento to meet with CMSA President Steve Weitekamp, Legal Counsel Mark Hegarty and our

Association Lobbyist Josh Shaw, president of Shaw / Yoder / Antwih. We had a meeting this morning with staffers in our State Capitol to discuss AB-5 and how it will impact movers and our business model.

We are attempting to make sure there is an exemption for our businesses as the Dynamex decision changed how independent contractors are viewed, as well as changed from using the Borello test to the new ABC test. Which as I hope you already know, the B prong sinks most of us. We left the meeting at the Capitol with hopeful optimism that we may have a foot in the door to getting language added to the bill or possi-

bly an amendment to the bill that allows for business-to-business work in a prime and subprime relationship.

I am glad I was able to make this trip to participate in the meeting and assist in laying the groundwork for what could be significant in our relationship with independent contractors. While Josh and Steve carried most of the load, Mark made the finer technical points. I did my best to represent movers and give them an idea of who we are.

I introduced myself and my role with the CMSA and told them that CMSA is made up of many multigenerational family businesses who are trying to follow the rules and provide a service. I explained that this ruling could have severe consequences and put many small businesses, sadly out of business.

This is going to take a lot more work and time, but the fact that we even got our foot in the door is an accomplishment. I don't see any single business, no matter how big or small, getting an audience to try to amend a bill because it would be viewed as self-serving and not in the public interest. But as

(CHAIRMAN'S CORNER continued on page 4)





PRESIDENT'S COMMENTS

By Steve Weitekamp

Right about now, if you're anything like me, your stress level exceeds capacity (to use transportation vernacular). We are deep into a busy Peak Season, thank goodness, and frequently

don't take time to do much more that focus on our business and our own individual issues. From a distance, it's easy to see how a communication or task could fall through the cracks. Unfortunately, in a world where expectations have risen to instantaneous gratification, failure to live up to that standard can result in a dissatisfied customer or team member. While our goal should be continuous improvement, it would make our responsibilities far more enjoyable if all could just take a breath and give others the same benefit of the doubt that we believe we deserve for our own actions.

Our cover article and accompanying

graphics briefly describe our July Bureau of Household Goods and Services (BHGS) Advisory Council meeting. I continue to hear positive feedback from members on the customer service attributes of our new regulators. CMSA has also been very pleasantly surprised by the level of communication and willingness to at least listen to the perspective of the regulated industry. We support BHGS in their efforts to pass SB 391 in the current session of the California Legislature. SB 391 would authorize a person employed as a special investigator or supervising special investigator by the bureau and designated by the Director of Consumer Affairs to issue a written notice to appear in court for those violations for which a peace officer may enforce or assist in the enforcement, in accordance with specified procedures. This is authority that the CPUC had and fell through cracks during the transition of regulatory authority from the CPUC to the BHGS.

The Association continues to advocate vigorously in support of maintaining the long-standing legal system of the industry's

(PRESIDENT'S COMMENTS continued on page 4)

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(CHAIRMAN'S CORNER continued from page 2)

an Association made up of many movers, we have a voice.

I think what surprised me the most about this meeting was the location. We had it in an office. I know it sounds weird as aren't most meetings in an office or conference area? Yes, BUT many of these meetings, if they are not willing to listen to you, just take the meeting in the hallway to rush you out. You never make it back to the office. If Steve calls on you and asks you to make the trip to Sacramento, I would encourage you to find time to do it. July 17th was by no means a great day for me to be out of the office, but looking back on my morning, it was well worth the trip.

So here I am flying home back to San Diego and thinking of all the lobbying that CMSA has done and continues to do. Not only are we working on this, but we are also involved in the contentious outsourcing of the DOD program.

While I only came up for this meeting and I am now flying home, Steve is staying behind for a meeting with the Bureau of

Household Goods & Services (BHGS) tomorrow. Steve has been serving on the BHGS Advisory Panel since its beginning, representing all of us, so it seems the work never stops.

Well we are beginning our decent into San Diego, so time to wrap this up. As a seasoned procrastinator, I often try to remember this quote, "*Why put off tomorrow what you can do today.*" That is what we did today, we went to the Capitol and got our message out. I leave you with this question: *What are you putting off for your tomorrow's that you could, or more importantly, should be doing today?* McCarthy out.

(PRESIDENT'S COMMENTS continued from page 3)

engagement with independent contractors. California Legislative bill AB 5 (Gonzalez) as currently drafted does not provide a clear path for this decade's long practice, which is even sanctioned by the current and previous industry regulators to continue. Since our last column, we have met with the staff of Assembly member Lorena Gonzalez, the author of AB 5, and found that they are at least

(PRESIDENT'S COMMENTS continued on page 5)



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(PRESIDENT'S COMMENTS continued from page 4)

sympathetic to our arguments for relief. To clarify, the only pathway to our discussion having a chance of making it to the level of even consideration was the argument of a BHGS permitted mover engaging a BHGS permitted mover (one might say prime to sub but regulatorily there is no distinction).

Subsequent to that meeting, we have submitted several different suggested language modification options, to the office of Assembly member Gonzalez and the Senate Labor Committee consultant that would allow legal operators to continue with this model. We take nothing for granted and realize that the legislative road ahead is difficult at best.

The Simple Secret to Achieving Goals – Mental Toughness

"Talent is overrated, mental strength is critical". This is the opening quote to an interesting article by James Clear, a noted Author of the New York Times best seller

Atomic Habits. Many view top performers in the workplace, in athletics, and in life, as gifted or talented. While talent may have something to do with success, it is likely not the universal key ingredient. According to scientific research, one's talent and intelligence do not play nearly as big a role in business and life success as one might think. In fact, many studies have found that intelligence only accounts for 30% of a person's achievement.

So, if it is not talent or intelligence, what is it? It turns out, according to James Clear and the research he follows, the simple secret is mental toughness. What is even more interesting is that mental toughness can be developed and improved. Your talent, and certainly your intelligence, are difficult to work on and driven more by genetics, thus largely out of your control. But mental toughness can be learned and improved throughout one's entire life.

Clear uses an example of mental toughness in the military. The study was conducted with cadets at West Point. Researchers developed a series of questions to score

(SIMPLE SECRET continued on page 8)

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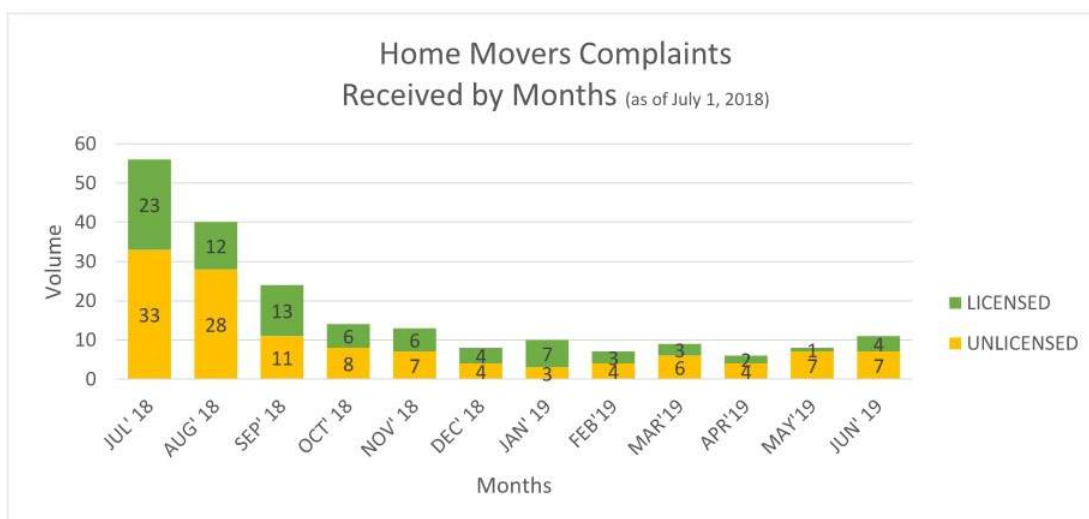
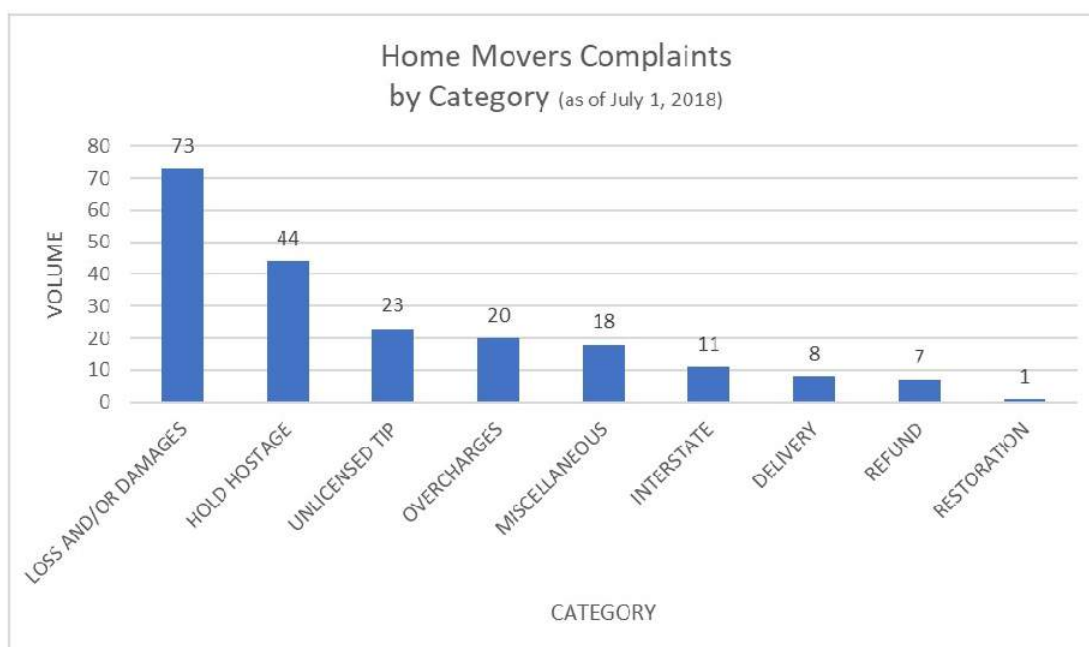
our industry would have a positive impact on legal movers.

While our time with BHGS has only been a little over a year, we are pleased with the

level of engagement that the California Moving and Storage Association (CMSA) has established with our regulators.

CONSUMER COMPLAINT STATISTICS Household Movers

Household Movers Consumer Complaints		
Year	OPENED	CLOSED
2015-16		
2016-17		
2017-18		
2018-19	203	181



HOUSEHOLD MOVERS INVESTIGATIONS STATISTICS

July 2018 - July 2019

Household Mover Cases Under Investigation	
July 2018 – July 2019	235

Hold Hostage Situations	
Resolved	30
Pending	8
Forwarded to Other Agencies	7
Total	45

Cease and Desist Letters Issued	
(Failure of Movers to Cease and Desist will result in Administrative Citations)	44

Investigative Subpoenas Issued	
July 2018 - July 2019	4

Investigations Referred to District Attorney	
July 2018 - July 2019	2

(SIMPLE SECRET continued from page 5)

performance on what they termed “Grit Scale”. It turned out that scoring just one standard deviation higher on the “Grit Scale” resulted in cadets being 60% more likely to finish the toughest mental and physical tests West Point could dish out. The Grit Scale effectively measured mental toughness.

Angela Duckworth, the researcher and study’s author at the University of Pennsylvania used her Grit Scale to measure mental toughness in several other areas and came up with the following findings:

- Undergraduates at an ivy league university who had more Grit, achieved higher GPAs than their peers even though they may have entered with lower SAT scores;
- Comparing the score on the Grit Scale of two different individuals of the same age (but not the same intelligence), the higher score on the Grit Scale will predict which person will be higher educated;
- National spelling bee competitors who scored higher on the Grit Scale outper-

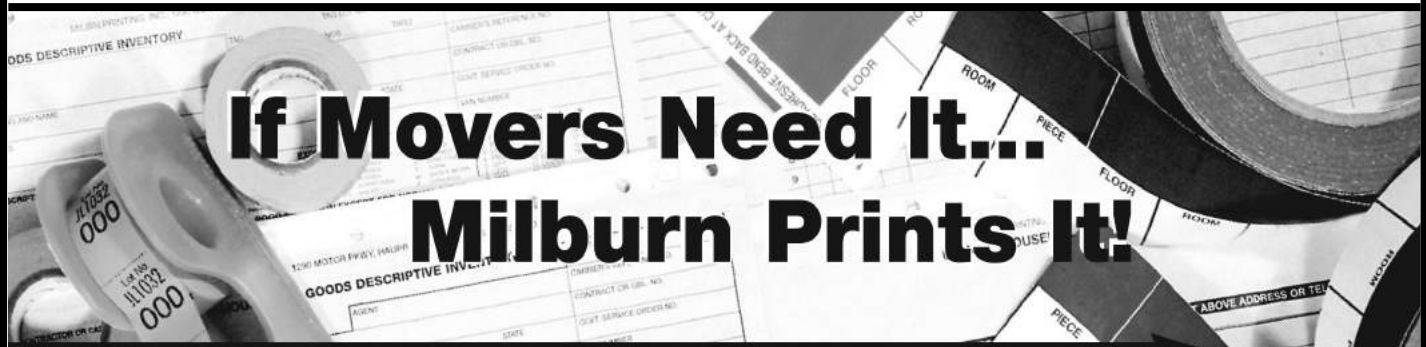
formed because of their mental toughness and more consistent practice than those who were considered more “intelligent.”

“Our hypothesis is that Grit is essential to high achievement evolved during interviews with professionals in investment banking, painting, journalism, academia, medicine and law. Asked what quality distinguishes star performers in their respective fields, these individuals cited Grit (or a close synonym) as often as talent. In fact, many were awed by the achievements of peers who did not at first seem as gifted as others, but whose sustained commitment to their ambitions was exceptional. Likewise, many noted with surprise that prodigiously gifted peers did not end up in the upper echelons of their field.” (Angela Duckworth – Researcher)

Significance

The bottom line of this research indicates that talent is overrated. This makes sense in that we observe that the smartest people do not always rise to the top of their fields,

(SIMPLE SECRET continued to page 19)



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Whether donating, selling, or simply passing a device to a family member or friend, a factory reset is the minimum level of personal I.D. security consumers should take to ensure sensitive data doesn't end up in the wrong hands and put you or your family at risk.

Experts agree a factory reset is a valuable and relatively easy step that should be taken before getting rid of a device—simply

deleting files often leads to potentially compromising oversights such as passwords saved in browsers and personal data in the deleted items folder.



It's important to know that a factory reset—reverting your device to its pristine state when it left the factory (largely)—is not a 100 percent cleansing of personal data. Your information can still be mined from the computer's hard drive by someone who is determined and knowledgeable.

However, after a factory reset, any new data added to storage will overwrite the old data. Eventually, if you use all of the storage, all of your old data will be perma-

(BEFORE TOSSING continued on page 14)



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(BEFORE TOSSING continued from page 13)

nently replaced.

Most importantly before a factory reset, know that all of your data will be erased and must first be transferred to a new device or backed up on an external drive or in the



cloud. This includes contacts, photos, videos, and documents.

If you're worried about extremely sensitive information surviving a factory reset (if you're selling a computer once used for business, for instance), there are various programs designed to wipe away the

memory completely or you may consider hiring an expert to do it.

The state Bureau of Household Goods and Services (BHGS) licenses electronics repair service dealers. To be sure a repair dealer's license is in good standing, visit the BHGS website and click on "License Search" under the Consumers tab.

For specific step-by-step instructions for a successful purge, search online for "factory reset" and your specific model of phone, tablet, or computer, and the operating system it uses.

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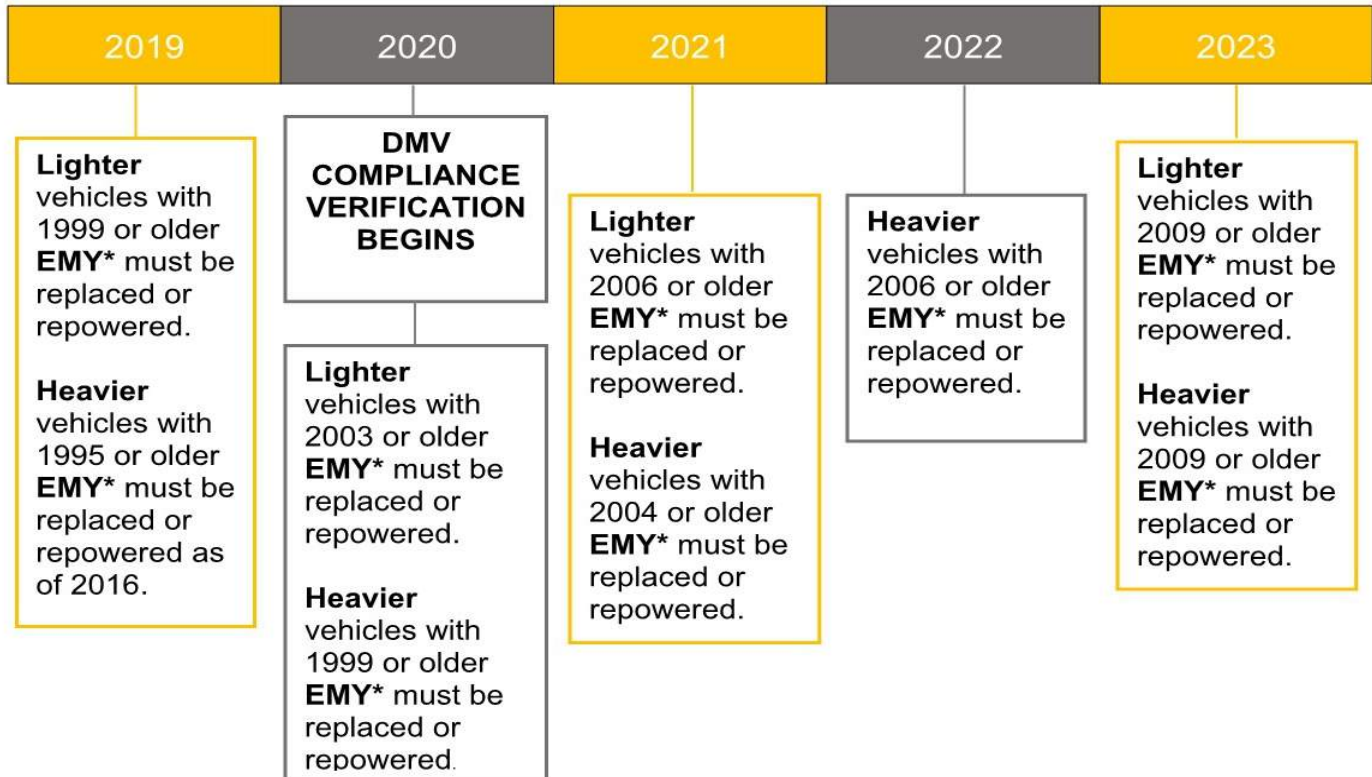
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1	California (CMSA)		69	1	Illinois (IMAWA)	1,796,224
2	Southwest Movers (SMA)		47	2	Pennsylvania (PMSA)	1,352,085
3	Illinois (IMAWA)		41	3	California (CMSA)	1,274,443
CMSA Report Food Collected and Delivered				4	Southwest Movers (SMA)	1,218,011
Monthly	Year to Date	All Time		5	Florida (FMWA)	1,006,212
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perform best, or find success in life pursuits. Instead, in almost every area of one's life, from health, to education to work performance, it turns out that mental toughness and perseverance are the highest predictors of success that researchers could find.

The good news is that you can develop mental toughness, unlike the God given gifts you were born with. This means you can

choose to become more consistent and you can develop successful habits.

James Clear summarizes his research findings and conclusions by stating, "When things get tough for most people, they find something easier to work on. When things get difficult for mentally tough people, they find a way to stay on the schedule... toughness simply comes down to being more consistent than most people."

CALENDAR OF EVENTS

Tues., Aug. 20	MAX4 Tariff Workshop Lemoore, CA	Tues. Oct. 22	North Bay Chapter Meeting
Tues., Sept. 10	Twin Counties Chapter Meeting	Wed. Oct. 23	Northern Region Chapter Meeting
Wed., Sept. 11	San Diego Chapter Meeting	Thur. Oct. 24	Sacramento Chapter Meeting
Thurs., Sept. 12	Orange County/ Beach Cities Chapter Meeting	TBD	Sacramento Fall Golf Tournament
Fri., Oct. 11	Monterey Chapter Golf/Bocce Tournament Monterey, CA	April 14-19, 2020	102nd CMSA Convention Kauai Marriott Resort Lihue, HI
Tues. Oct. 15	Central Valley Chapter Meeting		

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CMSA THROUGH THE YEARS

HISTORICAL PHOTO



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