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## When an Email Becomes a Binding Contract

By *Mary Wasik*

In the span of just a few years, email has become a primary means of communication in the business world, surpassing the phone and the now almost outdated written fax. The ease, informality and rapid response of email matches the hurried pace by which day-to-day business matters are resolved. As a result, it is easy to forget that in the right set of circumstances an email can unexpectedly create a binding contract.

The art of negotiation usually follows established patterns: terms are outlined, terms rejected, the parties reach compromise, terms are agreed. Sometimes there is an expectation that the transaction will be detailed in a written contract to be signed by the parties. But what if all of the above takes place via email? Does a written contract already exist? Sometimes, the answer is yes.

Over the past year, courts in both New York and Massachusetts have been required to resolve this issue. In the New York matter, Arthur Stevens sold his public relations firm and entered into an employment agreement to continue as CEO of the company. When financial problems surfaced, Stevens was removed as CEO. Stevens and Bob Bloom, a former executive of the purchaser, then began a series of email exchanges that described the terms under which Stevens might continue to provide services to the purchaser. Stevens eventually sent an email to Bloom stating, "I accept your proposal..." to which Bloom replied "I am thrilled with your decision." Each of the emails of Stevens and Bloom included the typed name of the sender. Stevens sent an additional email to the Chief Operating Officer of the purchaser to reaffirm his unconditional acceptance of the new terms of service.

In that case, the New York court held that the series of emails set forth the terms of the modification of Stevens' employment agreement and constituted a "signed writing." This satisfied the

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NACM Oregon



### Chairman of the Board Doug Jacobson, CCE

I am very excited about the opportunity to serve as your Chairman of the Board for NACM Oregon during the upcoming year. I am looking forward to working with each of you over the next twelve months to build upon our existing

business offerings at NACM Oregon as well as improve upon the value-added benefits that your NACM membership provides. It is my goal over the next 12 months to build on our historic past while continuing to focus on expanding our future membership opportunities.

As everyone has experienced over the past year, we have been burdened by one of the worst economic downturns of our time. Throughout the past several months we have seen banks tighten lending practices creating an extremely difficult situation for us as credit professionals. We have witnessed countless businesses struggling to survive and have seen unemployment levels reach uncharted territories. Throughout this difficult period, NACM Oregon has continued to provide our membership with the tools necessary to weather the storm.

You may ask, "What value does an NACM Oregon membership bring?" Well, I am glad you asked. In November of 2008, one of our (XPEDX) largest customers closed their doors and left several suppliers hanging. Fortunately for us, we were part of an NACM Oregon industry group that had been discussing this situation for several months prior to them deciding to call it quits. A competitor, who was not part of our industry group, was saddled with a loss of \$3.3 million. As for XPEDX, we place the value of our membership at approximately \$3.3 million.

Over the past several years, NACM Oregon has grown to be the sixth largest affiliate in the country and continues to provide one-stop shopping for credit professionals by offering Credit Reports, Collections, Continuing Education, Industry Groups, Distressed Business Services, and much more. I encourage each of you to take advantage of the free webinars and free credit reports that came with your annual membership renewal this year. These can be very valuable at a time like this to update your account files, or educate you and your staff without leaving the office.

On behalf of the Board of Directors, I want to thank each of you for your continued support of NACM Oregon and hope to see you all at our upcoming events. I would also like to thank Barbara Davis, CCE, for her contribution as Chairman of the Board of NACM Oregon these past twelve months.

Doug Jacobson, CCE  
XPEDX  
douglas.jacobson@ipaper.com

### President & CEO Rod Wheeland, CCE/CAE



In the April edition we reprinted an article from a Fort Worth newspaper that was very critical of business credit reporting. If you read the article, you know it was one-sided and didn't tell the whole story. In the June *BCJ*, we will provide an overview of how to correct an error on a business credit report and how to get additional information added to a credit file.

By now, I trust most member companies have adopted identity theft prevention policies as required by FACTA – just in time for the FTC to postpone implementation of the law from May 1 until August 1. If you are not up to speed on this Federal law and its requirements, I encourage you to contact your Account Executive, Kristin Curtis at 971.230.1172 or Denise Redding at 971.230.1178, for an overview and sample identity theft prevention policy. And, if you haven't already done so, I hope you will consider sitting in on a Business Credit Learning Center webinar led by Brenda Terreault, NACM Oregon's Collection Services Manager and a lawyer, about the requirements of this federal act and its application to business credit. Webinars will be held in June and July, and more information will be provided in the next *BCJ*.

Thank you for your continuing support of NACM Oregon. As a nonprofit corporation with a member-benefit purpose, all earnings are used to improve facilities, programs, products, and services for your use and to the benefit of your company. We appreciate your suggestions and constructive criticism and strive to continuously improve our service to you, the member. We appreciate your candor!

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NACM Oregon

From The Archives...

A 1929 summary of the minutes from the NACM Oregon Board of Directors and membership meetings, 1896-1929, appeared on my desk recently. In a review of these I noted several interesting comments:

- March 21, 1898: "Capt. A.M. Brown, formerly of Alaska spoke very entertainingly of Alaska as it is . . . . The Captain observed that he did not see what dealers wanted credit for, as 'credit' there was an unknown article, all transactions being cash – either gold or skins."
- February 3, 1900: "A banquet tendered Mr. W.H. Preston of Sioux City (first president of the National Association) . . . was a great success in every way. The addresses and music were good, the supper excellent and the cigars above reproach."
- December 19, 1906: "The regular meeting appointed for this date was postponed owing to the uncertainty of the members being able to get home afterwards on account of the street car strike."
- January 18, 1911: "After the talks by the committee, discussion came up regarding . . . the success and feasibility of certain collection methods. The writer of these minutes is compelled to say here that the trend of these talks showed very clearly how little some of our members know and understand regarding the great uses of this Association."
- September 17, 1913: "Be it resolved that it be the sense of this Association here assembled that an Adjustment Bureau, collection agency, and credit reporting department be organized and incorporated."
- March 5, 1920: "Immediately after dinner, President Eddy turned matters over to Chairman Johnson who speeded the program through to an early conclusion so that there would be ample time for dancing. As the evening wore on, our staid creditmen lost their habitual air of reserve, threw dull care to the winds and did all the known steps, and some others, with remarkable grace and abandon."

Rod Wheeland, CCE, CAE  
Direct: 971.230.1158  
rwheeland@nacmoregon.org



## Meeting Room Rental

NACM Oregon has meeting rooms available for your organization's use.

The larger room, approximately 700 square feet, will comfortably accommodate 24 people classroom-style or 35 people theater-style. This room has whiteboards on two walls, and all contemporary technology is available.

**Meeting Room Rental Fee:**  
**\$190 per day/\$70 per hour**  
**(two-hour minimum). NACM**  
**Oregon Members and**  
**Building Tenants receive a**  
**50% discount on these fees.**

NACM Oregon also has a Boardroom that comfortably accommodates ten people. This room includes a whiteboard and appropriate technology.

**Boardroom Rental Fee:**  
**\$150 per day/\$50 per hour**  
**(two-hour minimum). NACM**  
**Oregon Members and**  
**Building Tenants receive a**  
**50% discount on these fees.**

The Banfield Plaza, an NACM Oregon property, is centrally located at the I-205/I-84 junction in Portland. NACM Oregon offices are on the second floor. For more information please contact Lisa Rogstad, Building Manager, at 971.230.1160 or email lrogstad@nacmoregon.org.



### A look at the 2009-2010 Board members



Front row (l to r): Barbara Davis, CCE; Kimi Shelton-Muller, CCE; Raeann Smith; Sue Hein. Back row (l to r) Tony Ceniga; Will Campbell; Pat Swope; Doug Jacobson, CCE; and John Hardy. Not pictured: Linda Bishop, Kellie Hainline, and Marsha Johnson.

### 2009-10 Board of Directors

**Doug Jacobson, CCE**, Division Credit Manager, XPEDX, was elected Chairman of the Board for the 2009-10 term at the April 23, 2009, Annual Meeting of the Membership of the National Association of Credit Management Oregon.

**Sue Hein**, President, Rapid Bind, was elected Vice Chair; **Raeann Smith**, Secretary; **Kimi Shelton-Muller, CCE**, Credit Consultant, EKC Consulting, LLC, Treasurer; and **Barbara Davis, CCE**, Billing and Collections Manager, Liberty Northwest Insurance Corp., continues on the Board as Senior Councilor.

The Board of Directors also includes: **Linda Bishop, CCE, CICP**, Credit Manager, Tektronix, Inc.; **Will Campbell**, President, Standard Supply Co.; **Tony Ceniga**, Credit Manager, Industrial Finishes & Systems; **Kellie Hainline**, Vice President, National Builders Hardware Co.; **John Hardy**, Corporate Credit Manager, Emerson Hardwood Co.; **Marsha Johnson**, Credit Manager, TEC Equipment; and **Pat Swope, CICP**, Corporate Credit Manager, Pacific Seafood Co., Inc.



(L) Barbara Davis, CCE, accepts the Chairman's gavel plaque from Doug Jacobson, CCE, in recognition of her service of the past year.



(R) Doug Jacobson, CCE, presents a plaque to retiring director, Pat Jones, Consolidated Supply. We thank you for your many years of service to the Association.



### Congratulations to our long-standing member firms—

#### 75-Year Member

Miller Paint Co., Inc.

#### 50-Year Members

DSU Peterbilt & GMC, Inc.  
Emerson Hardwood Co.  
North Pacific Lumber  
Wentworth Chevrolet Co.

#### 25-Year Members

Columbia Corrugated Box Co., Inc.  
Dunn Electronics, Inc.  
DynaGraphics, Inc.  
Longview Fibre Paper & Packaging, Inc.  
LWO Corp.  
Morrow Equipment Co., LLC  
Overhead Door Co., Inc.  
PDM Steel Service Centers, Inc.  
Portland Development Commission  
Transportation Factoring, Inc.  
Woodpecker Truck & Equipment, Inc.

—thank you for your continued support!

#### 25-Year Member

Barbara Davis presents Rich  
Martinez, representing Morrow  
Equipment Co., LLC, the  
25-year plaque.



#### 50-Year Member

Barbara Davis presents John  
Hardy, representing Emerson  
Hardwood Co., the 50-year  
plaque.



(L) 50-Year Past Chair, Catlin  
Lawson.

(R) Congratulations to Renee  
Ames, Morrow Equipment Co.,  
LLC, who earned her Credit  
Business Associate certification  
this past year.



NACM Oregon

## New Oregon Law Cracks Down On Collection Agencies

Oregon Governor Ted Kulongoski last week signed into law a measure that allows the state's Department of Justice to crack down on debt collectors who illegally harass Oregonians.

The new law allows the Department of Justice to sue debt collectors who call in the middle of the night, curse, and threaten consumers in violation of the law.

Attorney General John Kroger came into office in January vowing to make the bill a top priority. "This important legislation will help us crack down on debt collectors who routinely violate state and federal law," Kroger said.

The number of complaints about debt collectors has repeatedly placed the industry on Department of Justice' Top 10 Consumer Complaint List since 2001. Last year, the Department of Justice received 834 written consumer complaints about debt collection agencies.

"[Consumers] need to know that the state is on their side," State Senator Suzanne Bonamici, said in a news release. "This legislation provides that reassurance by giving our Attorney General the authority to go after unscrupulous debt collectors who cross the line."



## Comment

It's worth noting that of the 834 consumer complaints in 2008, more than 80% of them involved agencies from outside of Oregon. In prior years, as much as 90% of complaints have involved out of state agencies.

We initially opposed this legislation because we believe it will result in Oregon collection agencies paying fees to support the pursuit of out of state agencies. On the other hand, the penalties in the Oregon law are significant, and if these are properly managed, may fund these enforcement actions.

We are hopeful the Attorney General's office will be vigorous in pursuing all agencies violating the Oregon Unfair Debt Collection Practices Act. If you need more information about OUDCPA, please contact your NACM Account Executive.

Rod Wheeland, CCE, CAE  
President, NACM Oregon

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NACM Oregon



## Account Management Tools

by Shannon Abnal, Data Coordinator, NACM Oregon

NACM Oregon and Experian offer a host of account management tools designed to help your firm minimize risk and increase revenue. Having a handle on your portfolio is always important, but is essential in these tough economic times. The following products and services work together to assist the credit professional in making smart credit decisions.



### Portfolio Scoring

Experian's Portfolio Scoring helps evaluate the creditworthiness of your existing customers. Experian applies a statistical risk score to each account in your customer portfolio and returns the score along with credit, public records, and demographic attributes on each account.

- Review your entire portfolio in the fraction of the time
- Quickly identify accounts in trouble and take action to reduce bad debt
- Identify opportunities to grow sales with good customers
- View trends in your portfolio over time to drive changes to credit policy and practices
- Comply with government regulations and corporate policies
- Cost savings due to more efficient processes

### Portfolio Monitoring

Experian's Portfolio Monitor alerts you when there is a negative change to your customers' credit report. Receive daily warnings on:

- Legal warnings—Bankruptcies, tax liens and judgments
- Payment warnings—Increasingly late payments or significant past-due activity
- Derogatory information from other suppliers—comments from other vendors such as credit withdrawn, write-off, legal, etc.
- Collection agency activity
- UCC filings

### ◆ Account Advisor

Account Advisor, from Experian, allows the credit professional to quickly gain portfolio management knowledge. Designed to work with Portfolio Scoring, Account Advisor lets you track account performance, monitor shifts in portfolio risk, and view your customer portfolio graphically.

- Speed up your account review process—use filters to find accounts right away and proactively monitor account activity
- Reduce exposure—be in the know about your portfolio and refine your credit policy by using real data
- Increase sales and revenue—find the right customers to target for sales and quickly filter down to opportunity accounts

### Credit Risk Advisor

Credit Risk Advisor, software partnered by Experian and Cortera, is a portfolio management tool combined with an electronic credit application system.

- Maximize efficiency—Provide automatic credit decisions via proactive account routing
- Reduce risk exposure—Make consistent decisions based on credit policy with score-driven and customizable attributes
- Improve revenue—Increase specificity and accelerate decision making
- Streamline and automate the credit application process—Save time, money, and paper by using the automated credit application feature
- Monitor your portfolio—Account portfolios are automatically monitored based on custom rules; receive real-time credit alerts
- Proactive compliance—Define, automate, and drive credit policy and procedures

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### Tools, *continued from page 7*

- Precise work delegation—Delegate work based on automated decision rules for new accounts and periodic reviews
- Flexible portfolio monitoring/analysis—Conduct score trending, distribution, reporting, and strategic development

### Data Contribution

Data contribution is free service which allows your firm to report how your customers are paying to the commercial credit bureaus.

- Reward your prompt-paying customers by improving their credit score
- Gain debt collection leverage
- Warn other creditors about slow-paying customers
- Access products and services available only to contributors: Experian's Portfolio Scoring, Portfolio Monitor, Management Reports, and Industry Group Trade Profile

For more information on products or services, please contact your Member Services Account Executive at 503.257.0802.

### CRF Collection Productivity Results

Thanks to all who participated in the 2008 Collection Productivity Study. This marks the seventh year we have produced this study. Your support is important to the success of our work, and it is greatly appreciated.

We hope you find this information valuable.

To view the report go to <http://www.crfonline.org/surveys/prodsurvey/2008collectionproductivity.pdf>.



HER BUSINESS IS GROWING. SO IS HER PERSONAL CARD DEBT.

## KNOW THE WHOLE STORY

BEFORE MAKING A CREDIT DECISION.

### Predict customer value. Make better decisions.

With superior information on millions of U.S. businesses, Experian® offers you a complete view of a business' current credit risk and a predictive measure of what it will be in the future. Using only third-party-validated data, Experian leverages state-of-the-art technology and 30 years' experience on both businesses and business owners to give you a more complete view of your small and midsize customers. To learn more, call your NACM Oregon Member Services Account Executive at 503.257.0802.



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NACM Oregon



### ■ Executive Forum ■ ■ Now Available... ■ ■ Chapter 11 - 101 ■

Quarterly meetings for the credit professional holding a designation (CBA, CBF, CCE) from NACM.

**Wednesday, June 10**  
**7:30 - 9 a.m.**

**NACM Oregon Classroom**

"Bankruptcy Update: 503(b)(9) Administrative Claims and Reclamation" presented by Barry Caplan, Esq., Sussman Shank LLP

**Wednesday, September 9**

"Balancing Sales & Delinquency in a Difficult Economy" presenter TBA

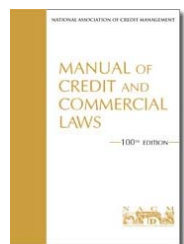
**Wednesday, November 11**

"Antitrust Update" presented by George "Jack" Cooper, Esq., Dunn Carney Allen Higgins & Tongue

### MANUAL OF CREDIT AND COMMERCIAL LAWS— 100TH EDITION

Expanded. Expansive. Enlightening.

The 100th edition of NACM's flagship publication has been resized to better accommodate its comprehensive coverage of legal issues. Written and developed by legal experts and leaders in commercial credit, the Manual is designed to help you solve day-to-day problems.



This milestone edition offers a new chapter on letters of credit; a recently combined chapter covering personal property liens, trust funds and trust fund agreements; amended sections on data breach security issues and unclaimed property matters; and numerous statutory updates, including those for bad checks, retail installment sales, mechanic's liens, construction bonds and the legal rate of interest.

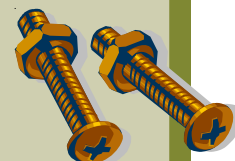
Contact Barbara Salazar at 971.230.1182 or 800.622.6985 ext. 182 or [bsalazar@nacmoregon.org](mailto:bsalazar@nacmoregon.org) to order your copy today.

Price: \$ 80.00 + S & H

### The Nuts and Bolts of Chapter 11 Practice: A Primer

Would you like a broader overview of the Chapter 11 process? For the next 8 months NACM Oregon will provide, in an attachment, a series of essays on Chapter 11 practice.

This is the fifteenth article in the series, "Small Business Provisions" by authors Jonathan P. Friedland, Michael L. Bernstein, Professor George W. Kunev, and Professor John D. Ayer. The series is intended to instruct reader's in the nuts and bolts of Chapter 11 practice. Consider obtaining and reading the prior series if you have not already done so, as each installment builds on the background built in prior installments.



We thank ABI for permission to reprint the series. The installments are chapters from a CD-Rom that is available for purchase for \$50 (\$20 to ABI members) through ABI. For more information call 703.739.0800 or go to [www.abiworld.org](http://www.abiworld.org).



NACM Oregon

## Let NACM Oregon Get a Handle on Those Small Claims

Would you rather spend time working on new deals or preparing for appearance in small claims court on an old deal?

And after getting the judgment do you want to spend additional precious time still trying to get paid?

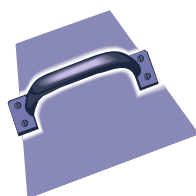
Let NACM Oregon's Small Claims Division handle those claims for you.

Service includes:

- Analyzing the account for legal issues
- Analyzing the debtor's credit for possible income and assets
- Compiling necessary evidence
- Appearing with you and for you in court

Keep in mind the limit for small claims court has been raised to \$7,500.

For more information contact Shawna Kelly at 971.230.1202 or [skelly@nacmoregon.org](mailto:skelly@nacmoregon.org).



## Testimonial

Squires Electric, Inc.  
Donna Toothman

"We have only been NACM Oregon members for a short while, but I have to tell you so far we love your services.

We submit Right to Lien notices through NACM Oregon and we love that service.

We've submitted two claims to the collection department and got payment immediately. I've been dealing with Donna Gilmore and want to say thank you—we will be sending more business your way.

I had no idea NACM Oregon was around. I wish we would have had you the last 10 years we've been in business.

Thank you again for what you do."

## Protect Your Company's Interest

Many creditors don't file the necessary papers to protect their interests from their competition. NACM Oregon can assist you with completed and timely filed UCC-1 document.

Some services charge \$85 or more for a simple filing. We offer that same service at a reasonable cost.

If you have an application and security agreement and would like to discuss perfecting your security interest, please call Brenda Terreault at 971.230.1196.



NACM Oregon

## Informational Corner

### Your Rights: Credit Reporting Summaries of Rights

#### Fair Credit Reporting Act

The Fair Credit Reporting Act (FCRA) requires each of the nationwide consumer reporting companies — Equifax, Experian, and TransUnion — to provide you with a free copy of your credit report, at your request, once every 12 months. The Federal Trade Commission (FTC), the nation's consumer protection agency, has prepared a brochure, *Your Access to Free Credit Reports*, explaining your rights under the FCRA and how to order a free annual credit report.

A credit report includes information on where you live, how you pay your bills, and whether you've been sued, arrested, or filed for bankruptcy. Nationwide consumer reporting companies sell the information in your report to creditors, insurers, employers, and other businesses that use it to evaluate your applications for credit, insurance, employment, or renting a home.

#### How do I order my free report?

You can order your free annual credit report on-line at [annualcreditreport.com](http://annualcreditreport.com), by calling 1.877.322.8228, or by completing the Annual Credit Report Request Form and mailing it to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

When you order, you need to provide your name, address, Social Security number, and date of birth. To verify your identity, you may need to provide some information that only you would know, like the amount of your monthly mortgage payment.



#### A Warning About "Imposter" Sites

The FTC advises consumers who order their free annual credit reports on-line to be sure to correctly spell [annualcreditreport.com](http://annualcreditreport.com), or link to it from the FTC's website to avoid being misdirected to other websites that offer supposedly free reports, but only with the purchase of other products. While consumers may be offered additional products or services while on the authorized website, they are not required to make a purchase to receive their free annual credit reports.

For more information on free annual credit reports and to view another video about [AnnualCreditReport.com](http://AnnualCreditReport.com) visit [www.ftc.gov/freereports](http://www.ftc.gov/freereports).

### Sample Notice of Action Taken and Statement of Reasons



May 1, 2009

Creditors Name  
Creditors Address  
City, State Zip

Dear Applicant:

Thank you for your recent application for an account with ABC Widget Company. Your application has been given careful consideration. However, we regret we are unable to extend credit at this time for the reason(s) indicated below:

- ☐ Insufficient credit references
- ☐ Unable to verify credit references
- ☐ Record of account(s) placed with a collection agency
- ☐ Bankruptcy
- ☐ Insufficient credit experience or length of time in business
- ☐ Delinquent past or present credit obligations
- ☐ Our record of your previous experience with us
- ☐ Items of public record

Thank you for considering us.

Sincerely,

Name  
Title

Notice: The Federal Equal Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age because all or part of the applicant's income derives from any public assistance program or because the applicant has, in good faith, exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with the law concerning this credit is:

Federal Trade Commission  
Division of Credit Practices  
6<sup>th</sup> & Pennsylvania Ave., NW  
Washington, DC 20580



NACM Oregon



## FTC Delays Mandatory Compliance With "Red Flags" Rule

There has been no shortage of confusion swirling around the language of the Federal Trade Commission's (FTC) "Red Flags" Rule. NACM has worked diligently with the agency attempt to clarify the impact on trade creditors, as well as educate its members about their responsibilities under the looming regulation that required companies to develop and implement a written program to recognize and mitigate identity theft by the now defunct May 1 deadline.

After realizing a persistent haze of uncertainty existed due to some of the ambiguous wording in the regulation, the agency has decided to delay enforcement until August 1, 2009. During the next several weeks, the FTC will also release a template to help some affected companies comply with the rule.

"Given the ongoing debate about whether Congress wrote this provision too broadly, delaying enforcement of the 'Red Flags' Rule will allow industries and associations to share guidance with their members, provide low-risk entities an opportunity to use the template in developing programs and give Congress time to consider the issue further," said FTC Chairman Jon Leibowitz.

For more information on the delay in enforcement, look for the story in NACM's eNews Weekly Update on Tuesday, May 5.



## 2009 NOF Scholarship Funds

The NACM Oregon Foundation grants scholarships to credit professionals for continuing education, professional designations, and conference expenses.

To apply for scholarship funds, or for more information, contact Lourdes (Lou) Rice, NOF Scholarship Committee Chair, Pacific Metal Company at 503.454.1051 or [lrice@pacificmetal.com](mailto:lrice@pacificmetal.com).

The categories are as follows:

**CFDD National Conference, October 8-10, 2009, Denver, Colorado**

Three (3) \$500 scholarships.

**Deadline: August 31, 2009**

***Please Note: One scholarship funding per year per recipient for the above scholarships.***

### Certification Programs

To establish your file with NACM National; reimbursement of exams fees after a passing grade; recertifications (NOF pays for 50% of the fee)—\$2,000 total.

**College Courses or NACM/FCIB on-line courses** for professional accreditations. Reimbursement after submission of grade—\$2,000 total.

**NACM Oregon-sponsored Webinars** half and full-day seminars—\$1,000 total.



NACM Oregon

## How to Get Approval to Attend NACM Functions

In our current economic climate, getting approval to attend classes, breakfast meetings, conferences, industry group meetings may be more challenging for you now than it has been in the past. Here are four steps you can use to build a business case for attending our annual meeting:

1. **Write down** the three to five most important strategies or issues being addressed in your organization right now.
2. **Think about** how you personally contribute to those strategies. How is your work aligned with the larger organization's strategy or mission? Make a list of these "personal contributions to strategy."
3. **Look at** the proposed agenda for the meeting and mark the sessions you want to attend that relate to your list of personal contributions to strategy, and also make a note of speakers or other people at the meeting you would like to meet.
4. **Write a short** business case for how attending these sessions and meeting these people will help you contribute to the organization's strategy. Use this business case to make your request for attending the meeting.

For example, part of a business case might read as follows: "At



present, our organization is highly focused on cost savings. My personal contribution to this organizational strategy is to be responsible for finding ways to reduce sales costs. At the conference there is a session entitled, "Five Tips on How to Reduce Sales Costs," and an expert, Sarah Smith, will be running the session. I would like to attend Smith's session and also meet with her privately in order to get ideas about maximizing the cost savings we could receive from using technology in my area."

### **Preparing for the Meeting**

Once you get approval, you should prepare properly for the conference because you're going to need to demonstrate that you received the benefits that you promised to the person who's paying your way.

Here are some things you can do to prepare for the conference:

1. **Make a list** of people you'd like to meet at the conference and why

you want to meet them. Don't be shy about approaching presenters and other "luminaries." They are more accessible than you might think, especially if you make plans with them in advance.

2. About one to two weeks prior to the conference, **contact the people on your list**. Make a specific plan for a meal, coffee, or a time and place to get together.
3. One week prior to the meeting, **make a personal agenda for yourself** that includes the people you're meeting as well as which sessions you'll be attending. Be sure to include cell phone numbers or any other contact information you may need for any last-minute changes to your schedule.
4. When you're at the meeting, **try to stick to your schedule** as much as possible and take notes during the educational sessions and during your private conversations. However, leave some "white space"

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### Get Approval, *continued from page 13*

on your calendar in case you encounter new people at the meeting with whom you'd like to spend some time.

#### After the Meeting

1. Immediately following the conference (perhaps on the airplane ride home), **write or dictate a concise summary of what happened** at the conference and how you will use the information you received and contacts you made to further the strategies of your organization. It's important to write this one- or two-page summary quickly, while the information is fresh in your mind. Use the notes you took at the meeting to help you.
2. **Submit the summary to the person** who sponsored your attendance, thanking him or her for the opportunity. The purpose of this summary is to make your next conference request even easier than the first. Once your executives understand that you mean business when you attend a conference, they'll be more likely to quickly approve your participation.
3. If the knowledge you gained might also be useful to others in your organization, then you might **consider rewriting portions of your summary as a blog or Twitter post** that could be useful to your colleagues at work.

*Adapted and reprinted from Association Meetings / April 2009 edition.*

### 2009 Upcoming Events

#### Rosen Shingle Creek Orlando, Florida June 14-17, 2009

The National Credit Congress is an opportunity to meet and network with credit executives from across the nation.

This is the only exposition of this type, designed to meet the needs of business credit professionals nationwide. The National Credit Congress provides:

- invaluable educational sessions
- productive networking events
- practical products and services demonstrations

For more information go to <http://creditcongress.nacm.org/>

#### NACM Western Regional Conference October 14-16 Golden Nugget Hotel & Casino, Las Vegas

Be there for the 22nd Annual NACM Western Regional Credit Conference (WRCC).

The conference is designed for anyone who performs the business credit function at your company. For more information contact Jodi Owens at 510.346.6000 ext. 221 or [jowens@creditservices.org](mailto:jowens@creditservices.org).

### 2009 Education Schedule

#### May 22

Certification  
Roadmap  
Introduction  
11:30 a.m. - 1 p.m.  
NACM Oregon Classroom



#### July 23

Improving Collection Results  
8:30 a.m. - 12 p.m.  
NACM Oregon Classroom

#### August 20

International Business Day  
8:30 a.m. - 4 p.m.  
Vintage Plaza

#### September 22

Credit Management Boot Camp  
8:30 a.m. - 4 p.m.  
NACM Oregon Classroom

#### October 6

Getting Exceptional Collection Results  
8:30 a.m. - 4 p.m.  
NACM Oregon Classroom

To register contact, Claudia Sarinana, at 971.230.1184 or [csarinana@nacmoregon.org](mailto:csarinana@nacmoregon.org)



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## Business Credit Learning Center 2009 Webinars

**Time: 9 - 10 a.m. (Pacific Time)**

**Cost: \$79 (members); \$109 (nonmembers)**

### May 21

How Letters of Credit Work  
(Why They Sometimes Don't)

Instructor: Walter "Buddy" Baker, Consultant, Global Trade Risk Management Strategies

### May 28

Using the Washington Lien Law to Reduce Credit Risk

Instructor: William G. Fig, Sussman Shank LLP

### June 4

Export Risks and Risk Mitigation Techniques

Instructor: Walter "Buddy" Baker, Consultant, Global Trade Risk Management Strategies

### June 11

Dealing with the Fraudulent Customer

Instructor: Scott Blakeley, Blakeley & Blakeley LLP

### June 18

Using the Miller and Little Miller Acts to Reduce Credit Risk

Instructor: Laurie R. Hager, Attorney, Sussman Shank LLP

### June 25

Using Reclamation and 20-Day Administrative Priority Claims to Reduce Your Loss

Instructor: Bruce Nathan, Partner, Lowenstein Sandler PC

### July 9

Legal Aspects of the Collections Procession

Instructor: Brenda Terreault, NACM Oregon

### July 16

Impact on Exporters of Foreign Assets Control, Anti-Boycott, and Anti-Money Laundering Regulations

Instructor: Walter "Buddy" Baker, Consultant, Global Trade Risk Management Strategies

### July 23

Adding Insult to Injury: Bankruptcy Preference & Trade Creditor's Defenses

Instructor: Dorman Wood, CEW CCE, Dorman Wood Associates LLC

### August 6

I Have a Judgment, Now How Do I Get Paid?

Instructor: Brenda Terreault, NACM Oregon

### August 20

Getting Paid on Your Delinquent Accounts

Instructor: Scott Blakeley, Blakeley & Blakeley LLP

### September 3

ECOA Requirements for Trade Creditors

Instructor: Brenda Terreault, NACM Oregon

### October 1

Defamation: Avoiding Slander & Libel

Instructor: Jack Cooper

### October 15

Selling International on Open Account

Instructor: TBA

### October 29

Serving on Creditors' Committee: Current Issues

Instructor: Jonathan Friedland, Levenfeld Pearlstein LLC

### November 12

What Do Trade Creditors Need to Know About Antitrust?

Instructor: Jack Cooper



Webinars are offered through the BCLC website at [www.businesscreditlearningcenter.com](http://www.businesscreditlearningcenter.com). You will need to create a user profile before you can register for webinars. If you have any questions on any of the webinars, please call Elizabeth Heintz at 971.230.1120, or email [eheintz@nacmoregon.org](mailto:eheintz@nacmoregon.org).



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### Industry Credit Group Meetings

Date	Day	Group	Place
6	Wed	HVAC	Wilf's
8	Fri	Industrial Suppliers	Columbia Edgewater
12	Tue	Floor Covering Aggregate & Concrete Boise Construction	NACM Boardman Wilf's Varies
13	Wed	Wood Fabricators Trucking Legal Services	Wilf's Columbia Edgewater Varies
14	Thu	Eugene Construction	Waterfront Bar & Grill
15	Fri	International Trade Regional Sporting Goods & Apparel Construction & Logging Electrical Wholesale Distributors	Wilf's Wilf's Columbia Edgewater Columbia Edgewater
18	Mon	Building Materials	Hayden's Lakefront Grill
19	Tue	Plumbing & Waterworks Food Service & Supplies	Wilf's Wilf's
20	Wed	Contractors	Wilf's
21	Thu	Idaho Electrical Supplies Advertising Paper	Teleconference Wilf's Francis Xavier's
26	Tue	Regional Food Mfg. & Processors	Hayden's Lakefront Grill
27	Wed	Petroleum	Cascade Grill



To get more information about any of these groups or to attend a meeting as a guest, please contact Kathy Gibson at 971.230.1176 or Claudia Sarinana at 971.230.1184.



## CFDD Meetings

Salem/Albany  
May (No Meeting)  
Location: --  
Program: --  
Speaker: --

Coordinator:  
Theresa Quillard  
Air BP Aviation Services  
503.362.3633  
tquillard@airbpaviation.com

Eugene/Springfield  
May 13, 2009 | 5:30 p.m.  
Downtown Athletic Club Conference Center  
Program: Making 'Cents' of Credit Card Processing  
Speaker: Peter Anello, Eliot Management Group

Coordinator:  
Laurie Fuller  
Harvest House Publishers  
541.343.0123  
laurie.fuller@harvesthousepublishers.com

Portland  
May 14, 2009 | 5:30 p.m.  
Red Lion Convention Center, 6th Floor  
Program: Installation of Officers and Board of Directors and the Spring Auction

Coordinator:  
Marilyn Rea, CBF  
Pacific Architectural Wood Products  
503.284.0024 ext. 18  
marilynr@pacificwoodproducts.com

## Chapter Announces 2009 "VIV" Award

### The Vivian J. Barwell, CBF, CFDD Service Award

by Jeffrey L. O'Banion, CCE, CICP

In the summer of 2008, the CFDD Portland Chapter Board of Directors established an award that would honor the memory of longtime member, Vivian J. Barwell, CBF, by recognizing an individual for their outstanding service, dedication and loyalty to the CFDD Portland Chapter.

Vivian J. Barwell, CBF, was a longtime devoted member, leader, mentor, teacher, and unconditional friend to all those associated with the CFDD Portland Chapter. Vivian was credit manager for Darigold, Inc. (now Land O'Lakes) for many years and was CFDD Portland Chapter President in 1976-77. She was recognized with the Chapter's Distinguished Member Award in 1982, the CFDD National DMA in 1995, and was an Honorary Portland Chapter Member. Vivian was Chairman of the NACM Oregon Board of Directors in 1993-94. The "VIV" Award recognizes her many contributions and her lasting memory.

Two outstandingly professional ladies were the inaugural recipients of the 2009 "VIV" Award: Denise Dowless of Col-Tab and Charlene Gothard of Land O'Lakes/Purina Feed. Both of these members are extremely involved in the Portland Chapter "doings" and each of them is always there with a kind word, a helping hand, and a sharing of their resources to get the job done!



*Charlene (left) and Denise were each recognized at the April Chapter meeting and presented with a personalized plaque and gold "VIV" medal hanging from a blue/white neck ribbon along with a "VIV" lapel pin. Our congratulations to these very involved and dedicated individuals — both are invaluable assets to our CFDD Portland Chapter family.*





## A Temporary-to-Hire Strategy Provides Complete Hiring Confidence

Hiring a new employee can be expensive, but hiring someone who doesn't work out can be costly. You can learn a lot about a candidate by reading their resume, interviewing them at length, and even talking to their past employers; but until they are actually working for you, it's often difficult to assess an employee's job and cultural fit.

One hiring strategy many companies are choosing to utilize is a temporary-to-hire option. Colloquially known as the "test drive" or the "try before you buy" program, this alternative to direct hire allows the employer to bring on a potential candidate as a temporary employee for a pre-determined period of time. During this period, the employer is given the opportunity to observe the candidate at work and evaluate their style, skills, and personality. At the same time, the candidate will get a feel for the company culture and determine if the work environment suits their career objectives. If both parties mutually determine a beneficial compatibility, the candidate is hired on directly by the employer.

Employers traditionally have opted to go with a temporary-to-hire program for their difficult-to-fill positions, positions with a high turnover rate, or for projects that require a large number of new hires, but lately it has become a strategic staffing tool. In the current economic climate, many companies are adopting a cautious approach to hiring by bringing on temporary workers with a temporary-to-hire provision. When and if business improves, this strategy allows companies to quickly convert trained temporary personnel to their payroll.

Some employers will attempt to implement a temporary-to-hire strategy on their own, but staffing firms offer increased flexibility and cost-effectiveness through proven programs. Most staffing firms will not only recruit, pre-screen, interview and send you qualified candidates, but they will take care of all payroll and benefit expenses, workers' compensation, taxes, and other costs associated with hiring an employee. If by chance the temporary employee does not work out, some staffing firms offer a no-charge or free replacement guarantee.

A new employee is a considerable investment. Used effectively, a temporary-to-hire strategy is a cost-effective option that eliminates the guesswork companies normally experience with bringing on new employees and allows companies to hire with complete confidence.

*Article submitted by Employment Trends, part of the SOS Staffing Family of Companies*

# Hesitant to hire? Now you can be sure!



Thousands of our clients have experienced the value of working with temporary-to-hire employees. This unique strategy can take the guesswork out of your staffing strategy, providing both you and your prospective employee an opportunity to evaluate the job before making a long-term commitment.

If your staffing needs include short-term temporary positions, long-term strategic staffing solutions, or great candidates for direct hire, count on us to provide quality personnel ready to step in and make a contribution from day one.

Our roster of great candidates includes:

- Accounts Payable Experts
- Accounts Receivable Staff
- Bookkeepers
- Collections Representatives
- Credit & Collections Managers
- Financial Analysts
- Payroll Specialists
- Seasonal Tax Help
- Staff Accountants

Contact us to learn more about putting one of our qualified professionals to work for you!

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### Email, *continued from cover*

requirement of the employment agreement that any modifications be signed in writing.

Amazon.com also found itself in the midst of a similar dispute that was resolved by a Massachusetts court. Amazon and Basis Technology were engaged in litigation. An email from Basis Technology's counsel to Amazon set forth the terms of a settlement that the parties would "memorialize in a written agreement, to be signed by individuals authorized by each party...." Amazon's counsel responded in a one-word email: "Correct." Subsequently, a dispute arose regarding certainty of the terms, and the parties were unable to resolve their differences.

The Massachusetts trial court held that the email exchange constituted an unambiguous agreement on all material terms, and therefore, found a contract to exist. The parties' plan to "memorialize" the settlement terms in a written agreement was merely intended to record the terms of the agreed upon settlement, and not to create new terms.



*"Graduates, faculty, parents, creditors . . ."*

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### How to avoid an unintended email contract?

- Remember that emails, no matter how informal, are discoverable, producible, and potentially binding contracts.
- If you do not intend to create a contract by email, recite in the email that there is no intention to create a contract, except pursuant to a separate written agreement.
- Recognize that a plan to

"memorialize" an agreement is simply a recitation of what has already been agreed to by the parties.

Mary Wasik is a Partner at Levenfeld Pearlstein, LLC in Chicago, Illinois, and Vice Chair of the Corporate Practice Group. Mary can be reached at [mwasik@lplegal.com](mailto:mwasik@lplegal.com) or 312.476.7568.

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