

# TENNESSEE HomeBuilder

July/August 2009

*Official Magazine of the Home Builders Association of Tennessee*

WELCOME TO THE  
TENNESSEE  
HOUSE OF REPRESENTATIVES  
106TH GENERAL ASSEMBLY  
SPEAKER KENT WILLIAMS  
CARTER COUNTY, TN

*Review of First Session*

## 106<sup>TH</sup> GENERAL ASSEMBLY

**In this issue:**  
Meet Representative Curry Todd  
*District 95 – Part of Shelby County*



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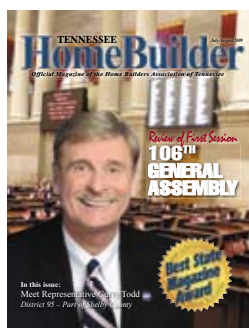
## WHO WE ARE

The Home Builders Association of Tennessee (HBAT) is a not-for-profit trade association comprised of professional builders, developers and associated firms engaged directly or indirectly in home building, remodeling and light commercial construction.

## MISSION STATEMENT

The Home Builders Association of Tennessee represents over 5,000 member firms as the Voice of the Housing Industry. We advocate housing affordability and availability through:

- Legislation
- Communication
- Education



*In this edition of the Tennessee Home Builder, meet Representative Curry Todd, and learn more about important builder news and legislative issues.*

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# GETTING OUR ECONOMY

## *Out of Intensive Care and Into Rehabilitation*

**T**hroughout Tennessee, we have seen our share of hard times. But overall, if you compare our situation with the rest of the country, we have been able to weather the current economic situation better than most. I am very sorry to hear that we have had builders and associates devastated by economic difficulties, and my attempt to have a positive outlook is not meant to trivialize the real problems within our industry. However, I do believe that there are indicators that point to better days, and below is information from the National Association of Home Builders (NAHB), Economic Department, that makes me believe we are recovering and may soon have this economy out of intensive care.

Naturally, the contraction in real gross domestic product (GDP) for the fourth quarter of 2008 now stands at an annualized rate of 6.3 percent, according to the “final” estimate released by the Commerce Department on March 26. This represents a major downshift from the third quarter of 0.5 percent and was the sharpest decline since the depths of the 1982 recession.

The housing production component of GDP (residential fixed investment) contracted at a 22.8 percent annual rate in the fourth quarter and knocked 0.8 of a percentage point from the overall GDP growth rate—quite a negative contribution from a component that now accounts for less than three percent of total GDP.

Consumer spending, which now accounts for 71 percent of the total, contracted at a 4.3 percent annual rate in the fourth quarter and registered a negative growth “contribution” of -3.0 percentage points—an extremely large drag from this part of the economy. Consumer spending

rarely goes negative. Consumer spending apparently stopped falling in the early part of this year, but serious weakness in other sectors of the economy apparently kept real GDP in free fall during the first quarter. We’re estimating -5.2 percent.

Residential fixed investment probably contracted at nearly a 40 percent pace—we’re looking for a major downshift in nonresidential fixed investment (structures as well as capital equipment and software)—and businesses undoubtedly cut inventory positions considerably in the first quarter. Spending by state and local governments inevitably lost ground as well. The rate of decline in real GDP should slow considerably in the second quarter—we’re estimating -2.0 percent—as the cutback in business inventories abates and the drag from housing lightens a bit.

We expect real GDP to stabilize around mid-year and to post modest (below-trend) growth in the second half of this year. The GDP recovery should gather momentum during 2010, with above-trend growth emerging by the second quarter. If this pattern materializes, a significant run of self-sustaining above-trend growth will be in store for 2011 and beyond.

### **Mortgage Rates**

There have been some concerns with the idea of rising mortgage rates. However, in early June, the Federal Reserve explained that this was an overreaction to inflation fears. With a lack of confidence in the private sector, individuals were flocking to government treasury bonds, driving them down to the 2 percent mark at one point. Now that there is growing confidence and a restoration in private

sector investments, interest rates are returning to normal. This confidence, for the most part, is believed to be a positive signal for our economy.

Many of the economic forecasts were predicting that the Federal Reserve would have some success in lowering long-term Treasury rates in coming quarters and the spread between the FRM rate and the 10-year treasury rate would narrow systematically over the short-term forecast horizon. NAHB had expected the prime conventional FRM to hover around 4.7 percent for much of this year. Only time, the Federal Reserve and consumer reaction to the current economic environment will be able to give as an accurate indicator of mortgage rates in the future.

### **Consumer Views of Home Buying Conditions Have Improved**

The University of Michigan regularly asks consumers whether they think it’s a good or bad time to buy a house. The proportion saying “good” has been around 70 percent in recent months, including March, well up from the cyclical lows posted back in 2006. The rebound in perceptions of home buying conditions has been driven primarily by lower house prices, but also by lower mortgage rates.

Weak assessments of general economic conditions obviously have been holding back prospective buyers who view house prices and interest rates as favorable. In March, none of the consumers who rated home buying conditions as “good” cited “good times” as a reason, while a significant number of those saying it was a bad time to buy a house listed “bad times ahead” as a factor.

—Continued on page 27



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# Celebrating *the Unsung Hero*

## Executive Officer Outlook

Susan Ritter  
HBAT Executive  
Vice President



**A**s an Executive Officer of a home builders' association, I believe we have the most incredible job in the world. Where else can you be a psychologist, teacher, preacher, plumber, janitor, referee, negotiator, spokesperson, doctor, author, photographer, CPA, lawyer, meeting planner, CEO, chauffeur, speech writer, lobbyist, editor, and more.....all before lunch.

Seriously, Association Management is a profession and your Executive Officer is a committed professional to the home building industry. And while our members are focused on their business, it is our job to focus on the industry and the association.

Executive Officers are not framers, electricians, roofers, builders or developers. Most of us don't know how to pull a permit, hang drywall or pour concrete. But our members do. They build neighborhoods,

communities and dreams. Therefore, I believe that makes Executive Officers guardians of the home building industry, in any type of economic condition. We have been tasked to make certain our members can continue to do what they do best – build homes.

There always seems to be new challenges, especially in these tough economic times - and amidst all the fires we find ourselves putting out, we sometimes forget to recognize those individuals who work behind the scenes for the betterment of the industry and our association. That's why the *Tennessee HomeBuilder Magazine* is highlighting a few of those individuals who spend countless hours promoting, improving and defending Tennessee homebuilding: the local association Executive Officer (EO).

## **Sherri Blakely— Ocoee Region Builders Association**



Sherri is originally from Louisville, Kentucky. She was involved in the Real Estate industry before becoming an Executive officer. She now has more than five years of EO experience and explains, "I enjoy the challenges I face every day at ORBA. Being a part of ORBA is like having an extended family, and I have enjoyed working with everyone over the past 5 years. Building a good relationship with your members is very important in maintaining a healthy association."

Sherry describes the most challenging area of her job as "...trying to express how important it is that businesses and builders support the building industry." When asked what type of attributes are

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**Sherri Blakely**

**Karen Blick**

**K. Gay Reeves-Stewart**

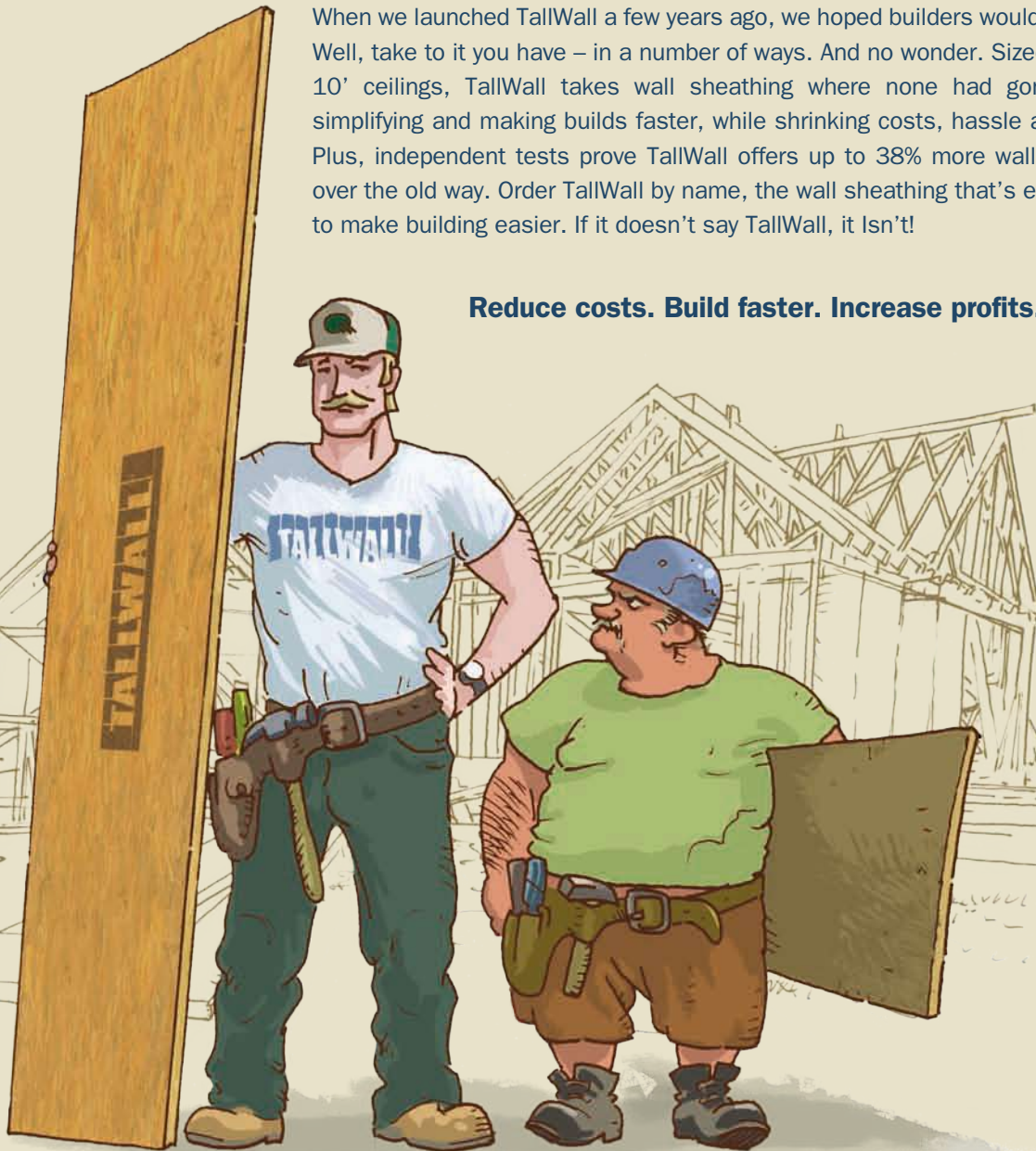
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# Session is Over—

*Words that many of us thought we might never hear this year!*



## *Legislative Review*

*Davis Lamb III,  
Chair—  
Government Affairs  
Committee*

**T**o say the First Session of the 106<sup>th</sup> General Assembly has been a challenge for all involved (legislators, HBAT Senior Officers, members, HBAT legislative staff and lobbyists) might be somewhat of an understatement. There were three main areas of legislation that the HBAT Board of Directors had charged us with advancing during the 106<sup>th</sup> General Assembly. The following is a report to our members on the progress of these legislative actions:

- **Review of Utility Management Review Board decisions (SB0660/HB1779).** As first conceived, this legislation would have given complainants before the Utility Management Review Board a secondary appeal process before the Tennessee Regulator Authority. As we worked with the sponsors and with the State Comptroller, who is responsible for the Utility Management Review Board, it was determined that a more effective way of addressing our concerns was to expand the power of the Board to give them the specific authority to respond to the complaints of our developers and builders. An additional part of the amended bill that HBAT supported is a change in the composition of the Board to include a consumer member, which may be an individual with experience in residential development, to be appointed by the governor. This legislation was signed by the Governor June 11.

- **Recovery of deficiency judgments after foreclosure (SB1589/HB2000).**

A number of our members have been faced with problems in the current economic climate with what was felt to be unsupported deficiency judgments by lenders on foreclosed properties. Tennessee currently has no authority in code that addresses this serious problem when it comes to establishing what is a fair market value when adjudicating a deficiency judgment after a foreclosure. We attempted to work with the lending industry to address this problem but were unable to reach what both parties felt was an equitable solution. Because of the complexity of the issues involved, members of both the Senate and House felt it would be best to address these concerns with all parties in a summer study committee. Your HBAT staff will be following the progress of this study committee throughout the remainder of this year and will be asking for member participation in providing pertinent information to the committee.

- **Exemptions from the Real Estate Broker License Act (SB1389/HB1553).**

This proposed legislation would have allowed employees of builders to represent the builder-owner of the property without being subject to the current real estate licensing provisions. After much discussion with all interested parties, including the leadership of both the Senate and House, it was determined that the leadership of both the HBAT and Tennessee

Association of Realtors would work during the summer and fall to address the concerns of both organizations involving the licensing requirements and how to address these concerns legislatively. We plan to have a number of meetings with TAR and then will propose changes to the legislation during the second session of this General Assembly.

*While these were the main directives from our Board, there were a number of other pieces of legislation in which we were actively involved.*

- **SB1081/HB0314. Authority of Department of Commerce & Insurance regarding scrap metal.**

This legislation would have made changes to the scrap metal bill that passed last year. The HBAT was deeply involved and supported the bill that passed last year and felt that the changes proposed in this current legislation would have weakened that bill and possibly had an adverse effect on current legal proceedings in Shelby County involving the Memphis Area HBA. We strongly opposed the legislation along with a coalition of other entities. And after conferring with the sponsors of the bill, consideration was deferred until 2010.

- **SB2300/HB2318. Known as the “Tennessee Clean Energy Future Act of 2009.”**

This was part of the Governor’s package of legislation that dealt with energy efficiency statewide.



HBAT Vice President/Treasurer Phil Chamberlain served on a Governor's Energy Taskforce that provided the basic input for this legislation. The key part of this legislation affecting our industry was the establishment of a limited statewide building code. Supported by our Board of Directors, this limited code would require the establishment of minimum codes in those areas that currently do not have any codes provisions in place. Under the bill the state would provide the inspection mechanism as is provided currently for electrical inspections by the office of the State Fire Marshal. As amended in its final form, a county, by action of 2/3 of the county commission, can opt out of these requirements. Not only from an energy efficiency perspective but also from a safety standpoint, this limited statewide code will provide the citizens of Tennessee with better housing. We will be working with the Department of Commerce & Insurance in the coming months as they have rulemaking hearings that will establish the rule regarding the implementation of this legislation. The bill passed both chambers of the General Assembly and was signed by the governor on June 25.

- **SB0632/HB1615. Jurisdiction of waters of the state.** After a multi-year fight regarding definitions of waters of the state and in particular what is the definition of "wet weather conveyance," this bill has passed both chambers and has been signed by the governor. A coalition of interested parties including the HBA has worked together with the Tennessee Department of Environment and Conservation to hopefully bring consistency and clarity across the state to help our builders and developers better understand their rights and responsibilities when it comes to TDEC regulations. Still to come are the important rulemaking hearings to be conducted by TDEC, as mandated by the legislation, that will define exactly the procedures for determining what is and what is not a stream or wet weather conveyance. The HBA staff will be working closely with the department and the Responsible Water Coalition to make sure these rules meet the intentions of the legislation. These rulemaking hearing will begin within 90 days after implementation of the bill.
- **SB2055/HB1899. Effective date change for Chapter 1041 of Public Acts of 2008.** The purpose of this legislation was to provide time for further consideration of the workers compensation legislation passed in 2008 dealing with the requirement for workers compensation coverage on sole-proprietorships and LLC partners. After a great deal of discussion among all the parties including the Department of Labor and Work Force Development, the insurance industry, the Department of Commerce & Insurance, the Workers Compensation Advisory Council and legislators, it was agreed that the Department of Commerce & Insurance would develop a new classification code that would provide some relief to sole proprietorship and LLC that could greatly reduce the impact of the legislation passed last year. There will be hearings later this summer to establish the criteria for usage of these classifications and your HBA staff will be actively involved.

As you can see, this was quite an active session and your HBA legislative staff were actively tracking 115 separate pieces of legislation in both the Senate and House on a weekly basis on our behalf. We have much work left to be done and I will continue to seek your direction and assistance when necessary on particular pieces of legislation. ❖

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**R**epresentative Curry Todd and his family reside in Collierville, Tennessee. Representative Todd has a history of being dedicated to public service. He served as a commissioned Police Officer with the Memphis Police Department, holding various positions during his law enforcement career. He retired from the Police Department with the rank of Lieutenant.

Prior to his retirement, he worked part time with his own business, and he accepted the Deputy Administrator position with Shelby County Division of Corrections. Today, he serves as a House Member for the 95<sup>th</sup> Legislative District in the Tennessee General Assembly.

## Facts, Accomplishments and Associations:

**Born:** Dec. 31, 1947 in Juno, Tennessee

**Family:** Married; one child

**Religious Affiliation:** Baptist

### Business/Political Related Information:

- Consultant
- Business Owner
- Retired Law Enforcement
- Member Tennessee Sports Hall of Fame
- Legislative Corrections and Criminal Justice study committees, 1981 to 1987
- Member, Corrections Oversight Committee
- Member Fiscal Review Committee
- Calendar & Rules Committee
- Tennessee Advisory Commission on Intergovernmental Relations
- Chair of State & Local Committee
- House Member of the 101<sup>st</sup> –106<sup>th</sup> Tennessee General Assembly



*The staff of the Tennessee HomeBuilder magazine presented the following questions to Representative Curry Todd:*

**Q:** *To allow our members to get to know you better, tell us what your interests are outside of the legislative arena. What do you do for fun?*

**A:** I enjoy golfing and fishing. Generally, I like outdoor activities, enjoying the beauty of our state.

**Q:** *Your information states that you are an inductee of the Tennessee Sports Hall of Fame. Can you tell us more about your athletic accomplishments?*

**A:** Yes, I received that distinction for basketball. I was an All-American from three different national organizations at Treadwell High School. I made All-Memphis four years in a row, and All-State. At one point I held the state record

for scoring, at 60 points, and received scholarship offers from 181 colleges across the country to play basketball. As many of you know, I ended up at the University of Memphis.

**Q:** *Over the past several years, home builders throughout Tennessee have dealt with the problem of metal theft. With your law enforcement background, what advice would you give our members in creating a more secure worksite?*

**A:** First and foremost, the laws need upgrading. Each person accused of metal theft should be photographed and fingerprinted, and pictures need to be taken of the material and identifying marks if available. The frequency of metal theft has steadily increased, and

my advice to home builders would be to secure a worksite as much as possible, keep meticulous records of everything on site, and stress to employees and subcontractors how important security is.

**Q:** *You have served in various roles ranging from police officer to state representative. How did you get involved in public service?*

**A:** In 1970, I became involved in the election of Memphis Mayor Wyeth Chandler. From there, I became interested in the local politics of the City Council and County Commission, and went on to get involved in state races. I was part of Governor Winfield Dunn's security detail in Memphis. I was appointed by Governor Lamar Alexander of Tennessee to



the Peace Officers Standards and Training Commission for six years to develop, plan, and implement uniform standards of employment, training and certification for police officers, and served in other various appointed roles. I lobbied in Nashville for 12 years for various police organizations, and eventually ran for office. Next year will be my twelfth year of service in the General Assembly.

**Q:** *What would you consider to be your proudest accomplishments during your time in the legislature?*

**A:** I have worked hard over the years on crime legislation, particularly ensuring tougher sentencing laws. I also passed the first state pyrotechnics bill that aimed to make fireworks safer, which rewrote the codes and implemented legitimate penalties with regards to pyrotechnics at events and concerts. In the 105<sup>th</sup> General Assembly, I carried a bill that created the Tennessee Athletic Commission and legitimized mixed martial arts. And although it was one of the controversial pieces of legislation this year, I am proud that we expanded the Second Amendment rights of law-abiding citizens to carry a firearm into restaurants.

**Q:** *You have served in the House for over 6 terms, served on many committees and now are Chair of the State and Local Government Committee. What are some of your most memorable experiences of that service? What have been most influential to you?*

**A:** I have served on Government Operations, Commerce Committee, Fiscal Review, TACIR, Open Government Committee, and State

and Local Government. I believe that State and Local Government has had the biggest impact on me—I have served on it for twelve years now—and I was honored to Chair the committee this year. Because of my background in local politics and law enforcement, I have enjoyed serving on that committee.

**Q:** *New construction loans are increasingly becoming difficult to attain for Tennessee home builders. Since it was American tax dollars that bailed-out many of these financial institutions from economic ruin, what would you say to lenders in our current economy?*

**A:** The home building industry is one of the largest employers in the state of Tennessee, so I believe that money should be available to them to build homes. Without the home building industry, I believe Tennessee's already suffering economy would come to a grinding halt and would put thousands of contractors, subcontractors, and their employees out of a job. This state has thousands of stable home builders who should be given priority, and whose interest rates should be kept low so as to lower the cost of homes. Home building is directly tied to our economy and the unemployment rate, and if home builders are doing well, so is the economy.

**Q:** *As Chairman of the State and Local Government Committee, a number of bills that impact the home building industry come before you. With the housing market what it is today, what are your thoughts on the influence that government has on rising home costs and other barriers to homeowner—*

*—Continued on page 19*

## Representative Curry Todd's Home Town— Collierville, Tennessee

A rich sense of history surrounds and influences Collierville, the second oldest town in Shelby County. In the 1830's, the settlement was located on Poplar Pike (then State Line Road) and was once part of Tennessee and Mississippi due to a surveyor's error that was corrected in 1838. In 1836, Collierville received its name because Jesse R. Collier, laid out a tract of land into lots, bought space in the Memphis Enquirer, and advertised "The Town of Collier for Sale." The town was first incorporated in 1850 (east of its present site) with Richard Ramsey being the first mayor.



"Sherman's March to the Sea" caused an end to Collierville's first town. On Sunday morning October 11, 1863 Union General William T. Sherman and his

Union soldiers defended the train depot from the Confederates. The Union and Confederate soldiers fought one of the bloodiest battles in Shelby County in Collierville. The town was burned to the ground with only a few buildings surviving.



Today, Collierville is the location for the FedEx World Technology Headquarters, located on the western edge of Collierville on the intersection of Bailey Station and Winchester.

Collierville was recently chosen as one of Relocate-America's Top 100 Places to Live in 2008.

## Keeping Mold Under Control

If you ever field phone calls from homeowners who say they suspect mold in their homes, you have no choice but to confirm their suspicions. Sight unseen, undoubtedly, their homes have mold. Before panic sets in, realize that *every* house has mold. Not every house, however, has a mold *problem*.

Mold exists everywhere around us—both indoors and outdoors. It's unavoidable. HVAC units, pets, and pocketbooks, to name a few, all collect and carry mold spores. With the right combination of environmental conditions, like humidity, warmth, and a food source, however, mold spores can become a rampant mold *problem*.

Before you begin construction on a home, you have a host of risk management tools at your fingertips to aid homeowners in keeping mold from becoming a mold problem.

### Common Culprits

Just as mold can be found both inside and outside, mold problems can be traced back, in some cases, to preventable quality control issues with contractors working both inside and outside of the home. Within the home, mold issues in kitchens and bathrooms can lead to finger pointing over improperly grouted tile, poor sealants, or inadequately installed backerboard, to name a few. Outside the home, windows, flashing, siding, home wrap, and weep holes are some of the prime candidates for causing future mold growth, if quality control fell short. Furthermore, homeowners' habits may be to blame.

### Preventative Measures

A solidly built home, crafted by contractors who build their businesses on strong risk management foundations and maintained by an educated homeowner, stands a great chance never to encounter ever-present mold spores escalating into a mold problem.

**Material selection.** Minimize the opportunity for mold growth by selecting products that decrease the chance of water intrusion. As examples, choose a fiberglass shower unit instead of tile in your entry-level homes, or use new spray foam insulation technology that resists mold and moisture.

**Risk transfer techniques.** Contact your insurance agent to help you understand your insurance coverages, and take advantage of all the resources provided to you by your insurance company. Begin with a consultation with your Builders Mutual risk manager to help your business adopt preventative risk management solutions. You will review quality control strategies such as subcontractor agreements that put quality control standards in writing.

**Homeowner education.** Build reference books for your customers. Long time homeowners and first time buyers, alike, need

a wealth of information at their fingertips that you can easily provide for them. Your homeowner manual should package together everything from the homeowner warranty, manufacturers' warranties and owners' manuals, details of paint colors and finishes, and even home maintenance tips (such as inhibiting mold growth).

Perhaps most important, provide your phone number. You always want the homeowner to first notify you of any issues that arise so you have control over the solution, whether you correct the problem directly or you manage a subcontractor's return visit. The best outcome for both you and the homeowner is to manage the risk of mold and prevent any problematic mold growth from the start.

Perhaps Benjamin Franklin came up one item short when describing life's certainties, death and taxes. Mold inevitably exists around us. With the right combination of preventative measures, however, you can help homeowners keep mold from becoming a mold *problem*. ♦

### Builders Mutual Names John Boggs President & CEO



Raleigh, N.C. | 8 June 2009 | Builders Mutual Insurance Company is pleased to announce that John Boggs has been named President and CEO. Boggs is the successor to John Q. Beard who announced his retirement earlier in the year.

"Replacing the excellent leadership provided by John Beard is a formidable task, but we are quite fortunate to have the internal management talent such

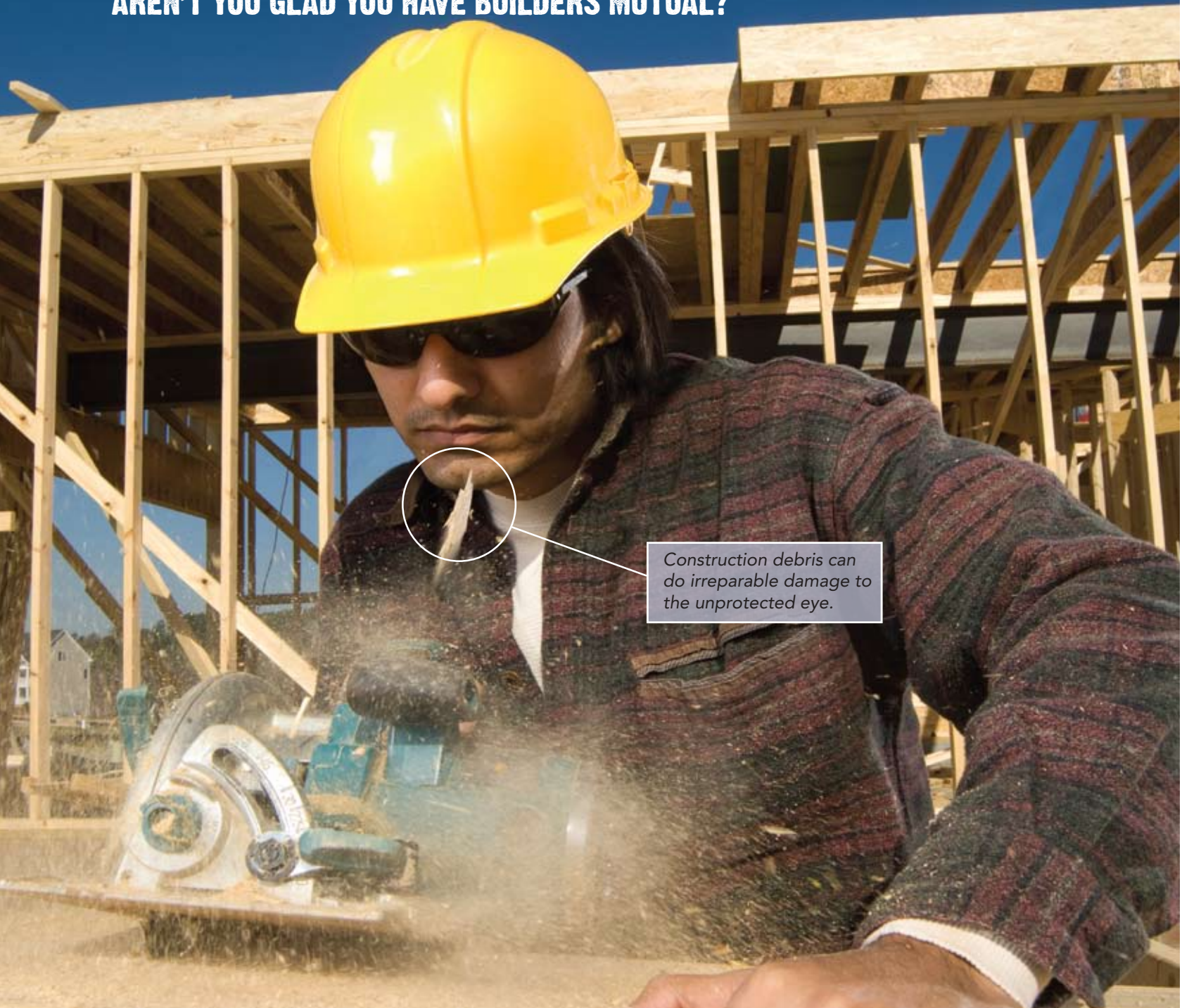
that our company will continue on sound and steady direction with John Boggs," stated Rick Judson, Chairman of the Board of Directors. "His overall grasp of the business, sensitivity to policyholders needs and awareness of the unique family culture at Builders Mutual will serve to make him a success."

For the last five years, Boggs served as Vice President and Chief Financial Officer with Builders Mutual and has more than 30 years of experience in accounting and the insurance industry. Prior to joining Builders Mutual, Boggs served as a Senior Consultant with Dean Consulting, Inc., a consulting firm that specializes in the insurance industry, Executive Vice President and Chief Financial Officer for London Pacific Life and Annuity Company, Vice President of Agency Compensation, Premium Services and Annuity Administration at American General Life Insurance Company, Controller and Vice President of Agency Services for Sun Insurance Services, Inc., and Assistant and

—Continued on page 19



# AT A MOMENT LIKE THIS, AREN'T YOU GLAD YOU HAVE BUILDERS MUTUAL?



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National News

## NEW ENERGY POLICY



# H.R. 2998 Is Not the Answer to A Secure Energy Future

June 29, 2009 | American home buyers deserve a more equitable solution than the American Clean Energy and Security Act as Congress moves to cut our nation's energy use, says the National Association of Home Builders (NAHB).

"The hard truth is that we can't build our way out of this problem," said NAHB Chairman Joe Robson, a builder and developer in Tulsa, Okla. "We need to make sure our utilities more efficiently generate and transmit power. We need to make our existing housing stock more energy efficient. We need to reduce our 'plug load' – home appliances, televisions and computers – and make these products more energy efficient. This bill's focus on new home construction won't get us very far at all."

The House of Representatives on June 26 passed H.R. 2998, sweeping legislation that requires new homes to be built

30 percent more energy efficiently than mandated in the 2006 International Energy Conservation Code. That number increases to 50 percent by 2014 and then increases 5 percent every three years.

"That's simply too far, too fast," Robson said. "The market is not geared up to supply the necessary materials and equipment, and that's going to drive up costs. The result will be fewer working-class families in these new energy-efficient homes. They'll be relegated to older, less efficient housing stock and face ever higher utility bills."

According to the U.S. Department of Energy, homes are responsible for about 21 percent of the energy consumed each year. "Forcing more regulation on a fraction of those homes just won't move the needle," Robson said.

Nor does H.R. 2998 do much to address the more than 94 million homes built be-

fore 1991, when energy efficiency codes became the norm. The bill misses the mark because older, inefficient homes are the source of the vast majority of energy loss associated with buildings.

However, home builders and remodelers can and do play an important part in helping to reduce the nation's energy dependence, Robson pointed out. "The NAHB National Green Building Program is educating our builders and their customers and providing stringent, third-party certification for all green homes," he said. "Our members are eager to go green because that's what their customers want, and building in energy efficiency is a very important part of sustainable construction."

Robson called on Congress to create more balance in the final legislation by taking a page from solutions that already have reaped great benefits – such as this



year's tax breaks for energy-efficient appliances, window and insulation purchases that can spur home owners to make needed changes to their homes. A more reasonable goal, such as a 30 percent increase in residential energy efficiency by 2012, a resolution unanimously passed by the NAHB Board of Directors, makes more sense, he said.

"This isn't about making it easier on builders. It's about coming up with a solution that makes sense and takes a balanced approach—not one that looks only to new buildings for energy reductions," Robson said. "We are at a particularly fragile point in our economic recovery, and saddling home buyers with additional costs makes it even more difficult to get a mortgage when credit is already tight.

"Let's look at ways to recover the energy lost in utility transmission. Let's incentivize innovation in renewable energy. Not only can we not afford such drastic change to new home construction, but more importantly, we cannot afford to wait for new homes to solve this problem," Robson said. ❖

## Builders Mutual®

*Continued from page 16—*

Associate Controller for Financial Reporting at Integon Life Insurance Company.

Headquartered in Raleigh, Builders Mutual is one of the Southeast's leading writers of commercial insurance for the residential and commercial construction industries and is rated A ("Excellent") by A.M. Best Company. Since its inception, Builders Mutual has broadened its territory beyond North Carolina to include the District of Columbia, Georgia, Maryland, Mississippi, South Carolina, Tennessee and Virginia. The company provides coverage to more than 14,000 policyholders through more than 3,000 sales agents and employs more than 160 staff at its Raleigh headquarters. ❖



Contact: Jodi Vedelli  
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jvedelli@bmico.com

## Meet Representative Curry Todd

*Continued from page 15—*



Jerry Lee Lewis

Representative Curry Todd

*ship due to increased requirement, higher fees, and other regulatory burdens?*

**A:** I recognize that every time government raises a fee or a tax—whether it is on licensing, materials, anything—that it places an undue burden on both homebuilders and homeowners. In this fledgling economy, government should not be working against Tennesseans who are responsibly trying to build or purchase a home, but instead decreasing that burden. Homebuilding is literally one of the economic foundations for this state. We shouldn't hinder it.

**Q:** *How important is the home building industry when it comes to the future economic recovery of Tennessee?*

**A:** As I said before, I believe that homebuilding is literally the foundation upon which the economy

in Tennessee sits. We saw proof of this as the economy began to spiral downward—one of the first things mentioned was a dip in homebuilding and purchasing. If Tennessee maintains a strong home building industry, I believe that could be key to weathering this economic slump.

**Q:** **Do you have any final thoughts for the members of our association?**

**A:** I want to thank you for your hard work and dedication to your craft. Tennessee's home builders are a shining example of perseverance and hard work. Your contributions are important to Tennessee's economy, and indeed have been one that, even though times are tough, you continue to manage and weather the storm. If there is ever anything I can do to assist you in any manner, do not hesitate to contact me. ❖





Alliance Creates Clarity for—

# Tennessee Water Quality Standards

*An unprecedented alliance of business, agriculture, and elected officials ....*

**T**he Tennessee General Assembly has approved landmark legislation that will reform the clarity and consistency of Tennessee's water quality standards.

The Responsible Water Coalition—an unprecedented alliance of business, agriculture, and elected officials, organized and led by Waller Lansden's Regulatory Affairs practice—worked with legislators, regulators, and the environmental community for two years to pass the legislation. The amended bill that ultimately passed the Legislature, SB 0632/ HB 1615, was the result of extensive negotiations between the water coalition, the Tennessee Chamber of Commerce and Industry, the Tennessee Department of Environment and Conservation (TDEC) and top lawmakers.

The legislation, sponsored by Sen. Steve Southerland, R-Morristown, and Rep. Joe McCord, R-Maryville, received overwhelming final approval on June 1 from the Tennessee House, 72-22, following a 26-3 approval by the state Senate two weeks earlier. The bill was signed into law by Governor Bredesen on June 24.

## **According to the reforms:**

The Tennessee Code will, for the first time, clearly define the difference between streams and wet weather conveyances, and the regulatory standards that apply to each.

While the regulatory standards applied to streams do not change, the bill requires, for the first time, that a stream, by definition, contain water flowing through a watercourse. Regulators cannot find streams in sheet flow off a hillside, water moving through ditches or in standing pools of water.

Property owners working in wet weather conveyances—that is, all water that is not a stream—will find, for the first time, the standards applicable to their projects inside the Tennessee Code.

All Tennesseans will have the opportunity to participate in a public rule-making meeting before the Tennessee Water Quality Board to further clarify the distinction between streams and wet weather conveyances.

TDEC will issue guidance documents to the public, telling the public and regulated community how the new water quality standards will be enforced and establishing training and qualification standards for its enforcement staff.

The role of science—hydrology, biology, and the expertise of professionals—will play a new and heightened role in shaping wet weather and stream determination, by incentives to property owners to retain state-certified hydrologic professionals to ensure the regulatory status of waters on their property.

“Lawmakers did all this without changing the jurisdiction of state government over its waters, which ultimately brought responsible environmental interests aboard in helping to develop and pass the reforms,” said Waller Lansden partner Tom Lee who led the coalition's efforts. “The regulated community always has said it can adapt to nearly any fair standard, so long as the standard is clear and consistently applied. This legislation accomplishes that.”

Individual interests had tried for years to reform Tennessee's water quality enforcement. The Responsible Water Coalition united groups as diverse as bankers, homebuilders, road builders, farmers, and business owners to coordinate their messages, compile documentation and case studies, and communicate with lawmakers concisely and effectively.

“These reforms are deserving on their own merit,” Lee said. “As a government relations strategy, however, the Responsible Water Coalition was necessary to make the reforms real. When representatives of the state's business, construction, and agricultural community worked together and engaged regulators and the environmental community responsibly, legislators understood the concerns we were raising were genuine and deserving of attention.” ☞



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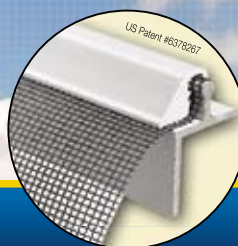
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# IN THEIR OWN WORDS

**Throughout the year, the legislative staff of the Home Builders Association of Tennessee tries to provide legislative perspectives that are of significant interest to the more than 5,000 members of the association. In this issue, we asked Representative Kevin Brooks and Senator Reginald Tate to address the following question:**

*What do you see as the most significant piece of legislation coming out of this 1st Session of the 106th General Assembly affecting small businesses and in particular the homebuilding industry?*

## SENATOR REGINALD TATE

(D - Memphis)



**T**he biggest thing we did for small business, in my estimation, was opening the way for Volkswagen and Hemlock Semiconductor to come to Tennessee and bring hundreds of well-paid jobs with them.

How does bringing in big companies help small, hometown businesses?

It's very simple: When people go back to work and begin drawing a good paycheck, they spend those dollars with local businesses. In each community where a big industry puts local citizens back to work, the small-business engine begins to run again.

For homebuilders, attracting strong companies to Tennessee is key. With a stable paycheck, families can once again reach for the American dream of home ownership.

*Senator Reginald Tate serves as the Senator for District 33 - Part of Shelby County. He also serves as vice chairman of the Education Committee and is a member of the Commerce, Labor and Agriculture Committee, Fiscal Review Committee, Select Oversight Committee on Business Taxes, Cover Tennessee Advisory Committee and the Tennessee Education Lottery Corporation. He has been appointed to serve as vice chairman of the Health Disparities Commission. He is the father of four and a member of Mississippi Boulevard Christian Church, which was the first African-American congregation in Memphis to belong to the Brotherhood of Christian Churches (Disciples of Christ).*

## REPRESENTATIVE KEVIN BROOKS

(R - Cleveland)



**S**mall business is critical to our state and to the current state of our economy. This session my most direct involvement with small business legislation was passing HB 0867 in the House and Senate. HB 0867 was supported strongly by NFIB members and the business community. It was worked on by

multiple parties including TN Engineers, TML and sign business owners to get the bill into the posture to pass both chambers."

HB0867 is good legislation—it's good for business and it's good for jobs in Tennessee." HB 0867 exempts small and mid-sized signs from requiring an engineer's stamp. It adopts proven Davidson County standards that are similar in scope to other TN metropolitan areas but that do not exist in some of our rural areas. Testimony from sign experts like Bobby Joslin with Joslin Signs in Nashville show no safety issues have occurred the last 10 years under the Davidson County standards. This bill applies to every type of business or workplace—such as home sites, subdivision entrances and new development signage. This bill will actually protect folks in rural communities from improperly erected large signs or signs of a lesser size that are deemed unsafe by the local inspector.

This legislation is helpful in that some state and county officials have been seeking to require an engineer's seal on every sign, no matter the size. This would have cost between \$300 and \$800 per sign, in many cases more than the cost of the sign itself. The legislation does give discretion to local government building officials who can regulate if safety appears to be an issue."

*Rep. Kevin Brooks serves the 24th Legislative District in Cleveland, TN and Bradley County. He and his wife Kim are actively involved in the community and local public schools with their two children, Zach at Cleveland High and Elizabeth at Cleveland Middle.*





# Use the new tax credit to help spur home sales.

First-time home buyers who buy between Jan. 1 and Nov. 30, 2009, may qualify for up to an \$8,000 tax credit — and even better, unlike last year's credit, they don't have to pay it back.

Find the resources you need to get the word out to consumers and your sales team at:

**[www.nahb.org/taxcreditmaterials](http://www.nahb.org/taxcreditmaterials)**

Learn more about the credit at:

**[www.FederalHousingTaxCredit.com](http://www.FederalHousingTaxCredit.com)**



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# NEW PRODUCT REVIEW

Market Your Homes with Better Technology

Tools such as levels, straight edges, hammers, axes and surveyors' transoms have been around for centuries. Although electricity has made many tools more powerful and easier to use, their basic purposes remain the same. Recent innovations and technological advances have enabled builders to construct homes with more efficiency, safety and precision than ever before. Let's take a look at some of the new technologies available to today's builder:

## Rigid Fiber-Cement Saw



Fiber cement is a wonderful exterior product, but cutting it with a circular saw

can kick up a lot of dust. This 5-inch fiber-cement saw aims to clear the air. The product is equipped with an AIRGUARD system that collects up to 90 percent of the dust during cutting, resulting in a cleaner jobsite and cleaner air. It features 8 amps, weighs 7.4 pounds, and has a bevel that tilts up to 45 degrees.

[www.rigid.com](http://www.rigid.com)

## Diablo Hand-Held Mixers

Tile contractors spend a lot of time standing over a 5-gallon bucket mixing various setting materials, and most just use a 1/2-inch drill for the job. That's not an ideal approach, because the tool isn't purpose-built for the application. Always on the lookout for something better, we found the right tools for the job in



the new Diablo DM800E and DM1602E hand-held mixers. There's a big difference between using these machines and a standard drill, because they have features designed specifically for mixing needs. Both come with a 1/2-inch chuck for any hexagonal-shank paddles and an M14 threaded metric adapter to fit European-style paddles.

[www.diablotools.com](http://www.diablotools.com)  
800-334-4107

## NailOut Pneumatic Nail Lifter

The NailOut is an air-powered cat's-paw designed to work just like a manual cat's-paw but without the hammer swing.



Essentially, this tool is an adaptation of a pneumatic tool called a scaler that's used in the metal fabrication industry. A scaler's simple reciprocating action—or stroke—is similar to an air chisel's except that its square-shank bit stays in a fixed position relative to the inline handle and does not rotate in use. Since the NailOut has a scaler's body, you can buy chiseling and scraping bits other than those supplied with the tool to make it do double duty.

[www.nailout.com](http://www.nailout.com)  
866-682-3626

## Festool Router Wins 1<sup>st</sup> Place (OF2200EB+)



Festool was the recent winner of a TOOLS ONLINE router competition. They classified it as a great example of what can be accomplished when a company sets out to make the

very best and money is no object. The smoothest, strongest, most user-friendly router in the bunch; also by far the most expensive.

**Performance:** Superb adjusting, plunging, locking, and cutting capacity.

**Ergonomics:** A heavy tool. The comfortable handles have a trigger and a plunge-lock knob that keep both hands on the tool. And the handles are skewed on the base to allow a more natural stance when used with a fence.

**Features:** Has a positive depth-stop lock, an electric brake, and the only two-column plunge lock.

**Accessories:** Base insert, bottom-mounted dust-collection cup, and sturdy wrench in a stackable case.

*All above referenced products found by visiting: [www.toolsofthetrade.net](http://www.toolsofthetrade.net)*

[www.festoolusa.com](http://www.festoolusa.com)  
888-337-8600

## Did you know?

- Hammurabi, circa 2200–1800 B.C.E., prescribed the execution of any builder whose faulty construction of a house caused the death of its owner?
- The first known formal U.S. building code was written in 1788 in Old Salem—now Winston-Salem, North Carolina, entirely in German.
- In 1865, New Orleans became the first city to enact a law requiring inspections of public places.
- Virginia law forbids bathtubs in the house; tubs must be kept in the yard. (That is a very curious code.)

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# Local, State, and National HAPPENINGS

## The HBA of the Upper Cumberland Supports Education

The Home Builders Association of the Upper Cumberland (HBAUC) believes in the importance of supporting the education of youth throughout the region. HBAUC, a local trade association formed 37 years ago, represents home builders, sub-contractors, and suppliers through an eleven county region. A few years ago, Danny Lee (Cookeville Kitchen Sales) began an awards tradition with Cookeville High School. In addition they sponsor the May HBA meeting each year which is hosted by Cookeville High School's Building Trades Department. This year, HBAUC decided to support Lee's efforts and added three more high schools to the recognition.



*Carpentry Photo: Presenting plaques and Craftsman Tool Kits to the selected students are Darrell Jennings (far left), 2009 HBAUC President and Danny Lee (far right), Cookeville Kitchen Sales and 2009 HBAUC Associate Vice-President. Students recognized include (l to r) Jacob Herron, Upperman High; Cory Henderson, Monterey High; Christian Smith, Cookeville High, and Reed Zile, White County High School.*



*Electrical Photo: Lee Williams of Williams Wholesale Supply presented a Klein Tool Kit to Thomas Gaw, who represented Cookeville High School in the state electrical competition at SKILLS USA.*



*Teachers Photo: Presenting an annual donation to the trades department is Darrell Jennings, 2009 HBAUC President - Pictured left to right is Jason Holcomb, Upperman High; Jennings; Randy Mansell, Cookeville High; and David Vidrine, White County High School. (not available for photo, Randy Richards, Monterey High)*

## Al Bintz Honored by NAHB



*Al Bintz, right, shown with James Carbine, left, at the 2008 Fall Meeting receiving the Associate of the Year Award*

A member of the HBA of Greater Knoxville has bragging rights to a brand new award from the National Association of Home Builders. Al Bintz has been awarded the "Spike Hero Ribbon in Commendation for Rapid Recruitment."

This prestigious ribbon denotes outstanding commitment to membership during a difficult market, and Al's rapid accrual of Spike credits has been recognized by NAHB's Membership Committee and Board of Directors. We applaud Al's incredible networking talents and ability to attract new members.

## Builders Mutual Names Michael A. Gerber Senior VP and CMO



Builders Mutual Insurance Company is pleased to announce that Michael A. Gerber was promoted to Senior Vice President and Chief Marketing Officer.



## Getting Our Economy Out of Intensive Care and Into Rehabilitation continued—

In previous cycles, home sales ordinarily started up before employment and consumer confidence rose, generally because low mortgage rates and enhanced affordability encouraged some pent-up demand to come onto the market early in the game. That dynamic hopefully is coming into play at this time, supplemented by the appeal of the temporary \$8,000 tax credit for first-time buyers.

### Home Sales May Have Stabilized

Sales of both new and existing homes perked up a bit in February from their respective record lows. Furthermore, more-timely survey measures produced by NAHB suggest that the demand for new homes is firming up on a seasonally adjusted basis.

NAHB's proprietary survey of large public and private single-family builders, accounting for roughly one-fourth of the national for-sale market, suggests that seasonally adjusted gross sales (new orders) flattened out in the first quarter and that net sales for the first quarter were somewhat above the fourth-quarter pace.

Furthermore, a strong downtrend in cancellations has produced some recent improvements in cancellation rates, measured relative to current gross sales or to the backlog of signed sales contracts in the hands of builders.

NAHB's broad-based single-family Housing Market Index (HMI), based on monthly surveys of about 400 companies of all sizes, had been mired in a record-low and narrow range from last November through March of this year.

However, the HMI moved from 9 to 14 in April and improvements were registered for all three components (current sales, buyer traffic and sales expectations) and in all four regions of the country. While one month certainly doesn't make a trend, the signals provided by the April HMI definitely are welcome.

### The Recovery in Housing Production Is Coming into View

The recent data on home buyer demand described above have bolstered our view that new-home sales bottomed out in the first quarter. Our short-term sales forecast

depicts a gradual recovery process that begins in the second quarter and gathers momentum through 2010.

Data on housing starts and building permits through March have bolstered our view that total and single-family housing starts will bottom out in the second quarter of this year, although the multifamily sector is not likely to stabilize until the end of the year.

We expect both single-family and multifamily starts to gain ground during 2010, although constraints on housing production credit will undoubtedly limit the gains—particularly in the multifamily sector.

### The Early Stages of Economic and Housing Recovery Will Be Relatively Gradual

Under ordinary conditions, the economy would be expected to rebound at a quick pace as major cyclical drags lift and forceful policy actions give a strong push forward.

However, the coming economic expansion figures to be less robust than usual, due to two structural "headwinds"—tighter credit conditions with less financial leveraging in national and global systems; and less aggressive consumer spending as heavily damaged household net worth and reduced prospects for capital gains encourage more saving out of current income.

Both of these headwinds blowing now, won't subside for some time and will inevitably hold back the housing recovery. Credit conditions for both home buyers and housing producers will be much tougher than during the unsustainable boom period earlier this decade.

Furthermore, the recent wrenching experience with falling home prices and widespread foreclosures is bound to keep some downward pressure on the homeownership rate and to encourage consumers to put less of their resources into housing—unless housing policy enhancements work against these forces.

*Note: Information in this article was provided by the National Association of Home Builders. ❖*

## Local, State, and National HAPPENINGS

### Gerber continued—

Gerber has more than 20 years of marketing, sales and insurance experience. He joined BMIC in 1998 as Director of Sales and Agency Relations and was a core member of the product expansion team, which included spearheading the internal and external launch of the Company's new lines of business. Additionally, Gerber participated in directing the Company's expansion into four additional states and is responsible for establishing and maintaining corresponding strategic association partnerships. Previously, Gerber held the position of Vice President and Chief Marketing Officer.

### Announcement from Clarksville/Montgomery HBA

On September 3<sup>rd</sup> the Clarksville Montgomery County HBA will be holding a GOLF Tournament at the Swan Lake Golf Course. The registration deadline is August 14, 2009.

For more information visit our website at [www.clarksvillehba.org](http://www.clarksvillehba.org) or call 931-503-1194.



# Celebrating *the Unsung Hero*

Executive Officer Outlook  
Susan Ritter, HBAT EVP

*Continued from page 10—*

needed to be successful, she said, “You must have an outgoing personality, be a hard worker, and be a self motivator. It is also important to stay up to date on everything that affects the building industry.”

**Karen Blick—  
Clarksville/Montgomery County HBA**



Karen was born in Ft. Benning Georgia, but has lived in Clarksville, Tennessee since the age of three. She became involved with the association during a golf tournament in 2001 and has been the Executive Officer for eight years. Karen sees her biggest challenge as working to maintain affordable housing. “We strive to work proactively to keep the cost of new construction down.” She says the most rewarding areas of her job are the friendships she has developed and “helping builders and associates work together to make Clarksville a better place to live.”

Karen points out that, “I am blessed to have the opportunity to serve as EO for the Clarksville/Montgomery HBA. This job has been so rewarding for me throughout the past 8 years. I have gained so much knowledge and respect for the industry.”

**K. Gay Reeves-Stewart—  
Cumberland County HBA**



Gay was born in Detroit, Michigan. She lived in Sterling Heights Michigan until 1968, and then moved with her family to Knoxville, Tennessee. Gay has been an EO for six months and believes that the keys to success are “...hard work, working smart and having determination. It takes a genuine, positive attitude and attention to detail, being organized, creative and also having a good memory.”

Gay believes the most rewarding part of her job is having “the opportunity to educate the building community and public on the importance of being informed on legislative issues which affect home ownership affordability.”

**Pam Ealey –  
HBA of the Upper Cumberland**



Pam Ealey is originally from Oak Ridge, Tennessee. She is a part-time EO and full-time Director of the Putnam County Habitat for Humanity. She served as secretary of her local association in the early 90’s and

has been the EO now for six years. Pam says the most rewarding part of her job is seeing members learning to work with each other while experiencing the success and growth that a local association can provide. She says that it is sometimes a real challenge to get members to understand the importance of involvement at the state and national levels of the association.

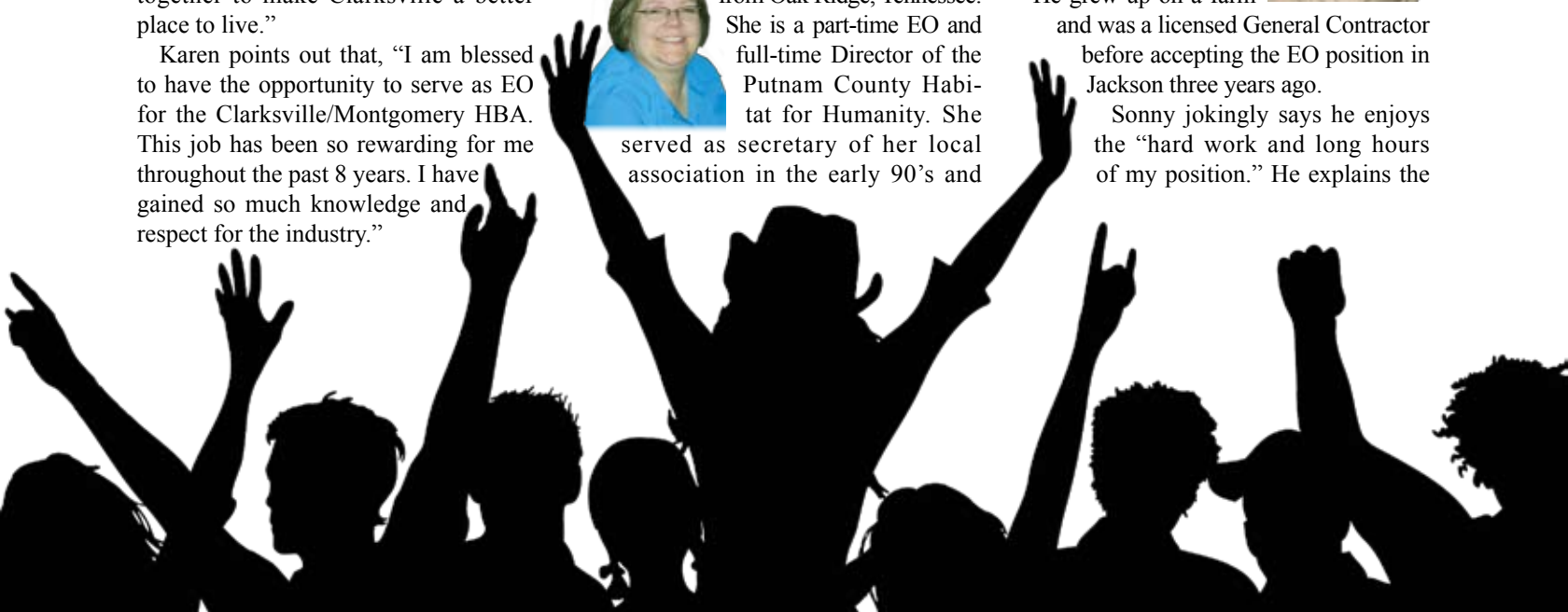
Pam says that a successful EO has to really “...enjoy people, be a quick learner and have the skills to work with a wide variance of personalities. This industry is the best of our nation. I know that times are different now, but nothing beats the opportunity to provide someone their dream home. Our members are the best!”

**Sonny Hardee –  
Jackson Area HBA**



Sonny Hardee is from Ripley, Tennessee (Believe It – Or Not). He grew up on a farm and was a licensed General Contractor before accepting the EO position in Jackson three years ago.

Sonny jokingly says he enjoys the “hard work and long hours of my position.” He explains the





biggest challenge today is “keeping the membership strong and active.” Sonny is up to the challenge though, trained early in life by Uncle Sam with the United States Marine Corp. (1956-1961) Semper Fi!

Sonny says it takes “patience and the ability to be really good at working with different personalities to be successful.” Sonny adds that an EO position is the right place to be for a job that includes “...a real sense of accomplishment.”

### **Jan Shrewsbury – Johnson City HBA**



Jan Shrewsbury is originally from Oregon. Jan explains that she spent 16 years as Vice-President of Administration for a local bank, worked with a company that traveled with NASCAR races, and then started her own company called “Race Ready.” After her company was sold, she worked in an attorney’s office. She has served as the EO for the Johnson City HBA for almost six years.

When asked about the rewards of being an EO, Jan explained that it was “...the belief that we make a positive and meaningful impact on the lives of so many people in our communities and across the country by working to keep housing affordable and the building industry healthy and vibrant.”

Jan believes the talents needed to be an EO include: “Versatility and adaptability; event planner and financial manager; discreet and outgoing; understanding and empathetic; with a humble, servant’s attitude.”

### **Kathryn Lewis – HBA of Greater Knoxville**



Kathryn Lewis is originally from Raleigh, North Carolina. She explains that she “worked in areas of increasing responsibility on staff before becoming the EO of an HBA.” She says the rewards are found in “the diversity of membership, the variety of responsibilities and the amazing people she works with.” She also points out that these members, “put it on the line every day, and still make time to support the organization and look to us as a business partner—not just a check they write each year.”

To be a successful EO, Kathryn says an individual needs to have “flexibility, a positive attitude, thick skin and empathy.” She also adds, “It is important for our members to know that we are very dedicated professionals who want to do our best to ensure a strong association. We are fortunate to have strong relationships with the Home Builders Association of Tennessee and the National Association of Home Builders. It is vitally important that we maintain our involvement at all three levels. A great deal of our skills, ideas, programs and planning are obtained through these networks.”

I am extremely proud of all the leadership throughout our association. The dedication of Tim Neal as Area 7 National Vice-President, David Parsons as our Tennessee State Representative, Ed Zarb as HBAT President and NAHB Director, and everyone

who takes on volunteer leadership roles at their local, state and national levels.

I have been in the association management industry for nearly 20 years, and I do not believe anyone could say enough about the dedication of the HBAT’s Executive Officer, Susan Ritter. As the NAHB, Executive Officer’s Council President, Susan has represented our state association with truly amazing commitment. In her position, she has brought opportunities and recognition to Tennessee never before imagined. I would like to congratulate Susan and the HBAT leadership for their wisdom in encouraging Susan’s participation at all three levels of the NAHB federation.”

### **You Name It, They’ve Done It!**

We wish we had room in this article to feature all 18 Tennessee EOs. In the future we will try to introduce them. There really is no end to the role your EO serves and no way to adequately write a job description for an association executive, because the job duties change daily to meet the needs of our members.

For many EOs, it’s the variety that comes with the job that drew them to the position in the first place. The old saying “Head Cook and Chief Bottle Washer” can really apply to the wide range of talents it takes to be an Executive Officer in a local association. They truly are “Unsung Heroes,” and we wanted to take a moment and say thanks to all the EOs throughout Tennessee that work to keep the wheels turning. You do a great job, and your efforts and hard work are appreciated! ❖



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## FUTURE HBAT MEETINGS

**2009 —**

### FALL MEETING

**November 12-14**  
Westin Memphis Beale St.  
Memphis, Tennessee



**2010 —**

### SPRING MEETING

**February 28–March 2**  
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Nashville, Tennessee



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