Collaboration Is The Key To A Successful Future In Colorado

October 11th, 2018 the UA celebrated 129 years since initial formation. After the UA was founded in 1889 its growth was done through organizing from coast to coast across North America. Members who knew non-union workers in our industry worked tirelessly to get those workers into the union. The job title I hold as International Representative used to be General Organizer. Organizing was the most important thing we could do back then.

Somewhere in our history, and you can see where it started in the late 50’s early 60’s, we started losing market share. The largest drop took place in the 1970’s. Regulation of Unions, abandoning of industries, and protectionism were the biggest contributing factors to market share loss. Though it may have never been spoken publicly or discussed on the public stage, a lot of local unions thought growth would occur not in organizing workers, but through apprenticeship. This mindset contradicted what our founding fathers had in mind. Not organizing was also a major mistake. Apprenticeship programs and training are the back bone of our union today, however, it is not a model for growing union market share. Growth must be done through organizing companies and workers in our industry. The UA has adopted a plan to organize the unorganized and bring in new contractors. This plan has been in place since January 2017 and to date has brought in over 12,000 new members and added over 680 contractors. It works. The plan used by the UA is the plan we are going to use in the 5 states Pipe Trades. As some of you may know we are starting a 5 States Organizing Program which will employ several organizers across Colorado, Wyoming, Utah, Nevada and Arizona.

This new plan is important to the success and growth of our union. As a team of MCA contractors and UA locals we need to get into industries we are not currently in including; Multi-Family Residential, Residential, Oil and Gas, rural work, utilities. These are markets we do little to no work in right now. History shows us that being competitive in multi-family residential and residential is extremely difficult and is way too cut throat for us. If we were still throwing fittings on the floor and handing a journeyman a set of prints than that would be true, however, the UA just had a study completed that showed us residential and multi-family residential makes up 65% of all construction hours nationwide. Those industries fabricate 5% of their work. Since we have several MCA contractors who are excellent at fabrication there is a huge opportunity for market entry. Apartment complexes and condominium complexes are pretty cookie cutter, in a lot of cases each building in a complex is identical. If you can fabricate one of those buildings, you can fabricate ten of those buildings. Because they are so repetitious we don’t need a crew of journeymen on those jobs, we can blend that rate and become very competitive. For this to happen...
Greetings to all,

I hope this article finds you all in good health and spirits. Work in our area has slowed a little bit from the blistering pace for manpower and project support that many experienced this summer. However, it won’t be long before we are ramping up again. We have learned many lessons from our recent boom times about how to manage our resources to address such a large scope of work. These lessons include crew mixes with different levels of experience, wages and abilities, prefabrication, supervisor training and collaboration with each other. We have become more effective and proficient to reach our goal of successful project outcomes.

Our workforce is changing. We need to add younger workers to replenish the baby boomers who are leaving the workforce in record numbers. We need to be prepared to bid the influx of upcoming projects. To do this, we need to acquire and train workers. Now is the time to start developing our younger workers into leaders. Now is the time to start acquiring and adding the talent that we are desperately going to need.

To accomplish these goals, we are restructuring the District Council and adding a Five States organization that will be focused on organizing, augmenting and recruiting workers into our workforce. We will use our organizing team to address industry specific needs for any skill set. The MCA is also ramping up a matching recruitment program for business needs.

In closing, I would like to thank each and every one of you for your patience, your flexibility, your professionalism and most of all your friendship. It has been great working with all of you and I wish you all the best for the future.

Sincerely,

[Signature]

Rick Allen
Business Manager
Rocky Mountain District Council 5

Welcome New Members!

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<th>CONTACT</th>
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<tr>
<td>BIM Designs Inc</td>
<td>Drew Miller</td>
<td>415-963-9693</td>
<td><a href="http://www.bimdesigns.net/">www.bimdesigns.net/</a></td>
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<tr>
<td>Elite Refrigeration LLC</td>
<td>Tom Teska</td>
<td>720-772-0167</td>
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<tr>
<td>Heating, Cooling &amp; Mechanical Works of Denver</td>
<td>Scott Schultz</td>
<td>720-347-8030</td>
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Osha Eases Position on Workplace Safety Incentives and Post-Incident Drug Testing

By Sue Schaecher
Attorney, Fisher & Phillips, LLP

Two years ago, I reported that Osha had published a final rule prohibiting employers from retaliating against employees for reporting work-related injuries or illnesses. That article cautioned employers that Osha was interpreting the rule as prohibiting blanket, post-incident testing policies. Osha also was interpreting the rule as prohibiting safety incentive programs that were rate-based or rewarded employees for injury-free periods. Osha’s concern was that this testing and these programs discouraged employees from reporting work-related injuries and illnesses because employees want to avoid being drug tested and want to avoid costing themselves and/or their coworkers a prize or a bonus.

In an October 2018 memorandum clarifying its position, Osha has now eased off of both positions. Acknowledging that many employers conduct drug testing and implement incentive programs to promote workplace safety and health, Osha states that action taken under either type of program only violates the rule if it is taken to penalize an employee for reporting an injury or illness. How will Osha determine whether the employer intended to penalize an employee for reporting? Intent to discriminate will be analyzed, including how the employer’s policies are written and implemented.

Post-Incident Drug Testing

Under the 2016 guidance, Osha required employers to limit post-incident drug testing to “situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use.” However, whether drugs “likely contributed” to an incident is not always clear from the nature of the incident, and there are not always visible signs of impairment due to drug use. Further, the drug test used had to identify impairment caused by a drug rather than mere presence of a drug in one’s system—a standard that current scientific methods other than blood alcohol tests cannot satisfy.

Osha states in the new guidance that permissible drug testing includes drug testing to evaluate the root cause of a workplace incident that harmed or could have harmed employees. It advises that employers should test all employees whose conduct could have contributed to the incident and not just the employees who reported injuries. Drug testing under a state workers’ compensation law or other state or federal law does not violate the rule.

Incentive Programs

Rate-based incentive programs are also permissible if certain precautions are taken. Rate-based incentive programs typically reward employees with a prize or bonus at the end of an injury-free period or reward managers based on their work unit’s lack of injuries. Employers having such policies must take precautions so that employees feel free to report injuries and illnesses.

A statement that encourages employees to report and assures them that they will not be retaliated against for making a report certainly should be included, but is likely not enough. Osha will look to see if the employer has taken steps to create a culture that emphasizes safety, not just rules. Osha’s guidance gives the following examples:

• an incentive program that rewards employees for identifying unsafe conditions in the workplace;
• a training program for all employees to reinforce reporting rights and responsibilities and emphasizes the employer’s non-retaliation policy; and
• a mechanism for accurately evaluating employees’ willingness to report injuries and illnesses.

Consistent enforcement of legitimate workplace policies whether or not an injury or illness is reported also demonstrates that an employer is serious about creating a culture of safety and not just the appearance of reducing injury and illness rates.

Conclusion

Employers should remember that the rule still allows Osha to penalize employers for programs that the agency finds discourage reporting, even if no worker complains. Employers should review their policies to insure that they are not designed in a way that may be perceived as punitive or embarrassing to an employee and do not discourage reporting. Additionally, those policies should include the precautions suggested by Osha as discussed above.

This article is provided for general information purposes only and does not constitute legal or other professional advice. Readers are advised to seek specific legal advice from qualified labor and employment counsel in relation to any decision or course of action contemplated.

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CITIZEN BALLOT INITIATIVES

Amendment 73 - Funding for Public Schools (Constitutional)

Creates an education fund paid for by a tax increases. Raises the individual income tax rate for tax payers with taxable income over $150,000 and increases the state corporate income tax rate. For property levied by school districts, sets the assessment rate at 7.0 % for residential properties and 24.0 % for non-residential properties. Keeps assessments rates for property not levied by school districts.

FAIL

Yes/For 838,037 44.52%
No/Against 1,044,212 55.48%

Amendment 74 - Just Compensation for Reduction in Fair Market Value by Government Law or Regulation (Constitutional)

Private property shall not be taken, damaged, or reduced in fair market value by government law or regulation without just compensation.

FAIL

Yes/For 875,677 46.40%
No/Against 1,011,586 53.60%

Amendment 75 - Campaign Contributions (Constitutional)

If a candidate contributes or loans more than $1m to his/her campaign, then other candidates in the race may accept aggregate campaign contributions that are five times greater than the current limits.

FAIL

Yes/For 623,124 33.82%
No/Against 1,219,375 66.18%
LEGISLATIVELY REFERRED AMENDMENTS

Amendment A - Civil Rights and Constitutional Language
Repeals a constitutional exception on the ban of slavery that allowed for slavery and involuntary servitude as punishment for a crime
PASS
Yes/For  1,207,170 64.99%
No/Against  650,441 35.01%

Amendment V - Legislature
Reduces age qualification for legislative members from 25 to 21
FAIL
Yes/For  659,667 34.91%
No/Against  1,230,120 65.09%

Amendment W - Elections and campaigns
Shortens language on the Colorado ballot regarding judicial retention by consolidating questions
PASS
Yes/For  964,284 53.26%
No/Against  846,075 46.74%

Amendment X - Marijuana
Changes the definition of industrial hemp from a constitutional definition to a statutory definition
PASS
Yes/For  1,097,160 60.70%
No/Against  710,441 39.30%

Amendment Y - Redistricting measures
Establishes an independent commission for congressional redistricting
PASS
Yes/For  1,318,673 71.21%
No/Against  533,217 28.79%

Amendment Z - Redistricting measures
Establishes an independent commission for state legislative redistricting
PASS
Yes/For  1,299,529 70.82%
No/Against  535,575 29.18%

BALLOTS CAST
Colorado has historically been a state that is fairly evenly divided between Republicans, Democrats, and Unaffiliated voters. Recent population increases in urban areas has predictably led to an increase in Democratic voter registration, but the big surprise from the 2018 election is the high level of unaffiliated participation.
Jared Polis (D) was elected to be the and retain control of the U.S. Senate. Republicans picked up a couple of seats in the Senate 19-16, giving them control of the Senate and defeated several local incumbents.

Colorado Congressional Delegation
Former DORA Executive Director and Denver attorney, Joe Neguse (D-Boulder) easily won his re-election to replace Jared Polis in CD2. This district covers Boulder and the northern central mountain areas. Rep. Scott Tipton (R-LaPata) easily won re-election to his sixth term in CD3. His district covers Pueblo and the entire western slope. Rep. Mike Coffman lost his re-election in CD6 to challenger Jason Crow (D-Arapahoe), a Denver attorney. This district includes parts of Adams, Arapahoe and Douglas counties. Rep. Diana DeGette (D-Denver), Rep. Ed Perlmutter (D-Jefferson), Rep. Ken Buck (R-Weld) and Rep. Doug Lamborn (D-El Paso) easily won re-election. Democrats won majority control of the Senate and defeated several local incumbents.

Legislature
Democrats maintained (and may increase with several elections still pending) their majority control of the House 38-27. House Democratic leadership priorities include economic security, healthcare, environment, education and transportation. Rep. KC Becker (D-Boulder) will likely be the next Speaker of the House and Rep. Alec Garnett (D-Denver) the Majority Leader. Patrick Neville (D-Douglas) will likely be the Minority Leader.

Democrats won majority control of the Senate 19-16 which gives them control over all policy decisions for the next two years. Sen. Leroy Garcia (D-Pueblo) is expected to be elected Senate President but there may be a contested election for Majority Leader. Sen. Chris Holbert (D- Douglas) is expected to be elected Minority Leader. Sen. Johnathan Irabagon (D-Boulder) and Sen. Sonja.btnCancel (D-Larimer) were elected to their respective County Commissions. Rumors are that a lobbyist is running for the Jones vacancy and current Rep. Jared Arndt for the Kefalas vacancy. Local district committees will appoint replacements to complete their terms which expire in 2020.

Business Bill Issues
Of the thirteen Amendments and Propositions five passed and eight failed. Constitutional changes required 55% approval (required by Raising the bar approved in 2016) by the voters while statutory changes only required a simple majority vote. Various business interests supported or opposed several ballot issues. Constitutional Amendments #73 education funding – Failed, #74 fair market compensation – Failed. Propositions #109 bonding for transportation – Failed, #110 sales tax increase for transportation – Failed and #112 mandatory 2500.000/10 billion in projects over the course of their careers aren’t professionals, then what are they? Maybe you should ask them.

1. Your foremen don’t see themselves as professionals. They don’t describe themselves that way. They don’t see it as a professional position – in fact, they barely see it as a management position. If guys who are going to manage 100,000,000 to $1 billion in projects over the course of their careers aren’t professionals, then what are they? Maybe you should ask them.

2. On average, your foremen have received zero formal professional leadership and management training to prepare them for this high-level responsibility, role, and identity.

3. Your foremen don’t know what they do for a living. When I ask them, full 90% respond, “I’m a [Carpenter, Electrician, Pipefitter, Ironworker, ... fill in the craft].” This is the wrong answer. It reflects a craft-worker mindset, not a supervisory one.

4. Your foremen rarely solicit input from their crews. They: a) think they will look weak; b) worry that someone else will get credit for a good idea and take their job; c) would never think to ask; or d) don’t even know that it’s part of their job.

5. Your foreman run their crews almost 100% of the time without discipline and hold others accountable for their actions.

6. Your foremen are often stuck between the roles of “boss” and friend. This kills the ability to discipline and help others accountable for their actions.

7. Your foremen do not effectively delegate. They are get-it-done people and therefore over-participate in the action at the jobsite. They are excellent at directing tasks. They generally do not empower people and wouldn’t know how to anyway. Wonder whose fault that is?

8. Your foremen often have confused loyalties between their roles as multi-million dollar company managers and union members. The peer pressure of being a “good union guy” is leveraged regularly by their peers, reducing their effectiveness and authority.

9. Your foremen do not admit mistakes or failures. Failure is not a learning experience in their eyes; failure is simply failure.

10. Your foremen do not know how to effectively motivate their crews. The most effective and well-documented tools of praise and positive reinforcement are generally entirely absent. What was not given to them will not be given to others.

Now let’s review. I’m willing to guess a few of the items on this list didn’t come as a surprise to you. So the obvious question is, what are you doing to fix these attitudes among your foremen? By refusing to act or address the problems, you own them – they’re all on you.

How about the attitudes and actions on the list that you didn’t know about? Now that you do, what’s your next move? Are you going to discuss them and provide your guys with the tools to address them, or just rationalize them away and take the path of least resistance? Several hundred thousand foremen are waiting for help. They’re doing the best they can with what they’ve got, but they need their employers to help them understand how important and vital they are to their company and the industry. They need serious professional support to become high-quality leaders and managers. But really, I think they’re waiting for you to acknowledge the challenges.

The legislative update includes information on elections, ballot issues, and legislative priorities for the Colorado General Assembly.
GROWING AND DEVELOPING SERVICE SUPERVISORS

January 31 - February 1, 2019
CAMPC Classroom | 686 Mariposa St. | Denver, CO 80204

The key role played by field supervisors has a direct impact on your bottom line. Often, these highly qualified technicians are placed in this management position with virtually no management or leadership training. MSCA’s Growing and Developing Service Supervisors is focused training designed specifically for improving the performance of service field supervisors. Using proven methods, this program will advance skills in leadership, coaching, planning, time management, communication, and motivational techniques, all of which will give the field supervisor an edge and the confidence to deal with the workplace challenges of today.

This program uses real world exercises and video-recorded role plays that participants can relate to. Attendees will easily incorporate the skills they learn from the seminar into their everyday responsibilities. Every participant who completes the program will receive a Certificate of Completion and a comprehensive workbook that can be used for years to come. This valuable workbook contains more than 100 sample forms, procedures, checklists and reports that field supervisors use daily.

TOPICS INCLUDE

• Transition to management
• Establishing effective time management habits
• Communication
• Establishing job leadership
• How to coach and mentor for improved team performance
• How to properly delegate
• How to deal with difficult customers and employees in a professional manner
• Using creative problem-solving to improve production and performance
• Dealing with conflict and negotiations skills
• Sales management basics
• Complying with human resource issues
• Planning, goal-setting and productivity improvement
• Motivating employees

ABOUT THE PRESENTER

The program was developed by a task force of MSCA contractors in partnership with Kevin Dougherty, who is the lead instructor for the program. Kevin has been a speaker in the construction industry for more than 20 years. He represents a changing industry – aggressive, realistic, and open-minded. Kevin’s work experiences and education enable him to relate to today’s problems and provide tangible solutions in an easy-to-listen-to style. He has taught thousands of people in various seminars. His client base ranges from family-owned businesses to corporate conglomerates. In addition to speaking at various seminars. His client base ranges from family-owned businesses to corporate conglomerates. In addition to speaking at various seminars.

Registration Fee for CAMPC/MCA/MSCA member company is $499. This fee includes all program materials, meals, and a comprehensive workbook. Class size is limited.

Visit www.campc.org/education/workshops to register

EDUCATION & TRAINING

JANUARY 2019

PM Level 1 - Communication 1/17/2019 12:00 pm CAMPC jordyn@campc.org
Leadership Access Institute - Strategic Negotiations 1/17 & 1/18 7:30 am SMART Local 91† jordyn@campc.org
MCAA Safety Directors Conference 1/22 - 1/24 2 days Lake Buena Vista, FL www.mcaa.org
FL Level 1 - Communication 1/22/2019 12:00 pm CAMPC jordyn@campc.org
PM Level 1 - Mechanical Industry Perspective 1/24/2019 12:00 pm CAMPC jordyn@campc.org
FL Level 1 - Subcontracts 1/29/2019 12:00 pm CAMPC jordyn@campc.org
PM Level 1 - Project Documentation 1/31/2019 12:00 pm CAMPC jordyn@campc.org
Service Supervisors Training 1/31/2019 2 days CAMPC jordyn@campc.org

FEBRUARY 2019

Service Supervisors Training 2/1/2019 2 days CAMPC jordyn@campc.org
FL Level 1 - Basic Project Management 2/5/2019 12:00 pm CAMPC jordyn@campc.org
PM Level 1 - Scheduling 2/7/2019 12:00 pm CAMPC jordyn@campc.org
FL Level 1 - Coaching for Peak Performance 2/12/2019 12:00 pm CAMPC jordyn@campc.org
PM Level 1 - Contracts 2/14/2019 12:00 pm CAMPC jordyn@campc.org
FL Level 1 - Financial Management 2/19/2019 12:00 pm CAMPC jordyn@campc.org
Leadership Access Institute - Hogan Coaching 2/20 & 2/21 2 days CAMPC jordyn@campc.org
PM Level 1 - Estimating 2/21/2019 10:00 am CAMPC jordyn@campc.org
FL Level 1 - Scheduling 2/26/2019 12:00 pm CAMPC jordyn@campc.org
PM Level 1 - Getting Things Done 2/28/2019 12:00 pm CAMPC jordyn@campc.org

MARCH 2019

MCAA 2019 Convention 3/3 - 3/7 4 days Phoenix, AZ http://mcaaconvention.org
FL Level 1 - Project Kickoff Meeting 3/5/2019 12:00 pm CAMPC jordyn@campc.org
PM Level 1 - Safety 3/7/2019 12:00 pm CAMPC jordyn@campc.org
FL Level 1 - Round Table 3/12/2019 12:00 pm CAMPC jordyn@campc.org
Leadership Access Institute - Resolving Workplace Conflict 3/13/2019 7:30 am Plumbers Local 3** jordyn@campc.org
PM Level 1 - Labor Relations 3/14/2019 12:00 pm CAMPC jordyn@campc.org
PM Level 1 - Financial Management 3/21/2019 12:00 pm CAMPC jordyn@campc.org

* CAMPC - 686 Mariposa, Denver, CO.
† SMART Sheet Metal Local Union #9 - 1515 W 47th Ave, Denver, CO.
** Local 3 - 17100 E. 32nd Pl., Aurora, CO.
## Support Our Industry Partners Who Support Us!

### CHAMPION

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<th>Company</th>
<th>Contact</th>
<th>Phone</th>
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<tr>
<td>Federated Insurance</td>
<td>Kyle Bluestein</td>
<td>513-884-5154</td>
<td><a href="http://www.federatedinsurance.com">www.federatedinsurance.com</a></td>
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<tr>
<td>Milwaukee Tool</td>
<td>Drew Hawkins</td>
<td>916-216-4913</td>
<td><a href="http://www.milwaukeetool.com">www.milwaukeetool.com</a></td>
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<tr>
<td>Moreton &amp; Company</td>
<td>Chris Hudnall</td>
<td>303-385-2139</td>
<td><a href="http://www.moreton.com">www.moreton.com</a></td>
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### ADVOCATE

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<td>Business Strategies Group of the Rocky Mountains</td>
<td>Mary Sue Kenny</td>
<td>720-987-0705</td>
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<td>DeWALT Power Tools</td>
<td>Phillip Chilimindris</td>
<td>303-922-8327</td>
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<td>Ferguson Enterprises</td>
<td>Chris Cline</td>
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<td>NIBCO</td>
<td>Justin Blosser</td>
<td>720-837-7164</td>
<td><a href="http://www.nibco.com">www.nibco.com</a></td>
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<tr>
<td>RKR Manufacturers Representatives</td>
<td>Paul Prutch</td>
<td>303-321-7610</td>
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<td>Shamrock Sales, Inc.</td>
<td>Steve Duggan</td>
<td>303-399-9181</td>
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<td>Uponor</td>
<td>Stuart Lorton</td>
<td>303-229-4492</td>
<td><a href="http://www.uponor-usa.com">www.uponor-usa.com</a></td>
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<tr>
<td>Victaulic</td>
<td>Christopher Garofoli</td>
<td>360-420-5393</td>
<td><a href="http://www.victaulic.com">www.victaulic.com</a></td>
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<tr>
<td>Xcel Energy</td>
<td>Bob Macauley</td>
<td>303-294-2675</td>
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### SUPPORTER

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<td>Vince Tinnirello</td>
<td>303-904-0494</td>
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<td>Buche &amp; Associates</td>
<td>Peter Buche</td>
<td>303-934-4969</td>
<td><a href="http://www.buchecarmco.com">www.buchecarmco.com</a></td>
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<tr>
<td>Contact Sales</td>
<td>Bill Smith</td>
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<td><a href="http://www.contactsalescompany.com">www.contactsalescompany.com</a></td>
</tr>
<tr>
<td>FMI Capital Advisors</td>
<td>Ryan Foley</td>
<td>303-398-7202</td>
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<tr>
<td>Imprints Littleton</td>
<td>Doug Mast</td>
<td>303-979-6633</td>
<td><a href="http://www.imprintslittleton.com">www.imprintslittleton.com</a></td>
</tr>
<tr>
<td>KM Sales, LLC</td>
<td>Ryan Kindsfather</td>
<td>303-292-1355</td>
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<tr>
<td>Mueller Industries</td>
<td>Chris Pyle</td>
<td>901-753-3200</td>
<td><a href="http://www.muellerindustries.com">www.muellerindustries.com</a></td>
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<td>Rampart Plumbing &amp; Heating Supply</td>
<td>Shaun Anderson</td>
<td>303-629-6122</td>
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</tr>
<tr>
<td>Rush Truck Centers</td>
<td>Dewi Robinson</td>
<td>720-508-7736</td>
<td><a href="http://www.rushtruckcenters.com">www.rushtruckcenters.com</a></td>
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<tr>
<td>TM Sales</td>
<td>Tom Meek</td>
<td>303-375-1515</td>
<td><a href="http://www.tmsalesinc.com">www.tmsalesinc.com</a></td>
</tr>
<tr>
<td>Viega LLC</td>
<td>Brad Sturgill</td>
<td>800-976-9819</td>
<td><a href="http://www.viega.us">www.viega.us</a></td>
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<tr>
<td>Wholesale Specialties</td>
<td>Bryan Schiff</td>
<td>303-296-2212</td>
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