



The Credit Professional

The Safe Workplace

ID Theft and Creditor Liability

Retain Members by Leading an Effective Meeting

Garageman's Liens

Making Interviews Work for You

Technology to the Rescue

Difficult People in the Workplace

Winter, 2004

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The Safe Workplace Security & Disaster Planning

By Thao Tiedt
Ryan, Swanson & Cleveland

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WAC 296-24-020 requires management to establish, supervise, and enforce, in a manner that is effective in practice, a safe and healthful working environment. This article will not address your general fire drill plan as such a plan is required by law and we assume you both have a plan and practice that plan regularly.

Both the February 2001 earthquake and September 11 tragedy provided ample evidence that just preventing workplace accidents does not make a workplace safe. While no employer can prevent an earthquake or a terrorist attack, careful planning can ameliorate most situations. The focus should first be on your people and then on your business.

When Ryan, Swanson & Cleveland began its disaster planning after the earthquake, we first appointed a Disaster Preparedness Committee comprised of people from IS, Records, Office Facilities, Staff and Attorneys, together with our Administrative Director. We identified the following as the types of emergencies, large and small, that could confront us.

MEDICAL EMERGENCY

WAC 296-24-06120 requires each workplace to have a person certified in first aid present on each shift or have a written first aid-response plan. If the employer has more than 50 employees on a shift, the employer must also have a first aid station that is well marked, available to employees during all working hours, equipped with first aid supplies, including at least one portable first aid kit, and have at least one first aid trained employee available.



WAC 296-24-06150. You should determine who in the workplace does have a first aid card and make sure it is kept current. The first aid training must be repeated every two years and CPR every year.

WAC 296-24-06135. If one of your identified first aid people



leaves your company, remember to train another person. Your internal telephone list should identify those certified in first aid and your receptionist and the department managers should all be familiar with who is First aid certified.

Establish a procedure for dealing with a medical emergency. Usually the first step is to determine the severity of the emergency. Is it a potential heart attack or severe allergic reaction? Is the employee diabetic and having an insulin reaction? We asked everyone to confidentially identify to our Human Resources Director any medical condition the employee might have that could result in a medical emergency. The information is kept under lock and key and accessible only to those who are first aid certified, the Human Resources Director and other identified emergency responders. Also, urge your employees who have an ongoing medical condition that could result in an emergency to wear either a bracelet or pendant with the appropriate information. One thing we learned about being in a

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high-rise building after a serious earthquake is that we might be trapped in the building for up to three days. Urge all employees who must daily take some type of medication to keep a fresh three-day supply on hand at work at all times.

Once the potential severity of the emergency has been evaluated, take action. If you are in a big office building, determine the level of assistance the building can provide. If there is any doubt about the severity of the situation, err on the side of calling 911. Also, notify your building personnel so that someone is available to guide the paramedics to the appropriate elevator and floor. Have someone at your elevator or entrance to guide the paramedics directly to the person needing assistance. Also, have people assigned to keep the situation calm and keep people who cannot be of assistance away from the scene. If the situation does not require 911 but does require transportation to a medical facility, plan in advance the people who could be assigned to provide the transport. If it appears the medical situation could deteriorate during transport, have a first aid person along in addition to the driver. If someone just feels the need to go home, have the employee check in when he or she arrives home.

Don't forget that if a disaster occurs in your company space, you may have customers, visitors or vendors who could suffer

physical harm or a medical emergency. Do you have a system of keeping track of who is on the premises?

BUILDING/COMMUNITY/ REGIONAL DISASTER

The Puget Sound area's two most prevalent community or regional disasters are earthquakes and severe storms. Either of these can result in physical harm to employees, disruption of communications, fire/water damage, loss of power, and loss of access to computer/e-mail functions on a sustained basis. A nearby terrorist attack could have



the same implications. Have a disaster plan that addresses each of the foregoing elements.

Physical Harm: The experts we consulted informed us that in a severe earthquake, assistance from the police, paramedics and fire department would not quickly be available to individual businesses. The building personnel informed us that their first focus would be on continuing limited building vital services such as the HVAC and stairwell power and not on assisting individual tenants.

We realized that we needed to be better prepared to cope by ourselves with the physical harm that might occur to our people. RSC invested in some of the more extensive first aid kits as we identified such physical harms as concussions and broken bones for which we previously had not been prepared. How extensive are your first aid kits?

Food and water can become an issue if employees must remain on the premises for some time. We have now issued water (city water in 1 gallon containers that will stay potable about a year) to each employee, stocked certain areas with compact foods and more water, and invested in some emergency equipment kits that contain picks, hacksaws, hydraulic jacks, fire axes, sledges and other equipment to rescue employees who are trapped under objects or behind doors that are warped shut.

Employees have also been advised to keep a personal emergency kit with walking shoes (transportation home might not be readily available and 34 floors is a lot to descend in fancy shoes), warm clothes, something to keep them warm and dry such as a space blanket, and personal comfort items. We have provided employees with the Red Cross list of suggested items and even had the Red Cross bring in their individual/family disaster kits that employees could purchase. We have also issued each employee a RSC duffel bag with some "starter" items.

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Communication: During the earthquake, we discovered it was easier to call long distance than to call within the community, hampering employees' ability to reach their families. RSC chose to contract with a service in Florida (out of the hurricane zone, we presume) that provides a toll free number for emergency communications. If an emergency occurs, employees and their families can call the toll free number and leave messages in the message boxes activated for RSC. I could call in and leave a message for my daughters telling them I am safe and they could do the same. All of our employees and their families have been supplied with wallet size cards with the emergency contact number. We also discovered the frailty of the cell phone system. If you have a large office, consider a battery-powered bullhorn to direct employees and provide audible communications.

How will you communicate news to your employees if they are not at work when the emergency situation occurs? RSC developed a telephone tree that management will put into action if a situation should require immediate after-hours communication of news to employees. Management will notify team leaders who are then in charge of communicating the news to four to five other people to whom they have been assigned. If the team leader can't be reached, management contacts the backup team leader. Each team leader has both the home and cell phone number of the persons to whom they are assigned. The telephone tree can be used to

notify people of an office closure because of weather or convey emergency information.

Fire/Water Damage: When you think of fire/water damage, you usually think of damage to the furniture and equipment in your office. When RSC analyzed its risks, it discovered that damage to our work product, documents, was one of our worst risks. September 11, with its images of tons of paper floating down, just re-emphasized how vital our paper was to us.

How many documents does your company have that are originals and are not effective unless they are in an original paper form? Wills, for example, must be originals. The same is true of some contracts. What documents are most important for your company? Such valuable papers should be kept in a fireproof/waterproof safe. However, the safes are very heavy so consideration should be given to the office floor weight-bearing capacity and placement of the safe(s).



You may also want to consider offsite storage in a security facility of your most valuable documents, provided they are not needed on a regular basis. RSC assigned one member of the Disaster Preparedness Committee to inventory with each attorney and staff member the amount and identity of original documents being kept in the workplace. From the inventory, we analyzed various strategies to use to protect the different

categories of documents, one of which included not retaining originals of any client documents on site, but rather promptly copying client documents and returning the originals to the clients for safe keeping.

Loss of Power/Computer Services: Most of our documents are also available in an electronic form but what happens if your computer system is destroyed or there is an extensive power outage? How often do you backup your system and how safely are your backup disks stored? Are they off site? Could you access them if transportation is severely disrupted? To further protect its information, RSC formed an alliance with a law firm in Spokane for the reciprocal nightly streaming of encoded information so that the information could be retrieved and RSC could be up and running in an adjunct office outside of Seattle in a day or two.

We also worked with our vendors so that each vendor has a list of the equipment we would need to have delivered to an alternative site in order to set up a limited-operation, temporary office. Your IS department is the best resource for determining what your company needs to do if there is a sustained loss of power for the computer system.

A THREAT FROM WITHIN OR WITHOUT

Violence in the workplace, either from an intruder or someone "going postal," is a significant issue in all workplaces. When the

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Disaster Preparedness Committee began looking at this issue, we realized we needed some professional guidance. Fortunately, the Seattle Police Department and many other police departments have an officer dedicated to advising businesses on preventing workplace violence issues.

From our Police Business Advisor, we learned that our office was poorly designed from a security standpoint. Anyone can just walk off the elevator and, if the receptionist cannot or does not stop him or her, access our entire office. We used to allow family members or ex-employees who left on a friendly note to bypass reception and go visit their family member or friends. Now anyone who visits, whether well known to us or not, must be escorted to his or her destination.

We also did not have any system for visualizing who was getting out of the service elevator in our office core. Since September 11, the building has instituted security for the service elevator but prior to that we undertook some of our own. We provided more training for the receptionist on our security system and its capabilities. For our security, we won't go into details here, but suffice it to say that our receptionist can silently inform the rest of the office that some threatening situation is taking place in the reception area and our Disaster Plan includes the actions that will be taken upon such notification.

Employees have been requested to inform Human Resources and our Administrative Director if they

have a volatile family situation. We have the capability of locking off our elevators so that access is by key card only and have done so when a volatile family situation appeared to be moving into our workplace. If an employee does have a volatile family situation and is concerned that the family member might appear in the workplace, we urge the employee to bring in a recent photo of the person so the receptionist can recognize the person about whom to be concerned.

The company can only get an anti-harassment order against someone who has made threats or persistently stalks or verbally harasses someone in the workplace. An employee who is being threatened by someone should obtain his or her own anti-harassment order. If you have evidence that a danger from outside the company against one or more employees may be imminent, contact the police. You might also consider sending employees home or engaging an off-duty police officer to provide private security.

The Business Police Advisor discussed with the Committee signs of which to be aware that an employee is becoming a potential security problem and some immediate actions that we could take. First and foremost, be aware of significant, persistent negative mood changes in an employee. Second, report your observations to Human Resources so that Human Resources can sit down with the employee and determine the problem and what the company can do about it.

Often we are reluctant to probe into "personal issues." However, in almost all instances of people becoming violent in the workplace, there were obvious signs beforehand of the emotional upset and discontent which, if addressed, might have resulted in help being provided to the employee or at least precautions taken to prevent the violence that occurred.

Disgruntled former employees can be a serious threat and should not be allowed on the premises for any reason. If he or she claims to have left something on the premises, have the former employee verbally identify it with specificity and inform him or her that if the item is found, it will be sent to him or her. We do not advise having an employee deliver the item as you cannot easily assess the former employee's degree of rancor and against whom the rancor is directed.

Most importantly, don't dismiss threatening statements as "heat of the moment" or something the employee won't carry out as he/she is not "the type" to really commit violence. Every threat should be taken seriously. Have a written policy of zero tolerance for violence, threats and intimidation in the workplace and stick to it.

Thao Tiedt is Chief Counsel for Puget Sound Automobile Dealers Association. If you have questions concerning this article, you may contact Thao at 206-654-2230.

In the Collection Industry, Smaller is Better

By Gregory Cerullo
Nelson, Watson & Associates

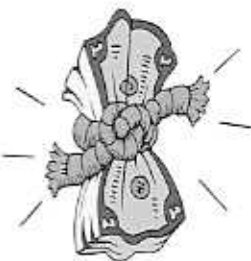
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Today's collection industry's fast pace and performance driven standards are leading national companies to place more and more debt with smaller agencies. Currently the business for the placement of contingent debt falls largely to the industry giants with operations of over 1000 collectors. Performance and service are everything to companies willing to place debt on a contingent basis with a collection agency. However, while the larger collection companies may be keeping up the performance, service is severely lacking.

Small to medium size agencies are offering the best of both worlds. Through individual attention to each portfolio placed, smaller agencies have become extremely competitive with companies up to ten times their size. Larger companies try to liquidate each portfolio through volume of collectors. However, one must ask if a thorough and detailed job is done? Agencies in the range of 50-100 collectors are paving the way to access national portfolios. Stephen An, Client Services Director at a mid-sized collection

agency says, "We have a strict edict to details and service to our customers and are able to provide competitive results with less collectors. We are able to 'squeeze the lemon' better than a large shop because we are able to pay close attention to all the work being done and take advantage of every opportunity available. Our method emphasizes quality instead quantity. This ensures that we maximize the recovery potential of any portfolio."



The proof is in the pudding so to speak. For this you need to look at industry standard liquidation rates. Statistically 1st placement accounts for contingent collection agencies produce 9-12% over a 12-18 month period. 2nds or second placement accounts produce 6-9% over a 12-18 month period and 3rds or tertiary placement accounts produce between 3-6% over a 12-18 month period. These rates depend on a number of factors such as original

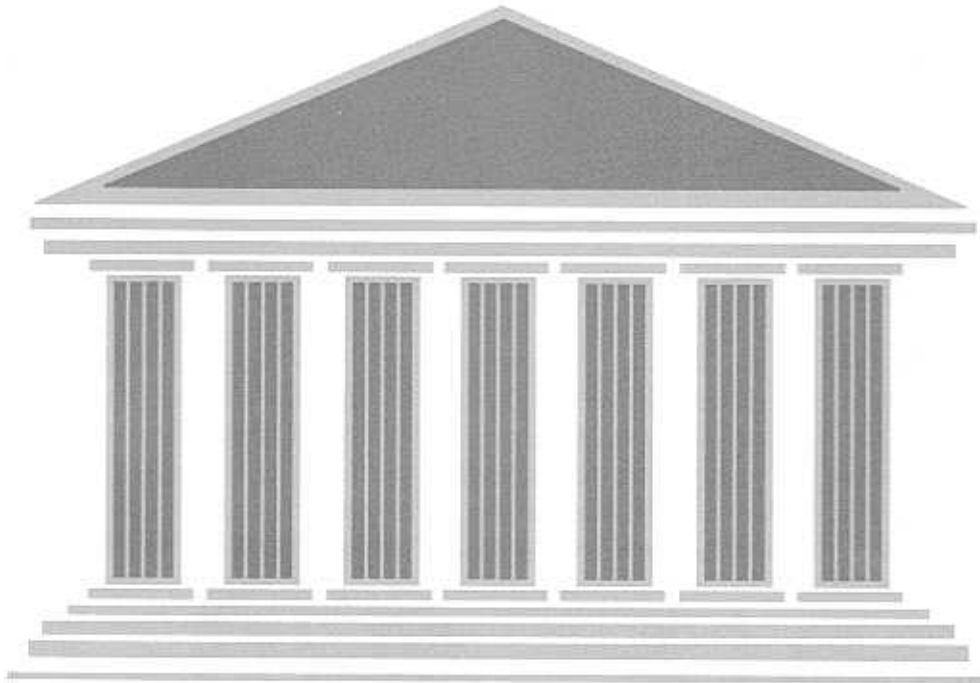
level of credit worthiness, type of placement (ie. auto loan vs. bankcard) and the age of the placement. These industry standards produced by the giants are a far cry from the best that can be done. Typically smaller agencies have better technologies available to their collectors on a direct level (ie Accurant, Lexus Nexus, pc vs. dummy terminals for internet availability, etc.) making locates easier and more efficient. Training is also better executed and monitored by the smaller agencies as it is their bread and butter. Having more time and more personal investment both financially and emotionally in the employees drives the smaller agency to praise the performers and properly correct the non-producers' performance. This all leads to higher liquidation rates than the industry standard. In general liquidations are 2-6% higher than the industry standard when worked by the smaller agency.



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Putting Things in Perspective

By Peggy L. McNamara

An important characteristic, for effective leadership, is the ability to put things in perspective. Throughout any business day, there are numerous situations that arise that create anxiety and stress, for both you and your staff of people or team members. It can be as small as the printer/copier experiencing some technical glitches to as huge as losing a major client. The key, of course, is for you to put things in perspective for not only your own sanity but for the effectiveness of those around you. Here are some tips to help with just that:

Concentrate on a solution versus blame. It is easy to get stuck in the rut of placing blame. You've all



done it at some point in your life, whether it was last week in the office or 25 years ago with your

sibling, you know what I am referring to: spending time and energy complaining and whining about the event, or the person that caused it, versus finding a solution to help overcome it.

Part of the job description for a mature leader is to not only allow the people around you time to vent their frustrations but to also know or realize when enough is enough.

Your goal is to communicate to those around you how unfortunate the event was but it is time to discover a solution and keep reminding them of that over and over again until it sinks in. You can't control what people are going to do when they are out to lunch or on a shared commute home, but you can help set the tone in the workplace.

Be aware, and careful, of whom you choose to vent to. Leadership is not easy; you are only human and, that said, you have a breaking point; that is, a point where you feel the need to vent and let your frustrations go. Just like the people who work with you, every once-in-a-while you need to find an empathizing ear.

When that time comes for you, be very careful as to whom you choose to share your angst with. If you are a co-manager, don't go to the individual(s) on the team that you both manage, and complain about him/her, to them. It does not make for an effective work place environment. Find someone on an equal, or higher level than you to share your thoughts; either within your organization or outside of it, you decide what is best. If you don't have anyone like that then work on dealing with it yourself by going for a walk, writing down in some type of journal your thoughts and feelings or send an

email or voice mail to yourself to "get it all out." You need to deal with it however works for you so you can move on, not only for yourself but also for the people you lead.

Prioritize and communicate. Once the solution is figured out, help those around you by prioritizing the steps to take. In other words, give them direction. What are the logical things that need to be done and in what order and by whom? Include the bigger picture items as



well as the more detailed ones. The clearer your direction is, the more people will be able to follow through on it. Don't be "gray" when it comes to delegation and dividing-and-conquering. Don't ever leave a meeting or spontaneous gathering without reminding your team what solution you are working towards and why. It is your job to keep the vision alive and the inspiration strong.

Realize what is important, and what is not. Don't waste precious

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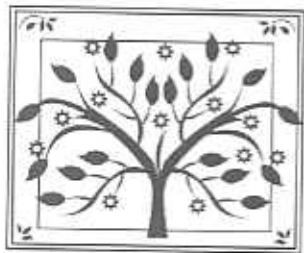
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resources on things that are not that big of a deal. Perfectionism, for example, can sure get in the way. Reflect on the situation, once dealt with, to discover what could be done next time around to prevent this type of thing from happening again, not in a blame mode but in a problem-solving mode. Don't allow yourself to get hung up on the minute details that can be easily overcome.

Leadership is something that you are all responsible for, whether it is part of your job description/title, or not. Sometime during the day you are a leader, even if it just because you are the first one off the subway or commuter train. Putting things in perspective impacts the environment you work in and is a crucial skill for effectiveness in today's business climate. Make sure to do your part!

Peggy L. McNamara works with organizations that want to Stimulate SomeAction (tm) and with association executives that want inspiring, practical value from their events. She is the author of "My Tender Soul—A Story of Survival" and publishes a monthly e-zine, "Perpetual Life Management." She is also president of the Minnesota Chapter of the National Speakers Association. Her Web site address is www.peggymcnamara.com. Her e-mail address is caroline@peggymcnamara.com.

CREDIT EDUCATION MONTH MARCH 2004



COME GROW WITH US THROUGH THE POWER
OF CREDIT EDUCATION

Sponsored by Credit Professionals International and
the Credit Education Resources Foundation

I joined CPI.

Now my boss thinks I'm a genius.



When I got my CPI education manual this fall, I was able to update our staff on bankruptcy reform legislation and discuss issues such as fraud in business, ethics, and how the growing Hispanic market may impact our business.

Then the Credit Connection came—I filled the staff in on the latest legislation and gave them tips on testifying in court.

After our last few local association meetings, I was able to give my team some tips on whom to contact in local law enforcement when we get bad checks and how to find the best business bank accounts.

I have also given my team personal development tips I found in The Credit Professional magazine that have helped us to increase our productivity.

Just last week I was able to recommend to my boss an outside consultant, whom I met through my CPI network of business professionals.

Thanks, CPI!

ID THEFT AND CREDITOR LIABILITY

by Oscar Marquis, JD
Oldaker, Biden and Belair, LLP

Identity theft is a crime that appears to be exploding across the country. The number of victims may be as high as 27.3 million according to a recent Federal Trade Commission survey, with 9.9 million in the past year alone. The survey also indicates that the victims' out-of-pocket expenses may be as high as \$5 billion.

The financial institutions, of course, are also victims and their losses may reach \$48 billion according to the FTC survey. But lenders expect a certain level of losses where credit is involved, whether from lending to people who will not pay back their loans or lending to people who are not who they claim to be.

Consumers, on the other hand, incur financial losses from identity theft through no fault of their own; they are unexpected and unanticipated. In addition consumers suffer emotional harm, personal feelings of insecurity, and must work through the frustrating process of reclaiming their identity after the victimization. In the American judicial system, an individual who is harmed without being at fault looks for someone to sue to make things right. But who can be sued in the case of identity theft victimization? The perpetrator is hard to find and hard to sue. The perpetrator may have no assets even if the lawsuit is successful. Who is left to

compensate the victim for the emotional harm as well as the financial loss? Who has the deep pockets?

Consumer reporting agencies have been sued over the years. Those lawsuits tend to be based on the agency's failure to correct the consumer's credit report after the information is disputed. Consumer reporting agencies don't know if the person disputing information in the credit report is a fraud victim or someone trying to get accurate derogatory information removed from the credit report. That often delays the reinvestigation and correction of the report. But who can be sued for allowing the fraud to occur in the first place?

A number of lawsuits have recently been brought against financial institutions, alleging the financial institution was negligent in enabling an imposter to obtain credit in the plaintiff's name. The lawsuits tried to establish a new cause of action—negligent enablement of imposter fraud. The most recent case was decided by the Supreme Court of South Carolina.

The plaintiff in *Huggins v. Citibank*, was an identity theft victim who claimed that a number of credit card issuers, including also Capital One and Premier Bankcard, issued credit cards without any investigation, verification, or corroboration of

the perpetrator's identity, and without having policies reasonably designed to verify the identity of credit card applicants. The lawsuit was brought in federal court, but the question of whether or not these claims constituted a cause of action was a question of state law, and therefore the federal court referred that question to the Supreme Court of South Carolina for a decision.

The court had to first consider general legal principles. For there to be a cause of action for negligence, a plaintiff must prove that a defendant owed the plaintiff a duty of care, that the duty of care was breached by an act or failure to act, and that the plaintiff suffered damages as a result of the defendant's act or failure to act.

The banks' defense was that they did not owe Huggins any duty of care because he was not their customer. They owe a duty of care to their customers but not to potential victims of identity theft. If they owed a duty of care to potential victims of identity theft, they would owe a duty to total strangers and that goes too far.

Huggins argued that the banks do have a duty to protect potential victims of identity theft from imposter fraud. Lenders can prevent the harm to innocent persons by having better

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identification and verification systems and procedures in place to protect victims. They should have to compensate victims if the banks' systems fail resulting in financial and other harm to innocent victims.

The Supreme Court of South Carolina agreed with the banks. The court said that a duty arises only from some type of relationship that is recognized by law. Simply being able to foresee that someone might be injured is not enough to establish liability. The relationship between credit card issuers and potential victims is far too attenuated to create a duty of care. Therefore, the court did not establish a new cause of action of negligent enablement of imposter fraud. New York and Missouri state courts have made similar rulings.

However, these favorable state court decisions do not mean the threat of liability to financial institutions from cases dealing with identity theft has disappeared. The South Carolina court also said that it believed the legislative arena is a better place to resolve this issue.

In other words, although the court did not create a new cause of action, the legislature can create rights and duties by statute. How will state legislatures or Congress address this question of liability? We know how Congress addressed identity theft. The about to be enacted Fair Credit Reporting Act amendment states in its preamble one of its main purposes, "to prevent identity theft." Title I is entitled, "Identity Theft Prevention and Credit History Restoration." One would think that the issue of liability for permitting identity theft to occur is addressed by this legislation.

However, the FCRA amendment does little to prevent identity theft from occurring in the first place. Its focus is on helping consumers who are already victims; helping with the "credit history restoration," but not helping consumers avoid becoming victims in the first place. To the extent the legislation creates a target for lawsuits, it continues to be the credit bureaus, not financial institutions who granted credit to imposters. A small preventative step is provided near the beginning of the legislation: a consumer who believes he or she is about to become an identity theft victim can place a fraud alert on his or her credit report. But, of course, the tragedy of the crime is that it strikes the unsuspecting and innocent. Few know they might become victims and could take advantage of this right.

The other identity theft provisions of the FCRA amendment explicitly deal only with those who have already been victims. Victims can prepare identity theft reports and place fraud alerts on their consumer reports for seven years. Victims can ask that they not be the recipients of prescreen credit offers—which they are unlikely to receive in any event if their credit reports contain derogatory information resulting from identity theft. They can also get additional free copies of their credit reports after being victimized.

The law also provides that information that resulted from identity theft must be blocked from being reported in a consumer report, and furnishers of fraudulent information must stop reporting it to consumer reporting agencies. The national consumer reporting agencies are required to establish a referral procedure so that identity theft victims need to make only one telephone call to get the fraud alert placed on their consumer

reports. Debts that result from identity theft cannot be sold or transferred or placed for collection. Finally, consumers are entitled to receive a free copy of their credit reports annually on request. That places an enormous financial burden on the consumer reporting agencies, and may help consumers who get copies determine whether or not they have been victimized in the prior year. However, none of these procedures are likely to do anything to prevent identity theft from occurring in the first place.

Perhaps, it is a testament to the difficulty of the issue. There is no provision that clearly helps prevent identity theft from occurring in the first place. Congress did not impose any new obligations on credit card issuers, or create any liability or cause of action similar to "negligent enablement of imposter fraud."

Congress, in effect, passed the buck and added a section requiring the federal banking agencies and the FTC to coordinate and develop guidelines "regarding identity theft with respect to account holders at, or customers of such entities," and to prescribe regulations requiring financial institutions to implement the guidelines. In developing such guidelines, the regulators are to "identify patterns, practices, and specific forms of activity that indicate the possible existence of identity theft."

This mandate to the banking agencies and the FTC is somewhat broad and undefined. Guidelines regarding identity theft could deal with prevention as well as amelioration. But, whatever those guidelines may be, they could also create new private causes of action for consumers against credit card issuers and other financial institutions. Furnisher liability is limited in FCRA to allegations

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7 Techniques for Powerful Presentations

by Elliott B. Jaffa, EdD.

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Association execs often have to give presentations, keynote addresses, or conduct training sessions. While some are dynamic and charismatic, others are dull and boring. Are you flexible enough as a speaker to re-engineer yourself to try something different? Re-engineering has often been defined as starting all over, starting from scratch, or shaking things up.

Allow me to challenge you to try 7 different techniques in your next presentation:

1. **Meet and greet.** As a speaker or trainer you have a great opportunity to personally introduce yourself and ask a question or 2 as participants arrive. Similarly, you may want to position yourself at the rear of the room and also greet people with a smile, handshake and words of welcome rather than hanging out in a clique in front of the room or on the dais.

You even have the opportunity to use a person's name and tie part of your brief conversation into your presentation. Within 20 minutes someone inevitably raises a hand and asks how I remember all of these names. I reassure my audience that I am not Kreskin but rather enjoyed meeting them earlier as they arrived.

2. **Open from the rear.** Since most speakers wear wireless microphones, grab your audience's attention from the rear of the room even if you were introduced from the front. Ask a few key questions encouraging active participation such as "Raise your hand if you would like to..." or

"Raise your hand if one of your biggest concerns today is..."

3. **Start with a 360 story.** Get your audience's buy-in by telling a story that makes a strong point or previews your presentation while walking completely around the perimeter of the room. Even though your audience is facing front, they will turn their heads and follow you as you speak.

Sometimes I tell a 7-minute story, slowly circle the room twice, and end with 2 powerful points telling my audience to write them down. Do you know what happens? Everyone picks up a pen and writes down those 2 points.

4. **Lose the lectern.** I always wonder if a person who delivers a whole presentation from behind a lectern is wearing pants or a skirt. Hop off the podium and wander around or even into your audience. If you must, turn the lectern sideways so you can refer to your notes.
5. **Eliminate the housekeeping.** More frequently in training than in a keynote, within the first few minutes a speaker informs the participants of breaks, when lunch will occur and where the rest rooms are located.

The majority of audiences to whom I speak are intelligent enough to figure out we will probably be breaking for lunch sometime around noon. Further, they also noticed the

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absence of a toilet in the room and concluded that the hotel or training facility has placed its restrooms somewhere out in the main hallway.

6. Present without PowerPoint. You are your own best visual...or should be! Most times the audience has the same set of course notes or handouts about 24 inches from their eyes on the table or lap in front of them. There's no need to then project those notes page by page onto a large screen in front of the room.

Have your audience focus on you and what you are saying rather than on that screen. I am a firm believer that the more bells and whistles (cascading, sounds, laser pointers) a speaker uses in his presentation, the poorer and more boring the speaker and the presentation will be.

7. Have a conversation with your audience. In high school and college the instructor would say, "The 5 characteristics (components, points, etc.) are..." and we as students immediately wrote down a list from 1 through 5 in our notebooks ready to fill in each space. Ask yourself how listener-friendly you are. Whether your presentation is a 30-minute keynote or a day-long training session, speak with your audience as if you were having a conversation rather than talking *at* them.

Have I said anything new here? Probably not? You've heard these points before. Yet how many of them do you regularly apply or try? Are you flexible enough to test them out in your next presentaion... and re-engineer yourself as a speaker?

Elliott B. Jaffa, EdD., is president of Dr. Elliott B. Jaffa Associates in Arlington, VA. He provides half-day and full-day workshops for many associations. He can be reached at ejaffa@mindspring.com or at 703-931-0040.



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How Does Your Organization Measure Up?

Nine Critical Success Factors

By David Schmidt

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Not only are the following nine factors critical to the effective execution of a company's credit and collection operation, but they also provide an outline of the major functional areas for which the credit staff is responsible. Failure to perform well in any one area will also diminish performance in other functional areas. By evaluating your own performance in each of these areas, you should be able to realize opportunities for improvement that will provide across the board benefits.

- 1. CONVENIENT ACCESS TO RELIABLE INFORMATION** - This includes credit sources, information technology reports, credit department files (paper and computer), economic and market information, etc.
- 2. VALID RISK ASSESSMENT PARAMETERS** - It is not enough to just assign credit limits, which are a measure of capacity, but accounts must also be classified by their probability of going bad. The key is to maximize profits across the portfolio. This requires constant monitoring.
- 3. EFFICIENT CREDIT APPROVAL PROCEDURES** - This includes not only a reliable decision making process, but also the ability to evaluate new customers and process all orders in a timely manner.
- 4. SYSTEMATIC COLLECTION PROCEDURES** - Statements, letters, and phone calls must be integrated to provide comprehensive follow-up on all past dues.
- 5. TIMELY AND ACCURATE CASH POSTING** - Though primarily an accounts receivable accounting function, credit & collection activities depend on this being done properly the first time, on time.
- 6. CLEARLY STATED STAFF RESPONSIBILITIES** - Due to the volume of information that passes through the credit function, all staff members must know their part in the process. An up-to-date credit manual is essential to this, as are individual and departmental goals and objectives, staff training and empowerment.
- 7. REGULAR COMMUNICATIONS WITH SALES** - The sales department is the credit function's customer, so it is essential that sales and customer service know what credit is doing and vice versa.
- 8. ELIMINATION OF BARRIERS TO PAYMENT** - Most deductions and disputes are caused by upstream activities occurring during sales and order fulfillment, production, distribution, or billing. By identifying and correcting the internal causes of slow, partial and non-payment both cash flow and credit department performance is enhanced.
- 9. SUPPORT OF TOP MANAGEMENT** - Without the support of the company's executives, the implementation of best practices within the credit and collection function is not possible. With cash flow critical to a corporation's financial success, credit and collection performance must be a corporate priority.

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that furnishers reported information knowing it is inaccurate. But there is no such limitation on private causes of action for failure to comply with any guidelines established by regulators under this new section of the law. A form of "negligent enablement of imposter fraud" could, therefore, come in the back door through the wide-ranging rulemaking called for by this new section.

Similarly, states could legislate in the area of identity theft as suggested by the Supreme Court of South Carolina. The preemption provisions of FCRA, which are now permanent, limit states' ability to legislate in specified subject matter areas. There is no such limitation with respect to matters dealing with identity theft prevention. States could create added duties for credit card issuers regarding the steps they have to take to verify the identities of credit card applicants. States could mandate that credit card

issuers implement policies designed to protect their residents from identity theft, and they could create a private cause of action if such policies are not followed or if their residents become the victims of identity theft.

The recent court decisions finding that "negligent enablement of imposter fraud" is not a legal cause of action may not be the end of the matter. If identity theft continues to grow at the rate the recent surveys and studies indicate, state legislatures and the federal banking regulators along with the FTC will feel pressure to do more than help consumers who have been victims. They will look for ways to prevent consumers from becoming victims in the first place—and one sure way is to increase the liability of credit card issuers.

To prevent that from happening, it is essential that task forces and other efforts currently underway by financial institutions to prevent

identity theft from occurring be fully supported and that credit card issuers continue to use private sector solutions to protect consumers and themselves.

Oscar Marquis is a partner in the law firm, Oldaker, Biden & Belair. As the former General Counsel of Trans Union, he is a nationally known expert on the Fair Credit Reporting Act, its implementation and its impact on the operations of consumer reporting agencies, and users and furnishers of information. He was recently a member of the Federal Reserve Board Consumer Advisory Council, and is on the Board of Directors of the Credit Industry Research Council. He has a JD from the University of Illinois and a BA from Northwestern University. He can be reached at Oldaker, Biden & Belair, LLP, 818 Connecticut Ave. NW, Suite 1000, Washington, DC 10006.

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Some say success comes down to work ethic and old-fashioned values. Small to medium size agencies provide one thing that the giants cannot, a personal touch. Jeanne Halpin, Recovery Manager for Peoples Bank (Bridgeport, CT) agrees. "Smaller agencies are able to provide better service and results because of their attention to their clients."

The differences start with the way employees are empowered to participate in the growth of the company. The level of personal training and quality of employee screening greatly exceeds that of the

larger companies, thus making the quality of work better. Also larger agencies are typically unable to connect with their employee base and in most cases allow corporate policy to dictate collection strategies that may be counter productive to the well being of the client placing debt. In small to medium agencies the agency ownership and management have daily contact with the collection staff, which in turn gives the needed feedback to improve collections operations for all clients.

In the end you don't have to be a giant to provide giant results and service. All you have to be is the

agency that provides superior training to its collection and management staff, the latest technology, and attention to detail on every portfolio worked. Sounds easy right? Well it is for the small agency.

Gregory Cerullo is General Manager and LLC Partner at Nelson, Watson & Associates, a full-service collection agency located in Haverhill, MA. You may contact him at 800-388-1190, ext 2104.

INSTALLMENT CONTRACT/SECURITY AGREEMENT

Your "Bill of Rights" to Repossess

by Jack S. Barnes, CCRS

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A recent lawsuit in New Mexico has caused several lenders and their collectors to review their Security Agreement. If you have only assumed that every provision you need to do a proper repossession is in your Security Agreement, consider the following review.

The Uniform Commercial Code (UCC) states, "unless otherwise agreed a secure party has on default the right to possession of collateral--". UCC does not define default. Problem: Your debtor dies. You have heard your collateral is being driven by the 16-year-old son who is preparing to move to another state. Does the death of the debtor constitute default? Does the impending removal of your collateral to another state by the 16-year-old son constitute default? The answer may be no to both questions if the events are not covered as default in your security contract or if they are not covered by a specific statute in your state. Even the states that say "default occurs when the ability of the financier to realize on the collateral is significantly impaired" go on to add, "the burden of proving this fact is on the financier". Unless the contract is specific, the "burden of proof" can be an expensive one.

The Maine statute can be a good beginning for your default

clause. It states the following without limitation constitute significant impairment:

- A. Death, insolvency, assignment for the benefit of creditors, the commencement of any proceeding under any bankruptcy* or insolvency laws by or against debtors;
- B. Loss, theft, substantial damage to or destruction of the collateral not covered by insurance;
- C. Sale or prior encumbrance of the collateral;
- D. Failure to renew insurance on the collateral, or termination of insurance on the collateral when substitute insurance is not obtained before the insurance coverage terminates.

Other important elements may be added to your contract. This past year Federal law enforcement alone impounded over \$1,000,000,000 in assets. If your collateral is seized from someone you should have known was using it for illegal activity, you may not recover it from law enforcement. Add to your elements of default, illegal activity, breach of warranty that the vehicle was purchased primarily for personal, family or household use, giving incorrect

or false information on loan application, impending removal from the state, and the financier's good faith belief that the prospect of payment is impaired.

Certain other rights should be added, "seller may enter the premises where said property may be and remove same." The Court held in *Kroeger v. Ogsden* that this mortgage provision "gives the mortgagee a right practically amounting to a license to go upon the mortgagor's private premises for that purpose".

An Acceleration Clause is important to prevent debtors from defaulting month after month. Some financiers have found themselves in court after repeated acceptance of late payments, then repossessing the vehicle without notice. Consider a non waiver clause that states, "Waiver of any default shall not be deemed a waiver of any other default. This contract constitutes the entire agreement between the parties and no modification hereof shall be valid in any event, and Buyer expressly waives the right to rely thereon unless made in writing signed by the seller."

PERSONAL PROPERTY-The *Litigation Generator*; The New Mexico case mentioned earlier

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started over personal property taken during the repossession. The debtor sued for conversion and claimed a violation of the Federal Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. sec1692. This case took on gigantic proportions when the United States District Court For The District Of New Mexico granted a Partial Summary Judgement. It appeared this ruling would prohibit the repossession of a vehicle with any article of personal property in it. The same District Court later vacated its opinion that the taking of the property violated the FDCPA. The District Court noted that the taking of personal property incidental to a lawful repossession though outside of the FDCPA may still give rise to a cause of action for conversion. The Court noted that if the Bank had a consent clause herein, the Bank would have been insulated from liability. The following consent clause may be modified as necessary.

Seller or its assignee may take possession of any other property in the hereinbefore described motor vehicle at the time of repossession, whenever such property may be therein, and hold same for buyer at buyers risk without liability on the part of seller, buyer to be liable for charges for storing such property incurred by seller.

* The automatic stay of bankruptcy prohibits repossession unless the stay is lifted. Check with your attorney.

This article is designed to be educational and should not serve as a substitute for legal counsel. It is suggested that professional legal counsel be sought for actual preparation of any contract.

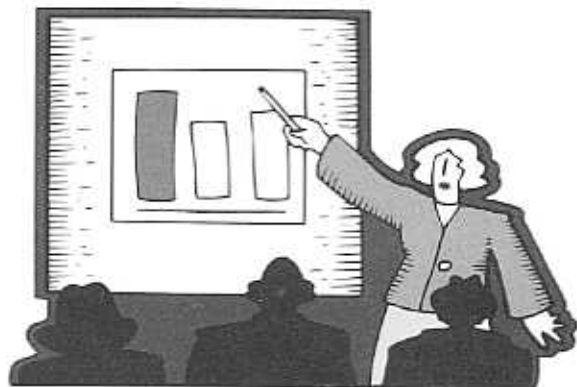
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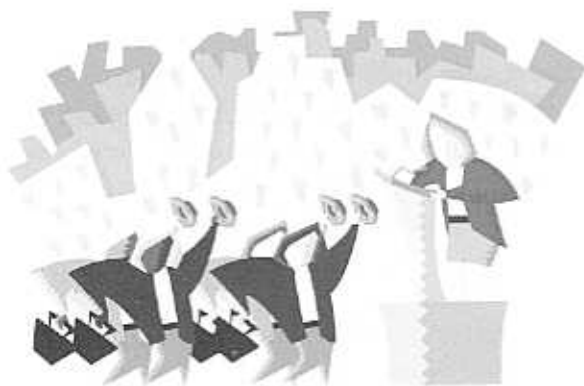
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Retain Members by Leading an Effective Meeting

By Peggy L. McNamara



Those of us who have attended thousands of business and organization meetings realize that there is a vast difference between a meeting that excites attendees and one that puts them to sleep. If one of your meeting goals is to retain or gain members for your organization, a crucial question you must candidly ask yourself—and honestly answer—is, “Which type of meeting have I been leading?”

The first step toward conducting a meeting that will generate enthusiasm and inspire people to return time and time again is to accept responsibility for the environment that you create. I am not just referring to the color of the tablecloths here, although it does help to have a cheery physical environment; I am talking about the emotional environment.

Members of any organization look to the group’s leadership to inspire and excite them—not just to stand up front and ask for more volunteers, but to remind members why they joined the organization and what it stands for. Share your mission statement at the opening of every single meeting. Remind members why your chapter meets

every month, and what’s in it for them. Have a banner or poster made, with your “purpose” on it. Take it along and display it in a prominent place wherever and whenever your group meets. Be proud of who you are. Imagine how your membership could grow if each and every one of your members knew what you, and your organization, stood for!



A second item to be aware of is the “presence” that you bring to the meeting yourself. I have seen more association chapter presidents who appear worn-out and pessimistic than I care to remember. I am baffled that the

chosen leader of an organization can allow themselves to become a voice of discouragement rather than one of enthusiasm for attaining chapter goals. Various studies suggest that 90% of what we communicate is transmitted through our body language and tone of voice, and only 10% through the words that we speak. As chapter leaders, we far too often concentrate on the correct agenda or menu items without realizing the importance of (or even being conscious of) the body language that conveys much, if not most, of our message.

Do you stand by the entrance and welcome members--and visitors--with a firm handshake and a sincere smile? Are you gracious with and attentive to your members, or are you forever running around trying to conquer last-minute details? When was the last time you stood up front and thanked your members, with all of your heart, for everything that they do? The world is a hectic place. Granted, as chapter leaders you have additional responsibilities to attend to, and additional demands on your time, but so what! That is expected. Members don’t want to

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hear about your problems and frustrations. They want to see and feel that they are a valuable part of the organization's success, and your sincerity will go a long way toward conveying that.

A third aspect of running an effective meeting is to keep it on a tight time-line. I understand this is easier said than done, but members really appreciate punctuality and brevity. Respect the time crunch that bedevils everyone these days, and do whatever you can to keep things moving along. Don't be afraid of being aggressive about this.



Members will appreciate their leadership taking charge of a meeting and running it efficiently. There is nothing worse than having a meeting drag on longer than necessary due to twenty minutes of idle chit-chat that interested only a few people. Prepare your remarks in advance and share only what is needed from the platform.

One of my favorite quotes comes from Albert Dunning, an editor from the late 1800's, who said, "Great opportunities come to all, but many do not recognize them." Every meeting that you conduct is an opportunity: an opportunity for retaining members, inspiring enthusiasm for growth through new members and, above and beyond everything else, an opportunity to

make people feel good about the time and energy they expend with your organization.

Peggy L. McNamara works with organizations that want to Stimulate SomeAction (tm) and with association executives that want inspiring, practical value from their events. She is the author of "My Tender Soul—A Story of Survival" and publishes a monthly e-zine, "Perpetual Life Management." She is also president of the Minnesota Chapter of the National Speakers Association. Her Web site address is www.peggymcnamara.com. Her e-mail address is caroline@peggymcnamara.com.



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Making Interviews Work for You

Preparation is key to landing a new position

By Sheryl Sookman

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The road to finding your next job involves two very important steps: putting together an engaging resume that sells you and your accomplishments and a winning interview. Most job seekers dread the interview process, whether they've been through several over the past few years due to frequent layoffs, or if they haven't had one for five or more years. The key to success with an interview, as the Boy Scouts so aptly put it, is to "be prepared."

Research Your Next Employer

You should learn as much as possible about the company with which you will be interviewing. Not only should you research the product or service the company offers and learn about its competitors, but you should find out which department manages the meetings and events and the specific types of programs its meeting planners handle.

One of the best places to start researching companies is www.hoovers.com. This site has a search engine that provides company information, lists key

officers and provides a link to the company's Web site.

Reading through biographies of the management or executive team will help you to understand which departments are involved with meetings and events. Another important area to study is the company's calendar of events, which will give you a sampling of the functions you might be asked to manage. Although it is highly unlikely that incentive programs or board meetings will be listed, you should be able to see the trade shows and conferences the company participates in, as well as seminars or training they offer to



customers—whether webcast or at specific locations—and analyst or shareholder meetings.

Although Web sites vary, this information is frequently located under headings such as "Company," "About Us" or "Investor Relations."

Preparing for the Interview

Getting yourself ready for an interview is more than just deciding what to wear. It is important to practice your responses to interview questions so they flow in a natural manner. There are a number of ways to rehearse: Recite your responses at home or in the car, have a friend run through them with you, or record your responses and play them back frequently. Hearing your own voice will help you determine if you are coming across in an enthusiastic manner or if your speech appears flat and uninspiring. You will also hear whether you use "ah," "er" or "um" too much.

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The main objective of the interviewer is to determine why they should hire you. Make sure to keep this in mind when you are responding to a question, even one as simple as "Tell me about yourself." The interviewer is not interested in finding out if you enjoy doing needlepoint or if you have your scuba certification; he or she wants to know what achievements from your work life match the job description.

There is no way to anticipate all of the questions that an interviewer will pose, but practicing your responses to the following will help give you a level of confidence that should sustain you:

- **What are your weaknesses?**
We all have faults, but the key here is to focus on weaknesses that the interviewer might see as a strength, such as being extremely meticulous.
- **What past accomplishments gave you satisfaction?**
This is a great opportunity to showcase a few meetings or events that you managed and feel best represent your skills. Remember to include specifics in your description, but don't be overly wordy.
- **How do you handle stress?**
Candidates frequently have a hard time with this question because they don't want to appear that they can't handle stress and pressure. Focus on the healthy ways you release stress, whether it is exercising

regularly, relaxing with a good book or working in the garden.

- **Explain how you overcame a major obstacle.**
The key here is to highlight your problem-solving skills, so think about some extremely challenging situations you have faced and how you resolved them. If the department operates within a team environment, it would be helpful to include at least one example that identifies how you interface within a team.
- **Why are you interested in this job?**
Make certain that your response includes reasons that align with the job description. Also draw from the company's philosophy or draw from its mission statement for an appealing answer.
- **Where do you see yourself in five or 10 years?**
Make certain that your goals match with the job description. It might not be advisable, for example, to talk at great length about your interest in handling international meetings if the company only handles meetings nationwide.

The Dreaded Telephone Interview
More and more employers are using a telephone interview as the first stage in the screening process. The sole purpose of a telephone interview, which can last anywhere from 15 to 30 minutes, is to determine whether you are a candidate worth scheduling for an in-person meeting. These types of interviews require a different

level of preparation than just learning how to respond to questions. Because the interviewer cannot see you, your voice becomes the key ingredient in winning them over.



Remember to smile when you are talking. The quality and tempo of your speech improves significantly when you smile—it conveys a positive attitude and energy level. The quickest way to turn off an interviewer on the telephone is to speak in a flat monotone pattern.

Additionally, try to stand during the interview. Your diaphragm opens up when you are standing, and your voice comes across in a more confident manner.

Finally, answer with more than a simple "yes" or "no," but try to keep your responses concise. Remember, it is hard to keep someone's attention on the telephone.

Group or Panel Interviews

These types of interviews are used by companies to assess how a candidate interacts with a number of different individuals. Frequently, group interviews include individuals from varying levels within the meetings department or from different departments within the company.

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TOP TEN NETWORKING MISTAKES: ONE-NIGHT STANDS AND OTHER NETWORKING DISASTERS

By Karen Susman

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Originally published in Commercial Law Bulletin, September/October 2003

News You Knew: This has been a tough year for job seekers, transitioners, entrepreneurs, laid off, downsized, staff efficiencied, budget cut, just-plain-fired, blue collar, white collar, pink collar, collarless, wing-tipped and tennis-shoed souls in search of security. People who have never networked, people who are networking nudniks and executives who thought they'd never have to network again are practicing the following ten worst networking mistakes. If you're making these mistakes, stop yourself before it's too late.

10. Going for one night stands. Networking is about building long term relationships. Approach every networking contact as if you will be interacting for a long time. Your attitude will be much different than if you want something from this person and then plan to toss him or her away.
9. Thinking, "It's all about me." If you want to turn people off, talk only about yourself, recite your resume, never ask a question and sell, sell, sell. Networking is about helping, not selling. Networking is about the other person. Get over yourself.
8. Not having a plan. Be clear on what you want to accomplish from each networking opportunity. Have a strategic plan that includes what organizations you'll join, whom you want to contact, how often you'll contact them and how you'll leverage every networking experience.
7. Not leveraging every networking experience. Many think networking is just meetin' and greetin'. Many think networking is handing out business cards faster than a Las Vegas Blackjack dealer. Leveraged networking is taking one opportunity and spinning the heck out of it. For instance, attending an event, working as a volunteer at the event, introducing the speaker, writing an article about the speaker, submitting the article to the association or company newsletter, a business or trade journal, sending copies of the article to the speaker and offering to send the article to his/her mailing list, sending the article to your mailing list, offering to write other articles for people on your mailing list, speaking on the article topic, offering a tip sheet on
6. Not having a way to manage networking data. Shoe boxes full of business cards you've collected since 1987 is not an efficient data management system. Think software or even a card file system.
5. Not knowing what you want and what you can give. If someone asks you what you're looking for and you say, "Anything," you'll get nothing. Paint a picture of what you want. Be clear. Be brief. Determine your areas of expertise from technology wizard to gardening guru. Ascertain what information you have that would help your networking partner.
4. Not being visible. Get out of your jammies and into your suit. Get out there. Attend functions. Volunteer. Be an MC. Get interviewed. Write articles. Speak. You have to be seen to be heard. You can't stand out if you're hiding under the covers.

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Sometimes the interviewers sit together and take turns asking questions; candidates frequently see this as one of the most intimidating approaches because it can feel like being interrogated. The other approach is to have back-to-back interviews during which the same questions are repeated.

Keep in mind that although one person is asking a question in a panel interview, you should acknowledge the other panelists by making eye contact with each of them when you respond, and end your answer by looking at the person who initially asked the question. With a series of interviews, the key is to maintain consistency with your responses because the interviewers will meet to discuss whether you provide conflicting information.

Behavioral Interviews

Many of the Fortune 500 companies consider behavioral interviews to be the most accurate way of predicting a candidate's potential success with the job. These interviews are based on the premise that past behavior is the best predictor.

"Tell me about a time when you ran into a problem negotiating a contract," for instance. Be sure to describe the situation and the steps that you took to resolve the problem, and explain what happened and whether it had a positive or negative outcome. This is frequently referred to as STARS, because your response should include the following:

ST: Situation or Task—Describe the context in which the behavior took place.

A: Action—Logically take the interviewer through the steps you took to handle the situation or resolve the problem. Keep your

answer clear and concise.

R: Results—Explain your results. Even if you weren't as successful as you'd hoped, it's important to make it clear that you understand the implications of the outcome and why it happened.

If you've brushed up on the company, and are able to articulate how your experience relates to and benefits the company, you are more likely to be offered the position.

Sheryl Sookman, CMP, is the owner of The Meeting Connection, an executive recruiting company that works with companies and associations nationwide to place meeting professionals in full-time positions, contract short-term and on-site assignments. Sookman is a sought-after speaker on career and employment-related issues. You can reach her at 415-892-1294, by fax at 415-892-0523 or by e-mail at Sheryl@themeetingconnection.com. The MeetingConnection Web site is 222.themeetingconnection.com.

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3. **Not listening.** A few good reasons to listen: You can't learn anything when you're talking. When you listen, you are considered a terrific conversationalist. You don't have to be extroverted if you can come up with a few open-ended questions such as, "What brings you here?" or "How did you get into that field?" You'll be wildly popular because people love to talk about themselves.
2. **Not following up.** Has anyone ever said to you, "I'll call

you, or "Let's do lunch," but they never get back to you? Don't be one of those people. If you want to build long-term relationships, follow up and keep in touch.

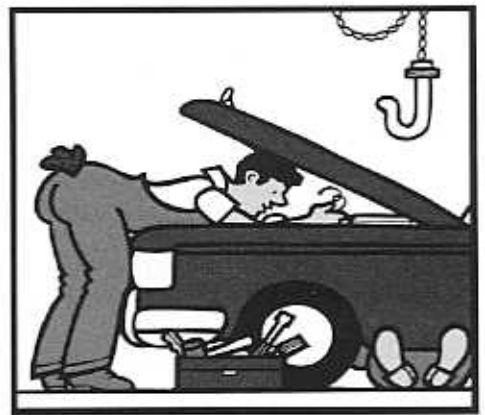
1. **Not networking if you have a job.** Your network must grow and be maintained as a lifelong career strategy. Ask the job-hunting millions who forgot to network during the good times. Turn your life around. Stop having one night stands. Your network is a terrible thing to waste.

Karen Susman is a Denver based national speaker, author and coach on networking, presentation skills, humor and life balance. Her audiences include Commercial Law League of America, Inc. Magazine, CareerLab, Burger King and American Express. Sign up for her pithy e-zine. It's chock full of networking, speaking and other tips. Reach Karen at 1-888-678-1888 or Karen@karensusman.com or visit her website at www.karensusman.com.

GARAGEMAN'S LIENS

By Jack S. Barnes, CCRS

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A much too common and frustrating experience is the following scenario: After receiving a repossession order, the agent made several trips by the debtor's house trying to spot and repossess the vehicle. The decision is made to make contact with the debtor. Contact is made and the debtor reveals the vehicle is at John Doe's Shade Tree Auto Repair and Lawn Mowing Service. The agent goes to John Doe's. Finding the vehicle locked in a secured fence, he makes contact with Mr. Doe. Mr. Doe advised he has a \$2,500 bill on the vehicle for repairs and storage; claims he has a lien. He will not release the vehicle until the \$2,500 is paid. Since the vehicle is in a secured area, "self-help" repossession is impossible.

We are all too familiar with horror stories of being ripped off for unauthorized, sometimes questionable charges, and storage at inflated rates. This article is written to shed light and hopefully broaden the understanding of Garage Keepers Liens. It is beyond the breadth of this article to analyze the law of each state. It is recommended that each reader contact their local counsel for information concerning their

specific state statutory guidelines dealing with Garage Keepers.

A lien in its broadest sense is understood to denote a legal claim or charge on property, either real or personal, as security for payment of an obligation. Liens have long been recognized as common law and have been codified into state statutory procedures.

In the finance industry the liens which commonly arise involve mechanical work to automobiles. Therefore, logic dictates that a "Mechanic's Lien" involves a claim against an automobile for unpaid mechanical work. Wrong. Mechanic's liens, by definition, include statutory liens on specific real property as security for the price or value of work performed or materials furnished. Garage Keeper's liens is the correct terminology generally accepted for claims against an automobile for unpaid mechanical work. At common law and early statutory law most liens on personal property were classified as wheelwright liens, blacksmith's liens and carriage maker's liens. Evolving out of this pre-automobile era came the Garage Keeper's liens.

The majority of states have specific statutory provisions governing Garage Keeper's liens. Generally, any person who provides to the owner of a motor vehicle, material, labor or skill for the repair, storage or safekeeping is entitled to a lien.

Review your specific statutory provision for compliance. Experience indicates that a Garage Keepers lien will only be proper if a verified affidavit describing the work and charge is filed with the County Clerk within 60 days of repair. In this writer's country (population of 500,000) this law has been in effect since 1913. Only nine filings of Garage Keeper's liens of record have taken place in the past 77 years.

The following discussion highlights elementary authority. Although not uniform, the following are general rules:

Possession

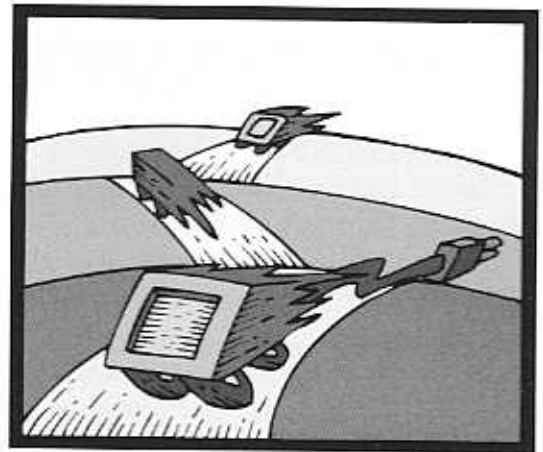
A Garage Keeper must have physical possession of the vehicle to claim his lien. The lien is contingent upon possession and is waived by surrender of the vehicle. Therefore, if the Garage Keeper claims a bill but releases the vehicle

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Technology to the Rescue

By David A. Schmidt

Reprinted with permission from the National Association of Credit Managers from the January 2001 issue of Business Credit magazine



The number of products and services available to credit managers is growing faster than ever. Twenty-five years ago, once you got past Dun & Bradstreet, there was not much more available besides collection agencies and some financial services. Back then, software was mostly on mainframes, and its receivables functionality was very limited.

Today, the story is quite different. New products and services seem to spring up almost every week, and while there are a lot of bold claims being made, it is now possible for savvy credit pros to find a marketplace solution for most any credit and collection management problem. Unfortunately, a lot of problems that credit pros faced 25 years ago are still around because receivables software remains, for the most part, not up to the task. The good news is that bolt-on software as well as Internet products are filling this void.

How Technology Helps

The key, then, is to cut through the confusion to find the applications that will work best with your company. That requires an understanding of the basic challenge facing trade credit operations. For most companies, their biggest dollar exposure is confined to a relatively few large customers. These accounts require extensive support. The problem then arises as to how a limited credit staff can provide sufficient

coverage to the relatively large number of smaller dollar accounts. Ignore them, and in short order they will clog your system. If you cannot balance coverage of your large and small accounts, it is not long before DSO starts rising.

The prime benefit of technology in the service of trade receivables is to automate routine and repetitive tasks so that the large majority of customers of lesser importance can be managed expeditiously in order that sufficient attention can be focused on the minority of more important accounts. With this in mind, here then is an overview of the key technologies available to corporate credit departments and some of the leading vendors in each class.

Collection Software

Chances are if a credit department is under performing, it is because insufficient time is being devoted to collections. With all the clerical activities that collectors must perform-gathering documentation, looking up information, keeping records up-to-date, faxing and so forth-it is not surprising that too few customers are being contacted on a daily basis. Part of the problem, as has already been mentioned, is that for the most part neither accounting nor ERP (enterprise resource planning) software provides sufficient credit and collection functionality. One notable exception is NMC Technologies' CASH Machine.

This software is a comprehensive accounts receivable module that includes credit analysis, collection, deduction management and automated remittance processing utilities. In addition, the COLLECTOR component of this software can be installed as a bolt-on to an existing A/R system.

However, because many companies decide to utilize an A/R module that is part of a financial software suite, their credit departments must turn to bolt-on collection software in order to automate this process. With installations at over 400 companies, GETPAID Software is, by a wide margin, the most established product in this class. Incorporating an integrated dialer, fax, call log and tickler, the collection process in GETPAID is then driven by customer specific collection strategies.

Most of the other collection software products on the market, such as ecredit.com's RapidCollect, BCL Vision's Sales2Cash, Solix Internet's iCollect and Arch Development's Marc, also utilize a strategy driven collection process supported by a cadre of automation tools. This type of collection software enables collectors to make many more contacts by putting a wealth of information at their fingertips and by having automated clerical tasks, thereby leaving more time for contacting customers. The automation tools also make it

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possible to complete more tasks more effectively in a given period of time. Together, all these efficiencies result in very significant productivity gains for the user.

Like any other technology, collection software is continuing to evolve. The next trend involves using the Web as a universally accessible computing platform. Sales2Cash and iCollect are already there, and it is highly likely the other vendors will also move in that direction. Besides ubiquitous access, the advantage to the user of an ASP (application service provider) or other Web-based system is the elimination of the need to keep upgrading your software.

Deduction Management Software
The Web is also an ideal place to handle the settlement process. This is especially important to food and consumer goods manufacturers selling to chain stores. Promotional discounts, advertising claims, co-op programs and so forth greatly complicate their collections. Recognizing this, ChiCor has created SettleLink.Net, which provides a virtual meeting place for both the buyer and seller to reconcile their account balance differences.

While the collection software products mentioned all provide for deduction/dispute resolution, and all except Marc offer deduction management software upgrade modules, ChiCor's approach to the settlement process is clearly from the deduction management side of the equation, and their flagship product is their Deduction Management System (DM5). Accordingly, your volume of deductions will determine which type of solution is more appropriate.

In any event, the goal of deduction management software is two-fold. While providing a contact management framework and the supporting workflow tools to expedite the resolution of deduction issues, a good deduction management product will also help you identify the different root causes of your deductions and quantify their costs. By so doing, you are then able to more easily justify internal process solutions that will reduce the flow of deductions, thereby reducing your workload.



Remittance Solutions

A third area of the settlement process is cash applications. For many companies this is a labor-intensive task that when not done in a timely manner has a detrimental affect on collections and deduction resolution. This is where autocash applications, which through the use of algorithms and other automated routines, can help. While many receivables software modules include an autocash routine, they are seldom able to automatically match more than 40 or 50 percent of all remittances due to deductions, incomplete documentation and other discrepancies. In contrast, cash application pre-processing software, due to its built-in sophistication, will usually achieve hit rates in excess of 90 percent. This added efficiency provides a high value in terms of cost savings, because the more difficult cash applications require the most labor.

There are primarily two companies serving this market. One is the Accounts Receivable Processing Company (ARP), whose CashApply pre-processing software is very good at taking remittance data keyed-in by the lockbox bank and using sophisticated algorithms to match this data to invoice records downloaded into the pre-processor. The finished remittance batch is then exported to the receivables software. The other company is C/Lect Consulting. They, too, offer a pre-processing software product, but can also do more custom work and bring in other technologies such as scanners and optical character recognition (OCR) readers to enhance the matching process. Both companies also facilitate the automated processing of ACH or EDI remittances.

However, not all remittances are received as traditional payments. The advent of purchasing cards and the growth in their use by businesses has provided an incentive to commercial credit departments to begin accepting card payments. First Data's Business Payment Services Group provides B2B creditors a number of solutions in this regard ranging from point-of-sale to ecommerce and EDI.

Furthermore, creditors no longer need to wait until the customer pays in order to get their money. In part, thanks to technology, trade receivables are becoming more and more a commodity that can be either held or traded. One way this trend is manifesting itself is in the rise of Internet debt auctions. One of the leaders in this market is DebtAuction.com, which does not buy or sell receivables itself, but has instead created an online marketplace of more than 25,000 institutions and accredited investors to participate in the sale and purchase of debt instruments including distressed, non-performing or delinquent debt.

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Credit Analysis Software

Of course, technology's impact is not limited to the collection side of the equation. Companies with lower gross margins and/or higher average transaction values often find it necessary to automate their risk analysis process. Credit analysis software not only assists with the mechanics of data collection and analyzing financial statement data, but also provides the tools to accomplish portfolio analysis tasks such as risk scoring. Being able to drill down into discreet segments of the receivables portfolio and to thereby evaluate risk from both a micro and a macro perspective is invaluable to the optimization of credit policy, the credit decision process and the prioritization of credit and collection tasks.

Credit analysis software pre-dates the acceptance of the personal computer by the business world and continues to become more sophisticated with every new iteration. Credit & Management Systems was one of the first purveyors and its Corporate Credit Manager (CCM) product is used by over 1100 businesses worldwide. Another mainstay in this area is ecredit.com. They offer a suite of credit analysis, credit scoring and portfolio analysis products that can be deployed on the Internet as part of their Global Financing Network. Though less sophisticated than these products, Dun & Bradstreet's Risk Assessment Manager software (RAM) is undoubtedly the most widely used product in this class, providing a very convenient platform for accessing D&B credit data. Similarly, Experian has come out with Credit Advisor (front end) and Account Advisor (back end), which together provide risk assessment tools both before and



after the initial sale. Like ecredit.com, Credit View also offers a full suite of risk management products as well as collections utilities that can be incorporated into e-commerce functions

Credit Scoring

Underlying the capabilities of risk management software is the ability to compute a credit score or incorporate credit scoring data into the analysis process. The least sophisticated scores are heuristic models that merely mimic a credit analyst's decision process to produce a quantitative result. However, behavioral scoring models based on the statistical analysis of past events enjoy significantly higher validity and are, therefore, more predictive. Behavioral credit scores are often used as part of the credit approval process to evaluate the probability of slow payment or default. Other credit scoring models predict financial distress or the probability of recovery and are, therefore, useful in customizing and prioritizing collection activities.

Commercial credit scores are available from both D&B and Experian and are accordingly based on their own credit bureau data. These are known as generic scores. However, the most predictive data underlying a credit scoring model is a customer's historical payment performance with a particular creditor. To take advantage of that information, the creditor will have to turn to a custom credit scoring model that will typically contain internal as well as external credit bureau data. One firm that works with creditors to create custom scoring models is Predictive Business Decision Systems (PBDS). Their statistical credit and collection scoring tools can then be implemented either through the Internet or a company's own systems.

Credit Information Resources
The use of risk assessment

software and statistical scoring models underlies the need for sophisticated data acquisition tools. Often that requires obtaining data from multiple credit bureaus as well as Internet sources. Not surprisingly, it can be problematic and costly to implement a data-communications pipeline with each and every source of information. One solution is to turn to a vendor such as Microbilt. Their Software Developers Kit can help your company open a single pipeline to all the major credit bureaus.

Even though more and more data is being captured by automated systems, there still remains a need for



credit analysts to view some credit reports themselves. The rise of the Internet has made this easier than ever and opened up opportunities for new information resources. For example, BusinessCreditUSA.com offers free business information on over 13 million North American businesses. Their reports are ideal for verifying new applicant data when you are dealing with small transaction values or high margin situations. Looking at things from the opposite perspective, Debt Watcher.com provides a negative database of businesses that have been placed for collections.

If your new customer is not in the DebtWatcher database, chances are the customer is clean. By the same token, an existing customer that is becoming a delinquency problem can be checked against this database to see if other vendors are also having problems.

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Difficult People in the Workplace

By Barton Goldsmith, Ph.D.

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We all encounter difficult people every day. Sometimes all we have to do to see one is to look in the mirror. Is there a person in your life or business who is demanding and intimidating? What about the person who never follows through or who is never happy? If you have to deal with a difficult person, here are some sure fire methods for understanding and communicating with them.

If someone is aggressive or intimidating in their manner there are a couple of tactics that work well. First, listen to what it is they have to say, but don't engage in an argument. Being polite, succinct and precise in your language will give them less room to engage in this negative behavior. If the person makes you nervous (which they do to control the situation) it may be wise to have someone else in the room when you are talking with them.

If the person criticizes you or pelts you with sarcastic comments that offend you, keep the conversation focused on the solution and don't acknowledge their inappropriateness. In cases like this it gives you more power if you remember to act rather than to react. Don't play their game as they are trying to make you feel unstable. In

a difficult conversation, the first person to get mad loses.

When dealing with a person who is cold and closed off you need to consider that they may have a hidden agenda. Ask open-ended questions and be patient, it may take a little while but they will open up when they feel safe.

Perhaps one of the most difficult people to deal with is someone who is arrogant. People who engage in this behavior are usually trying to cover up their own insecurity. They may be trying to avoid taking responsibility for a problem which will be made obvious if they try to blame others. Dealing with them effectively requires that you know you're in the right. It also helps to have documentation to back up your observations.

When someone continually complains it can bring down an entire group of people and perhaps even a company. This kind of cynicism is uncomfortable for everyone around him or her. The best way to deal with it is to not allow them to complain unless they also present a solution to the issue. This will greatly reduce their ability to effect you and their fellow team members.

Some people talk so much that they are unable to hear anyone else. A great technique is to tell them as they begin that you only have a minute. If they continue bending your ear, don't be afraid to interrupt and tell them that you (and they) have to get back to what you were doing when the conversation began.

If someone is not doing his or her fair share around the office it can be very frustrating. These people can put more effort into finding short cuts than what it would take to just do the job. Don't cover for them, that's what they want you to do. If they ask for help or advice, have them create a list of what it is they need to accomplish. People who are prone to procrastinating are also usually unfocused and disorganized. To deal with them set firm timelines and emphasize the importance of meeting them. Be sure they know there are consequences if the timelines are not met. This will help to eliminate any excuses that they can think of. Make sure they give you a firm commitment and follow-up, follow-up, follow-up.

Finally, Some people hold on to every negative thing that has ever happened. They are not good team players and tend to work best in

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isolation. Take the pre-emptive approach with them, before you start, clarify that you are not present to rehash old conflicts. If past conflicts begin to surface cut the person off quickly and return to the issue at hand.

Sometimes we cannot deal with difficult types and we must move them on (or move on yourself). Life is too short to work (or hang out) with people who make you miserable. One of the best tools for keeping a team together is making sure they get along. If the problem persists, you may want to rethink your motivation for continuing to work with someone who continues to behave in a difficult manner.

Dealing with Difficult People is an art form. Those who are good at it tend to be successful in life and business (or they become

therapists). Knowing how someone is likely to behave is helpful, and will give you the upper hand in an uncomfortable situation. Trust your instincts and don't let them grind you down.

Creating a Company Mentoring Program will help you deal effectively with difficult people and negative behavior in the workplace. For more information on mentoring or creating a program, send an e-mail to barton@bartongoldsmith.com with the word "MENTOR" in the subject box, and the information will be sent to you.

Dr. Barton Goldsmith is CEO of Goldsmith Consulting. For more than two decades Fortune 500 companies, educational institutions, and government organizations worldwide have relied on him to help them develop creative and balanced

leadership. He is a highly sought after business consultant, executive coach, keynote speaker, and nationally syndicated columnist who writes for over 150 publications, including the Los Angeles Business Journal. He developed the Goldsmith Innovation/Implementation Index (g3i), which has been used by hundreds of companies and thousands of individuals to ascertain their creative abilities. The test can be found on his web site. Dr. Goldsmith has a unique understanding of entrepreneurs and those striving for success. Considered an expert on innovative leadership and business psychology, he has given over 2,000 professional presentations and worked extensively with The Executive Committee (TEC) and The Young Presidents Organization (YPO). His latest book, "Emotional Fitness for Couples" will be released in early January 2004. The follow-up project, "Emotional Fitness for Leaders" will be out next year. He can be reached at (818) 879-9996 or visit www.BartonGoldsmith.com.

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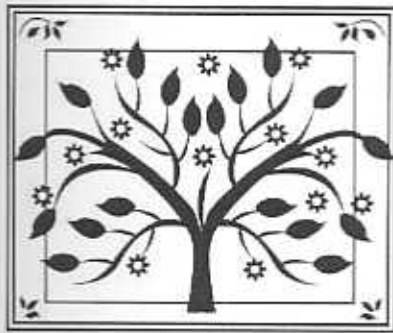
Another area where credit information resources are improving is within industry credit groups. Automation is making it much easier to quickly share information throughout the group on customer defaults and other serious situations, as well as saving a tremendous amount of time putting together the monthly or bi-monthly payment history exchanges. Working with the Mid-Atlantic NACM, OutPoint Corporation has used their expertise with Internet database software to create a new credit reporting software and website for this association. InetCreditExchange is another organization that provides a secure, paperless Internet-based environment for industry credit groups.

Things to Come

While technology in the support of commercial credit and collections has come a long way, it still has further to go. One major issue the software and other service providers will continue to address is inter-connectivity. Not surprisingly, the Internet, because of the easy access it provides, is becoming the platform of choice for new applications. To make use of Internet applications it is necessary to link back office applications related to the order-to-cash cycle to the Internet, and the 'makers of ERP systems and financial software are rapidly moving in that direction. The increased use of XML (extensible markup language) technology, because of its ability to transfer data packets between otherwise incompatible software applications is another encouraging

trend in this direction. As a result, credit pros should soon be able to design and build end-to-end credit and collection systems with relative ease, even if multiple software products and service providers are involved. Today there may be a lot more technology available to the commercial credit community than there was in the past, but you ain't seen nothing yet.

David Schmidt is a commercial credit consultant and writer. He is co-author of "Power Collecting: Automation for Effective Asset Management" (Wiley, 1998) and can be reached at 75564.3253@compuserve.com.



COME GROW WITH US

International Conference
Credit Professionals International
June 16-20, 2004
Atlanta Marriott Perimeter Center
Atlanta, Georgia

Full member registration is only \$299 if paid by April 22, 2004; after that date it will be \$349. We are also offering a members-only weekend package (Saturday and Sunday events) for \$199. The non-member registration fee is \$450. Please make your reservation directly with the hotel by May 28, 2004, and mention the conference to get the \$99 room rate. Their toll free number is (888) 858-2451.

Come in early and enjoy a tour of historic Atlanta on Thursday. Tickets for this event are just \$50 and include entry to the Governor's Mansion and Gardens, the Atlanta History Center, Tullie Smith Homestead, Swan House and gift shops, and a box lunch from the Coca Cola Café.

There will be a Life and Career Planning Workshop on Friday facilitated by Right Management Senior Consultant Anne Morgan. On Saturday we will have break-out educational sessions, where you can tailor your conference experience to your own needs and interests by choosing two of the following four topics: "The Health Insurance Portability and Accountability Act", "Credit Laws", "Website Navigation", or "The Global Workplace". There will be also be two sessions of committee meetings on Saturday so that members can participate on more than one committee.

On Sunday morning the closing breakfast and Post-Conference Board meeting will flow as one event so everyone can hear our goals for the new year and get an earlier start for their trips home. Our speaker that morning will be author and HumanArts founder Phyllis Carrera on "Crisis or Choice: Which Do You Choose?"

For more information or to go ahead and register now, see the International Conference link at www.creditprofessionals.org. You will also find information there if you would like to sign up to be a conference sponsor.

If you have any questions, please e-mail us at CPICConference@aol.com. We look forward to seeing you in June. Until then,

KEEP GEORGIA ON YOUR MIND!



2004 CPI Conference Schedule

Wednesday, 6/16/2004

- 12:30 p.m. as needed Pre-Conference Executive Committee Meeting
7:00 p.m. - 9:00 p.m. Registration open

Thursday, 6/17/2004

- 8:30 a.m. - 9:30 a.m. Registration open
9:15 a.m. - 3:00 p.m. Historic Atlanta Tour (*separate ticket*)
3:30 p.m. - 5:30 p.m. Pre-Conference Executive Committee concludes
4:00 p.m. - 8:00 p.m. Registration open
5:00 p.m. - 6:00 p.m. Voting open
6:00 p.m. - 6:45 p.m. First Timers
7:00 p.m. - 8:00 p.m. Future Planning
8:00 p.m. - 9:30 p.m. Reception for President Marlene Wilcox
9:30 p.m. - 10:30 p.m. Hospitality Suite open

Friday, 6/18/2004

- 7:30 a.m. - 8:15 a.m. Continental Breakfast
8:30 a.m. - 9:00 a.m. Opening Ceremonies
9:00 a.m. - 11:45 a.m. Life and Career Planning Workshop
Anne Morgan, Senior Consultant, Right Management
12:00 p.m. - 1:15 p.m. Career Club and General Luncheons
1:30 p.m. - 3:00 p.m. Pre-Conference Board Meeting
3:30 p.m. - 4:15 p.m. Foundation Annual Meeting
4:30 p.m. - 5:00 p.m. Foundation "Duck Races" Fund-raiser
5:30 p.m. - 6:30 p.m. New Member Forum
(open only to members of CPI 3 years or less)
6:30 p.m. - 9:00 p.m. Past Presidents' Dinner (*by invitation only*)
7:00 p.m. - 10:00 p.m. Hospitality Suite open

Saturday, 6/19/2004

- 7:30 a.m. - 8:15 a.m. Continental Breakfast
8:30 a.m. - 11:30 a.m. CPI Annual Meeting
11:45 a.m. - 1:30 p.m. Awards Luncheon
1:45 p.m. - 3:15 p.m. Educational Sessions (*choose 2*)
"Website Navigation"
"Credit Laws"
"The Global Workplace"
"The Health Insurance Portability and Accountability Act"
3:30 p.m. - 5:30 p.m. Committee Meetings
6:30 p.m. - 9:30 p.m. Installation Banquet

Sunday, 6/20/2004

- 7:00 a.m. - 8:15 a.m. Post-Conference Executive Committee Meeting
8:30 a.m. - 9:00 a.m. Memorial Service
9:00 a.m. - 11:30 a.m. Closing Breakfast
"Crisis or Choice: Which Do You Choose?"
Phyllis Carrera, author and founder of HumanArts

Don't Take References for Granted

Their value in the job search process is key

By Sheryl Sookman

Originally published in *Meetings West*, August 2003
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Selecting references is frequently one of the last things people focus on when they are searching for a job. Unfortunately, most employers put a lot more weight on what your references have to say, or not say, about you. Even if you are the most qualified candidate, the responses from your references could derail your job opportunity.

Who Makes the List?

Think strategically about the individuals you ask to be your references. Consider which individuals can provide the best information about your strengths, abilities and accomplishments. If you are seeking a very senior position, consider whether the person can address your skills and abilities at a level that matches with the job's requirements. For example, if you started your meeting-planning career five years ago, your first supervisor might be able to talk about how well you worked as a team player but could not talk about your ability to manage an entire program.

Your reference list should include no more than five individuals who know about your work ethic and performance, specific accomplishments and professional achievements. Your best choices for

references are former co-workers, supervisors and vendors with whom you have had an extensive working relationship.

Ask each person in advance if they will agree to act as one of your references before you put them on your list.

Be sure to gather all of their contact information. That includes their present title, company name, mailing address, telephone number, cell phone (if that is the best way to reach them), and e-mail address. Although e-mail is an accepted format for most other types of communication, human resource departments generally prefer to obtain reference information by speaking with the person directly.

Individuals who decline to act as a reference may have the highest regard for you as a meeting professional, but are restricted by their company's policy about providing references.

When offering the invitation, always ask whether a potential reference's company has any policies against current employees responding to reference calls. Even if the person would be the best reference in the world, it is best not to put them on your list if they have

to limit what they can say. There is no point in having a reference say, "it is our company policy not to provide any detailed information about a former employee other than to confirm their dates of employment and title."

Letters of Recommendation

It used to be that letters of recommendation were the accepted format for providing references. Nowadays, these documents carry very little weight because there have been too many instances when letters have been fabricated. Employers prefer to speak with your references by phone and, secondarily, by e-mail.

Once you put your list together, be sure to maintain ongoing contact with your references. Try to stay in touch with them on a regular basis, even if it is just a quick e-mail note. With such a fluid job market, it is just as likely that one of your references could suddenly be out of work as well. There is nothing worse than presenting a reference sheet with outdated information, especially phone numbers where the area code has changed. As a meeting professional, we pride ourselves on being extremely detail oriented, so not have accurate

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information about one of your references does not reflect very well.

Make sure to advise your references about the type of jobs you are seeking and the areas you feel are important to highlight about your experience. If you are applying for a position that involves trade shows, remind them to talk about what you did in this area when you worked together. Remember, it may have been a while since you worked with or for this individual, and they will appreciate your refreshing their memory. Also provide them with a copy of your most current resume so they know what you have been doing since they worked with you, and make certain to send them a copy whenever you updated your resume.

When there is a specific position you are interviewing for, contact



your references by e-mail or give them a quick call to let them know about the job and the name of the individual or company that might be calling them. This is

especially important if one of your references is an individual in a senior-level position and gaining access to them happens via their executive administrative assistant; that little bit of advance notification will help insure that the call is received in a timely manner. A note of caution: If you have agreed to use a senior executive only when you are being considered for a high-profile position, it is best not to put that individual on your standard reference list; add them on an as-needed basis.

Advise your references if there are specific aspects of your experience and background that you would like them to focus on as they relate to a particular position. If, for example, the position entails trade shows or incentive programs, or some other specific meeting format, remind your references about a similar event or two that you managed when you worked together. What you want to avoid is having one of your references respond with, "Oh, I had no idea she was considering a position like that," or "I didn't realize she had experience handling those types of meetings and events, but I would think by now she could handle something that complex." This last statement happens frequently when a reference is someone you worked with long ago.

Update Your Reference List

As you develop and grow as a meeting professional, it is standard practice to update your resume. It is important to periodically review and revise your reference list as well. Over time, you will want to refresh your references list to include individuals who are able to talk about your more current experience, rather than events that occurred five to 10 years ago. Your references provide insight to a prospective employer about your strength and abilities, and you want their comments to match as closely as possible the level that you are seeking in the next position.



References belong on a separate sheet of paper and not as part of your resume. Create a sheet that simply says 'References' or 'Reference List' and be sure to include your name, i.e., 'Reference List for Sheryl Sookman, CMP.' You should always bring at least two copies of your reference list with you when you go for an interview, but do not present it unless the employer requests to receive one.

Remember that a prospective employer is contacting your references to gain more insight into your abilities as a meeting professional. What each reference says can have a significant impact on an employer's decision to offer you the position.

Think strategically about the individuals you select to be in your reference list. You want them to reflect your abilities and achievements in a way that matches with the focus and direction you are heading with your career.

Sheryl Sookman, CMP, is the owner of The Meeting Connection, an executive recruiting company that works with companies and associations nationwide to place meeting professionals in full-time positions, contract short-term and on-site assignments. Sookman is a sought-after speaker on career and employment-related issues. You can reach her at 415-892-1294, by fax at 415-892-0523 or by e-mail at Sheryl@themeetingconnection.com. The MeetingConnection Web site is 222.themeetingconnection.com

Make Diversity Work for You

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Two of your employees look like they're too young to shave. Others are at least 10 years older than you. Your new hire wears a nose ring. That's what managing diversity means. You're expected to relate to and successfully manage endless varieties of employees: all ages, backgrounds, beliefs and lifestyles.

The good news: You don't have to change your management style to accommodate each of them, if you remember some simple rules:

- Always do what you say you will. When you're leading a diverse work force, put gaining trust and encouraging feedback at the top of your agenda. The first step in gaining trust is obvious: Listen carefully to your employees. Repeat their words and invite them to correct your interpretation of what you heard. That helps you avoid confusion and misunderstandings.
- Invite workers to comment on your leadership. Ask them: "What can I do to make your life better?" "What should I do less of?" Listen carefully to all your employees' answers. You'll probably find that they all expect many of the same things from you—despite differences in their ages, lifestyles and backgrounds.

Avoid diversity land mines

A second key component of leading a diverse group is helping different types of workers learn to get along with—and work alongside—their peers.

Remember, if you find it daunting to work with so many types of people, your employees probably feel the same. Help them understand their role by explaining that you view the entire group as a team. Let them know that they can learn to work together—or sink together.



Head off any conflict by remembering these "diversity don'ts:"

- Don't allow different performance standards. Always assign responsibility based on skill level alone.
- Don't assume that attitudes and behaviors are age-related. Not every 24-year-old is a slacker, just as not every older worker

will resist technology upgrades. Placing stock in stereotypes limits employees' potential. That cheats your organization of valuable contributions and stifles employees' creativity, leading to frustration, turnover—and lawsuits.

- Don't expect respect just because you're the boss. Try to remember that, like any manager, you're judged on your actions, not your age or background. If you want their respect, you have to earn it.
- Don't ignore employees' different backgrounds. Invite them all to share their knowledge and their opinions. And let them know you expect them to extend the same courtesy to their peers.
- Don't let battles escalate into wars. If you spot interpersonal conflict between members of your work group, sit the involved employees down and help them pinpoint the real issue that's bothering them. Insist that they commit to a plan to resolve the conflict. Don't allow the discussion to collapse into a "he did this" or "she said that" session.

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If employees want to vent anger or frustration, let them speak to you in private. Letting them vent just might relieve enough tension to allow them to constructively address the real problems.

Diversity has its advantages

Leading a diverse group may seem like a tough assignment. But, in fact, skillful leaders usually find that a group that brings different perspectives and experiences to the table produces better results than a homogeneous, look-alike group of employees.

By expanding your pool of skills, interests and talents, you'll find you have a bigger war chest to turn to when crisis strikes or an extraordinary situation arises—and even when you're just trying to get through a regular day's ordinary challenges.

Luckily, getting the best out of a diverse group doesn't require any extraordinary measures. You can motivate nearly anyone with trusty management standbys—as long as you offer them sincerely. If you're not sure how to begin, don't overlook "oldies but goodies" such as:

"Good job."

"What do you think?"

"Please."

"Thank you."

"I admit I made a mistake."

Just remember: Most sound management rules play well across ethnic, gender, religious and age lines. Here are two key points to remember:

- Focus on actions, not attitude. Don't let stereotypic assumptions blind you to employees' real capabilities. Don't accuse a young worker of a "bad attitude" because of one outburst. Instead, say "You reacted very quickly against Shelly's idea. I'm concerned you didn't really evaluate its merits before you spoke out against it."
- Listen, don't lecture. Don't tell employees how you expect them to solve problems or resolve interpersonal conflicts. Instead, give them time and room to express themselves, make tough choices and decide how to resolve the issues on their own.

How to foster open-minded attitudes

If your staffers have similar backgrounds and work histories, they probably view many challenges and work situations in the same way. Their decisions can suffer from that limited perspective.

If your staff lacks diversity, compensate by taking the following steps:

- Identify blind spots. Find out how your staff members' similarities hinder their performance. *Examples:* Employees who have spent their careers at one organization might not understand how other organizations work. If all staffers are female, they may lack insight about the reactions of male employees or customers.
- Develop techniques to overcome the blind spots you've identified. *Examples:* The all-woman group may want to solicit men's reactions to certain decisions or ideas. The staff that's worked for one organization for a long time could visit other organizations as they consider a new project or a major change. At the very least, your staff needs to develop the habit of asking "What perspectives have we overlooked?"
- Network outside the group. Broaden their viewpoint by requiring them to interact with customers, professional associations, other organizations or community groups.

This article is an excerpt from a Briefings' special report, Conquer the Chaos: How to Tame Your Workload & Reclaim Your Life (\$25.00, item# BK1330). To order copies of this special report, or for more information, call (800)722-9221 or (703)518-2343. Fax orders to (703)684-2136.

The Outrageous Power of Self-Evaluations

By Barton Goldsmith, Ph.D.

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I firmly believe that if you want to grow personally and/or professionally you have to take an honest look at where you are before you can decide where you want to (or are able to) go. Doing a serious self-evaluation at least once a year is necessary to keep up your current pace, and if you want to grow at an accelerated rate, I suggest doing it twice a year.

I have created twenty "Self-Evaluation" questions that can help create a positive dialogue and make the process more effective than a typical performance or 360 review. These questions will be great fuel for helping you understand how progress is being made and what course corrections are necessary. It also opens the door for some serious career mentoring. Most importantly, it will help you discover the skills that need to be developed in order to achieve your goals.

These questions are not designed for quick answers—this is not a race. Take your time and feel as well as think about how you can most honestly answer these questions. Read the entire list before you begin your process and allow each question to digest slowly. Taking your time with this evaluation will give you the best insights.

Personal

1. What are the most valuable things/goals I achieved in the past year?
2. How can I improve the way I am dealing with the current challenges in my life?
3. What are my most significant personal goals for the next year?
4. What do I need to keep doing more of?
5. What would I like to change about myself?
6. What are the most significant personal challenges for the next year?
7. How am I treating the most important people in my life?
8. How could I treat the most important people in my life better?
9. How will I add joy to my life in the next year?
10. What do I wish for the future?

Business

11. What are my financial goals for the next year?
12. What are my desired business outcomes for the next year?
13. What are the most significant business challenges for the next year?
14. What are the most significant business opportunities for the next 3-5 years?

15. Who am I not working well with and how can I make it better?
16. What issues keep me up at night?
17. What have I learned about myself while working at my job?
18. What would I like to see my company modify?
19. What have I learned from my staff/co-workers and from working here?
20. What I will commit to in order to make me better and to make those around me better?

If you need to make changes in either your business or personal life, first write down exactly what it is you want to change. Having written goals gives you a 300% better chance of reaching them. Next, find someone to share the goals with and to help hold you accountable. Your Mentor is the ideal choice, and if you don't have one, or are not a member of a Mastermind group, add "find a Mentor" to your list. If you would like some more information on finding a Mentor or creating a Company Mentoring Program, send an e-mail to Barton@BartonGoldsmith with the word "MENTOR" in the subject box and the information will be sent to you.

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Lastly and most importantly, review your goals daily. I advise posting them near your computer (even on your screen saver), or on your desk so you see them often. This will serve as a subconscious reinforcement and will aid you in reaching your goals in less time. Making one significant change per month is appropriate for most people. Remember, if you try to eat the whole pie at once, you'll make yourself sick.

These self-evaluations are perhaps the most powerful tool you can use to boost your productivity at work and the enjoyment of both your life and career. If deeper questions or concerns arise talk with someone you trust and be proactive by taking the steps necessary to create balance where it is needed. It's your life, no one is going to make it better but you.

Dr. Barton Goldsmith is CEO of Goldsmith Consulting. For more than two decades Fortune 500 companies, educational institutions, and government organizations worldwide have relied on him to help them develop creative and balanced leadership. He is a highly sought after business consultant, executive coach, keynote speaker, and nationally syndicated columnist who writes for over 150 publications, including the Los Angeles Business Journal. He developed the Goldsmith Innovation/Implementation Index (g3i), which has been used by hundreds of companies and thousands of individuals to ascertain their creative abilities. The test can be found on his web site. Dr. Goldsmith has a unique understanding of entrepreneurs and those striving for success. Considered an expert on innovative leadership and business psychology, he has given over 2,000 professional presentations and worked extensively with The Executive Committee (TEC) and The Young Presidents Organization (YPO). He can be reached at (818) 879-9996 or visit www.BartonGoldsmith.com.

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his lien is waived and repossession is proper.

An exception found in many states provides that if a Garage Keeper surrenders the vehicle upon receipt of a check for full payment and the check is bogus, the lien may be re-perfected by operation of law by filing an affidavit with the appropriate clerk within a given time.

Another exception is where the Garage Keeper loses the vehicle through trick or deception then the lien continues. Therefore, it follows if the vehicle is repossessed from John Doe's Auto Repair without their consent, in all likelihood the lien will continue. The surrender of the vehicle must be voluntary. Further, an involuntary repossession against John Doe's Auto Repair may expose the agent and client to a claim for conversion.

Consent

For a lien to attach the owner must consent to the repairs.

An exception exists where a vehicle is left abandoned on public roadways. The law implies consent for the towing and storage.

Bills

Repair bills must be consensual. Where the underlying contract does not state price for repairs, the law implies the bills must be reasonable.

Payment

A repairman's lien is discharged by tender of payment. Although the bill may seem unreasonable, unfair, and perhaps was not filed correctly, the garage has possession. It may be in the creditor's best interest to pay the bill, releasing the lien and allowing for repossession (assuming the bill is minimal). This will stop further storage charges which accrue rapidly.

Priorities of Claim

A Garage Keeper's statutory lien, absence a statute, is not superior to pre-existing mortgages or liens. However, many states' statutes provide that a Garage Keeper's lien ranks ahead of all mortgages. Once again you must defer to your specific state statute.

An agent must be aware of the Garage Keeper's lien. An agent cannot force a repossession against a Garage Keeper. The agent, upon discovering a Garage Keeper's claim of a lien, should attempt to obtain a copy of the repair bill and advise the client. The agent who is familiar with that state's statute will be rewarded if he can advise the client as to the statutory authority.

Jack Barnes, CCRS, is Executive Director of NATIONAL FINANCE ADJUSTERS INC., P.O. Box 3855, Baltimore, Maryland 21217-0855.

MEMBERSHIP NEWS

The following people have joined CPI since the last magazine was published. We welcome these new members.

Anniston, AL

Raymond Wayne Carden
BB&T

Andy Wade Cowan
Southern Finance Adjusters,
Inc.

Christina Parker
Farmers and Merchants Bank

Lou Ann Simmons
Columbus Finance Co.

Pensacola, FL

Lee Gordon Jr.
Trans Union LCC

Cabarrus County, NC

Randy Lee Bost
Piedmont Natural Gas
Brenda K. Broadway
Classic Jewelers

Coastal, SC

Iris M. Albright
Consumer Credit Counseling
Service

Debbie Kidd
Consumer Credit Counseling
Service

Michaele A. Russell
Consumer Credit Counseling
Service

Greenville, SC

Diana Mabry
Piedmont Natural Gas
Tammie K. Wolfe
Piedmont Natural Gas

Orangeburg, SC

Patricia Thompson
S.C. Regional Housing
Authority

Ann Arbor, MI

Pamela Thomas

Jackson, MI

Nancy J. Oleksy
Catholic Community CU

Forth Smith, AR

Lawla Bajat Makow
First Resource Federal Credit
Union

Hutchinson, KS

Elsie L. Seifert
Hageman Accounting

Alamo CPI

(San Antonio, TX)

Joseph A. Irizarry
Interstate Adjustors SA Inc.

Lacy Jane Owens
San Antonio Federal Credit
Union

Las Madrugadoras

(Albuquerque, NM)

Delores Lawson
CollectRite, Inc.

Karen D. Waterman
Kirtland FCU

Honolulu, HI

Glen Maglasang

Flathead Valley, MT

Tasha Lee Franklin
CBK Services

Karla Lawler
Workplace Inc.

Katie M. Marsonette
Glacier Bank

Regina Ellen Schapp
Three Rivers Bank of Montana
Sarah Lynn Williams
Check Alert

Pendleton, OR

Patricia Barton
Barton Industries, Inc.
Cimmie Harrison
Credits Inc.

Norfolk, VA

Kristi Byrd
Retail Alliance
Kevin Whitehurst
Retail Alliance

Certification News

The following people have received professional certification since the last issue of The Credit Professional.

Master Professional Credit Executive (MPCE)

LaVonne Agerton
Pensacola, FL

S. Glen Boutwell
Pensacola, FL

Linda Bridgeford
Moline, IL

Debbie Ivey
Norfolk, VA

Rose Jory
Suffolk, VA

Katherine Lemelle
Baton Rouge, LA

Carol B. Lewis
Chesapeake, VA

Carrie Roberts
Jackson, MI

Professional Credit Executive (PCE)

Nancy Amend
Anchorage, AK

Fannie Brooks
Merrville, IN

Freya Churchwell
East Chicago, IN

Mary V. Cook
Norfolk, VA

Diane Gallimore
Thomasville, NC

Mary Isenhour
Cabarrus Co., NC

Vicki Johnson
Leesburg, AL

Mary Mitchell
Rainbow City, AL

Douglas Seckler
Jackson, MI

Pamela Toney
Gastonia, NC

Cynthia J. White
Chesapeake, VA

Professional Credit Specialist (PCS)

Carmen Breakey
Anchorage, AK

Danah Hitchcock
Portland, OR

Carrie White
Bremerton, WA

Ed Witterholt
Anchorage, AK

Professional Credit Associate (PCA)

Constance Riebel
Norfolk, VA

The following people have received recertification or upgrades

Phyllis Jewett, MPCE
Orlando, FL

Tammy Rucker, MPCE
Kings Mountain, NC

Mona Slocum, MPCE
Mid-Val, OR

Elizabeth Parsons, PCS
Norfolk, VA

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Firm Name _____ # of Years _____

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St. Louis, MO 63119
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See pages 31-32 inside for more information and the conference schedule,
and go online now to register at the International Conference link at
www.creditprofessionals.org.