

SMRCA Roving Roofer

September 2019

Volume 31

Issue 3

MiRCA Convention — Boyne Highlands — July 25-28, 2019

Another memorable MiRCA Convention is in the books! The 54th MiRCA Convention commenced with the Welcome Reception reuniting old friends and families and making new friends. The 2019-2020 newly elected MiRCA Board of Directors were announced with Todd Sova, National Roofing & Sheet Metal Co., Inc., as President and Jim Markiewicz, GAF Materials Corporation, as Vice President. See page 2 for the complete list of the newly elected MiRCA Board of Directors. The MiRCA Board of Directors would like to welcome Sean Metcalfe, CRS, as he was elected to replace Kim Emery, CRS, when Kim retires at the end of the year. Congratulations to the 2019-2020 MiRCA Board of Directors!

Acknowledgements were made recognizing a few roofing companies that have been passed down generation by generation and one company with the founding father around to see what he started reach this big milestone. Congratulations to Schena Roofing & Sheet Metal and to George Schena for seeing the company he started celebrate its 50th Anniversary (started in 1969). LaDuke Roofing & Sheet Metal was founded in 1932 and has been passed down to 4 generations of LaDuke's (87 years) and Schreiber Corporation was founded in 1916 and has been passed down to 5 generations of Schreiber's (103 years). Our entire MiRCA contractor membership has achieved great milestones, see page 2 for the full list. Congratulations to our MiRCA Contractors!

The Welcome Reception was followed by the hospitality suite hosted by Garwood, Buda, Knight & Associates, Inc.—Kayo Clifford and Marc Garwood—thank you for your hospitality! Friday morning's educational session was presented by Philip Siegel, Hendrick Philips Salzman & Siegel, "High Times—Navigating Medical Marijuana Laws and Post-Accident Drug Testing", discussing what employers can and cannot do without running afoul of the disability discrimination laws and Reid Ribble, NRCA CEO, spoke during breakfast on immigration, demographics and the labor shortage - great presentations! Thank you!

Thank you to Todd and Amanda Sova for running the Euchre Tournament and to IIBEC Great Lakes Chapter for donating prizes for the euchre winners.

Saturday evening we were entertained by the Young Americans Dinner Theatre performing songs from classics to today's favorite pop hits.

Join us for family friendly fun and networking next year at Boyne Mountain Resort—July 23-26, 2020.



SOUTHEASTERN MICHIGAN ROOFING CONTRACTORS ASSOCIATION
8155 Annsbury, Ste 104 Shelby Twp, MI 48316 (586) 759-2140 www.smrca.org

2019 MiRCA Convention Sponsors



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 Specialized Roofing Sales, Inc.
 T. F. Beck Company
 Thomas Brown & Son Roofing Company
 VTC Insurance Group
 Walter Payton Power Equipment
 Wimsatt Building Materials, Inc.



MiRCA Contractor Member Milestones

101—105 Years In Business

J.D. Candler Roofing Co., Inc.
 Detroit Cornice & Slate Company
 Christen/Detroit
 Hoekstra Roofing Company (3rd Generation)
 D.C. Byers Company
 Sherriff-Goslin Company
 Schreiber Corporation (5th Generation)
 Newton Crane Roofing, Inc.

51—100 Years In Business

Holland Ready Roofing (4th Generation)
 Valley Roofing Company, Inc. (4th Generation)
 LaDuke Roofing & Sheet Metal (3rd Generation)
 T.F. Beck Company
 Marlette Roofing & Sheet Metal Company
 Dave Pomaville & Sons, Inc.
 National Roofing & Sheet Metal Co, Inc.
 Certified Building Solutions, LLC
 Royal Roofing Company
 Thomas Brown & Son Roofing
 Beyer Roofing Company, Inc.
 Bright Roofing
 J & L Roofing Company (3rd Generation)
 Kawkawlin Roofing Company (2nd Generation)
 Bornor Restoration, Inc.
 Centimark Roofing Systems

26—50 Years In Business

Schena Roofing & Sheet Metal Co., Inc. (2nd Generation)
 M.W. Morss Roofing, Inc. (1st Generation)
 Superior Services RSH, Inc.
 North Roofing Company
 American Standard Roofing
 Doyle Roofing, Inc.
 Lutz Roofing Company, Inc.
 Thermal-Tec/Michigan, Inc.
 Brandle Roofing & Sheet Metal Co.
 Division 7 Bldg Contractors, Inc.
 A & Z Commercial and Residential Roofing
 Crane Roofing, Inc. (1st Generation)
 CASS Sheet Metal
 Bloomfield Construction
 Roof Management Company, Inc.

9—25 Years In Business

Mills Construction (2nd Generation)
 Summit Roofing, LLC
 Renovations Roofing & Remodeling, Inc.
 Mid Michigan Roofing
 Metal Design & Manufacturing
 Royal-West Roofing & Sheet Metal LLC
 BNE Services, Inc.
 Green Built Roofing, LLC

Newly Elected MiRCA Board of Directors August 2019-August 2020

The election results are as follows:

Officers

President
Todd Sova National Roofing & Sheet Metal

Vice-President
Jim Markiewicz GAF Materials Corporation

Treasurer
George Schena Schena Roofing & Sheet Metal

State Directors

Robert Boom	J & L Roofing Company
BreAnn Regan	Bornor Restoration, Inc.
Dan Casey	T.F. Beck Company
James P. Coppens	Mid Michigan Roofing
Steve Hoekstra	Hoekstra Roofing Company
Roger LaDuke	LaDuke Roofing & Sheet Metal
Anthony Schena	Schena Roofing & Sheet Metal
Gary Sova	National Roofing & Sheet Metal
Brian Sylvain	North Roofing Company

Associate Member Directors

C. Kim Emery	CRS
Sean Metcalfe	CRS
Kayo Clifford	Garwood, Buda, Knight & Associates



2020 SMRCA Golf Outing

~ SAVE THE DATE ~

2020 SMRCA Annual Golf Outing will be held at
Twin Lakes Golf Club
on
Monday, May 18, 2020.



Lawful Wage Deductions: Overview

In general, an employer may only deduct from an employee's wage with the "full, free, and written consent of the employee, obtained without intimidation or fear of discharge for refusal to permit the deduction". MCL § 408.477 provides, in pertinent part, that:

(1) Except for those deductions required or expressly permitted by law or by a collective bargaining agreement, an employer shall not deduct from the wages of an employee, directly or indirectly, an amount ... without the full, free, and written consent of the employee, obtained without intimidation or fear of discharge for refusal to permit the deduction.

There are only a few exceptions to this general rule which entitle an employer to deduct from wages without an employee's written consent. First, deductions from wages can be made without prior written authorization when an overpayment has occurred, so long as the correction is made within six months of the overpayment and so long as the overpayment is the result of a mathematical miscalculation, typographical error, clerical error or a misprint in the processing of the employee's regular wages.

Second, deductions from wages may be made from employee wages of offset payments made in advance of work being performed so long as the wages are earned prior to the date of advance payment and it is made clear that such advance payment is intended to be a wage payment. For example, an employee who requests and receives a wage advance for eight of ten hours worked will be entitled to payment for the remaining two hours at the next payday. Such "deduction" for the eight hour advance payment will not require any written authorization as those wages were earned before the advance was given. However, in a situation where an employee requests and receives a wage advance for twelve hours when only ten have been worked, and employer must received a written authorization from the employee before it may deduct the additional two hours paid. In that situation, an employer may not deduct the two hours as they were not earned before the "advance" was given and therefore it was not a true "advance payment."

Employers need to be very careful about making unauthorized deductions from employee earned wages since the penalties can be significant. Employees may file an administrative claim or a lawsuit for unauthorized deductions from earned wages. The penalty provided for by statute is double the wage, payment of the employee's attorney fees and a possible penalty.

Finally, wage deductions present even more complications when an employee is a member of a union. In that situation, it is likely that an employer would be required to bargain with the union over the ability to obtain wage deduction authorizations as a mandatory subject of collective bargaining.¹ A failure to do so would likely constitute an unlawful direct dealing with represented employees and could serve as a basis for an unfair labor practice ("ULP").

If you have any questions or would like more information regarding the above, please contact Mark Knoth—Kerr, Russell & Weber PLC at 313-961-0200.

¹ "[I]t is unlawful for an employer to deal directly with employees represented by a union, as well as unilaterally to effect changes in working conditions, which are mandatory subjects of collective bargaining." *U.S. Postal Serv.*, 203 NLRB 916, 919 (1973), quoting *Medo Photo Supply Corp. v. NLRB*, 321 U.S. 678 (1944). However, "not all direct dealings and unilateral actions are unlawful." *Id.* For instance, employers may take unilateral action where such conduct constitutes management prerogatives, requires prompt attention because of business necessity, or involves trivial changes of a de minimis nature. *Id.* However, this determination seems to be limited to instances where such alterations are administrative in nature. Thus, alternatively, where such deductions become a routine occurrence, or have a substantial impact on wages, then it is likely that the refusal to bargain with the union would constitute a ULP.

Secretary of Labor nominee. In the wake of the resignation of Secretary of Labor Alexander Acosta, President Trump announced he will nominate Eugene Scalia, the son of late Supreme Court Justice Antonin Scalia, as Acosta's permanent replacement. Scalia has vast experience in the private sector in labor and employment law issues, primarily working on behalf of businesses, and is expected to bring more deregulatory zeal to the department. He also has considerable experience working in government, having served as solicitor of the Department of Labor during the administration of George W. Bush, as well as positions at the Justice Department and Education Department during the first Bush and Reagan administrations, respectively. Scalia will need to be confirmed by the Senate—with his nomination expected to be considered sometime this fall—before taking the reins at the DOL.

Career and technical education reform law begins implementation. On July 1, the Department of Education marked the beginning of formal implementation of the Strengthening Career and Technical Education for the 21st Century Act—also known as "Perkins V"—the law enacted by Congress in 2018 to reform career and technical education and ultimately help employers address future workforce needs. NRCA strongly supported this legislation and made its passage the focus of Roofing Day in D.C. 2018. Perkins V provides nearly \$1.3 billion in federal funding to states, school districts and community colleges annually for CTE initiatives and offers local leaders greater freedom and flexibility regarding how best to use federal investments in CTE to prepare students and adults for rewarding careers. State agencies that administer CTE programs have submitted transition plans to the Department of Education and are in the process of developing long-range plans for full implementation of the law. For information regarding how to take advantage of new and improved CTE in your state, visit the Perkins Collaborative Resource Network - <https://cte.ed.gov/>

Occupational Safety and Health Administration to issue request for information on silica regulation. OSHA is in the final stages of preparing a request for information regarding its occupational exposure to crystalline silica regulation for the construction industry. The regulation was issued in spring 2016 and took effect for the construction industry in September 2017. The RFI is expected to invite public comments regarding possible revisions to the engineering controls under Table 1 in the Standard for Construction of the regulation. The expected RFI is the result of the continued efforts of NRCA and other groups in the Construction Industry Safety Coalition to work with OSHA officials to address aspects of the regulation that are problematic for construction contractors. NRCA is looking forward to reviewing the RFI once issued and will continue working with agency officials to address roofing industry concerns based on the experiences of how the regulation has been implemented during the past two years.

Professional certification issues. With the establishment of NRCA's ProCertification™ program, policy issues involving professional certifications have become increasingly important to the roofing industry. Accordingly, NRCA recently joined the Professional Certification Coalition, a new collection of organizations formed for the purpose of addressing legislative and regulatory initiatives that affect professional certification programs and those who hold private certification credentials. This will help NRCA become more active in

support of policies conducive to the growth of ProCertification and related training programs designed to attract more individuals to the roofing industry, as well as oppose misguided efforts that would curtail the use of professional certifications. One initiative NRCA has joined the Professional Certification Coalition in supporting is legislation (S. 379) to amend the tax code to allow individuals to use qualified tuition plans—529 plans—to cover expenses associated with obtaining a postsecondary credential such as ProCertification. This legislation, introduced by Sen. Amy Klobuchar (D-Minn.), would provide individuals with 529 plans more educational and career opportunities, including those in the roofing industry.

Small Business Administration updating program eligibility standards for inflation. The Small Business Administration released an interim final rule that would adjust monetary-based small-business size standards to account for inflation, making more businesses eligible for the SBA's loan and contracting programs. The SBA will adjust its industry-specific monetary-based size standards by 8.4% to reflect inflation since the last update in 2014. This adjustment is on an interim basis and will be reviewed again as part of the second five-year review of size standards mandated by the Small Business Jobs Act of 2010. SBA estimates nearly 90,000 additional businesses will gain small business status, becoming eligible for SBA loan and contracting programs under this adjustment. The interim rule increases the size standard for Specialty Trade Contractors (Subsector 238), including roofing contractors, from the current \$15 million to \$16.5 million in annual revenue. The rule takes effect Aug. 19, and comments can be submitted through Sept. 16. Further information regarding this interim rule can be found at: <https://www.federalregister.gov/documents/2019/07/18/2019-14980/small-business-size-standards-adjustment-of-monetary-based-size-standards-for-inflation>

S corp modernization bill introduced in the Senate. The S Corporation Modernization Act of 2019 (S. 2156) was introduced by Sens. Ben Cardin (D-Md.) and John Thune (R-S.D.) in July. This bipartisan legislation would increase the threshold for taxing businesses organized as S corporations with passive investment income from 25% to 60%; remove the provision terminating the status of S corporations for passive income for three consecutive years; allow S corporations to have individual retirement accounts as shareholders; and level the tax-treatment of asset sales with sales of S corporation stock. NRCA and the S Corporation Association are supporting this legislation and will work toward its passage in Congress. However, the outlook for enactment of this bill, along with most other tax-related legislation, is highly uncertain in the current political environment despite its bipartisan support.

House approves "Cadillac Tax" repeal bill. The House passed the Middle Class Health Benefits Tax Repeal Act of 2019 (H.R. 748), legislation to repeal the "Cadillac Tax" on high-cost health care plans that was part of the 2010 Affordable Care Act. Under this tax, employer-sponsored health benefit plans that have values exceeding specified thresholds will be subject to a 40% excise tax starting in 2022. Although the tax will be levied on insurance companies, it will almost certainly be passed on to employers and employees. In 2022, the thresholds are projected to be \$11,200 for single coverage and \$30,150 for family coverage and will be indexed for inflation thereafter. The Cadillac Tax was originally scheduled to take effect in 2018, but implementation has been postponed twice by Congress. H.R. 748 was approved on an overwhelming bipartisan vote of 419-6. Despite the strong bipartisan

support for repeal, the outlook for the bill in the Senate is uncertain given the \$200 billion price tag over 10 years, which would be added to the federal deficit unless offset cuts to federal spending or alternative taxes can be approved with it.

House approves federal minimum wage increase. The House passed the Raise the Wage Act (H.R. 582), legislation to gradually raise the federal minimum wage to \$15 per hour from the current rate of \$7.25 by 2024 and index it for inflation thereafter. The bill also includes an amendment—favored by centrist Democrats who are concerned the measure could hurt some businesses and cause job losses—requiring the economic impact of the bill be studied as the early stages of the increase are implemented. The bill was approved on a vote of 231-199, largely along party lines, with most Democrats supporting the measure and most Republicans in opposition. Passage of the bill in the House is a significant victory for Democrats, but the path forward in the Republican-controlled Senate does not appear favorable at this time and likely will become an issue for debate during the 2020 presidential and congressional elections.

Affordable Care Act compliance bill introduced in Congress. Bipartisan legislation has been introduced that aims to bring clarity to the Affordable Care Act tax credit eligibility and employer reporting process. The Commonsense Reporting Act of 2019 (S. 2366/ H.R. 4070) is designed to aid consumers during the annual health coverage open enrollment process, relieve employers from current burdensome reporting requirements and offer an additional tool to verify tax credit and subsidy eligibility. Sponsored by Sens. Rob Portman (R-Ohio) and Mark Warner (D-Va.) and Reps. Mike Thompson (D-Calif.) and Adrian Smith (R-Neb.), it also will serve to protect the confidentiality of Social Security numbers and streamline the flow of information to consumers. It will create a pathway for data currently reported to the IRS during year-end tax filing season to instead be reported during the ACA's exchange open enrollment season.

Multiemployer pension legislation. The House approved the Rehabilitation for Multiemployer Pensions Act of 2019 (H.R. 397), legislation designed to address the emerging crisis of underfunded multiemployer pension plans. The bill would create a new federal agency that would make long-term, low-interest loans to troubled multiemployer pension plans facing insolvency. The bill was approved on a vote of 264-169, with most Democrats and a small number of Republicans supporting it. Most Republicans opposed the bill on the grounds it would constitute a taxpayer-financed bailout of the multiemployer pension system. Without more bipartisan support, the bill faces an uphill battle in the Republican-controlled Senate. However, efforts to forge an alternative bill that can obtain more bipartisan support are expected to continue in the coming months.

If you have any questions or would like more information regarding any of the issues discussed here, please contact NRCA's Washington, D.C., office at 800-338-5765.

2020 MiRCA Convention

~ SAVE THE DATE ~

2020 MiRCA Annual Convention will be held at
Boyne Mountain Resort—July 23-26, 2020.

Roofers Union Local #149/RIPF 34th Annual Scholarship Grant Program

In an effort to promote excellence in the roofing industry, Roofers Union Local #149 and the Roofing Industry Promotion Fund are working together to offer scholarship grants to worthy individuals.

This year the program offered four scholarship grants in the amount of \$1,000.00 each, to those eligible individuals who are attending or planning to enroll at an accepted college or university.

Scholarship Grants are possible through contributions by Roofers Union Local #149, the Roofing Industry Promotion Fund and the participating roofing contractor employer of the recipient's parent or guardian.

The 34th Annual Scholarship Grant Program winners are:

- Edie Emery - Lake Orion, MI
Major: Communications
- Timothy Kirkland - Ecorse, MI
Major: Business
- Carolina Molina - Detroit, MI
Major: Biological Sciences
- Emily Jones - Shelby Twp., MI
Major: Nursing

Congratulations!



Timothy Kirkland Emily Jones



Edie Emery Carolina Molina

Birthday Wishes



Jason Emery
Schreiber Corporation
September 4

Heather Hadley
SMRCA
September 21

Anthony Schena
Schena Roofing & Sheet Metal Co., Inc.
October 7

Pat Fritsch
Roofing Products of Michigan, Inc.
October 16

Stacy Foley
Crane Roofing, Inc.
October 20

Joe Bieszki
Architectural Building Specialties Inc.
October 26

George Schena
Lifetime Member
November 13

Jim Coppens
Mid-Michigan Roofing
November 15

Brian Moore
Schreiber Corporation
November 29

Ladder Safety Video

NRCA has worked with The Center for Construction Research and Training (CPWR) to create a ladder safety informational video. Visit www.cpwr.com to view the video.



JATC Training Center

The Detroit Roofers and Waterproofers Local 149 Training Center will be participating in the Midwest Skills Competition in Chicago on Saturday, September 28, 2019. The Training Center will be taking 6 outstanding apprentices to compete. Apprentices that place in the top 3 for the year they are competing for will receive a plaque, acknowledging their accomplishments and be showcased in the DETRWTC.

The competition is hosted by Roofers Local #11 and the Chicagoland Roofers Joint Apprentice Training Committee; Co Sponsored by Illinois, Indiana, Michigan and North Central States District Councils and Sanctioned by the United Union of Roofers Waterproofers and Allied Workers.

If you have any questions, contact the Training Center at 248-543-3847 or tjaranowski@Detroitroofers.org

Good luck Apprentices!!

Upcoming Industry Trade Shows 2019

- Oct. 16-18 METALCON 2019
Pittsburgh, PA
www.metalcon.com
- Oct. 20-23 2019 SMACNA Annual Convention
Austin, TX
www.smacna.org
- Oct. 24-27 National Slate Association Conference
Washington DC
www.slateassociation.org
- Nov. 11-12 Building Enclosure Symposium
Louisville, KY
www.iibec.org
- Nov. 19-22 Greenbuild International Conference and Expo
Atlanta, GA
www.greenbuildexpo.com
- Nov. 20-22 2019 MRCA Con Expo
Overland Park, KS
www.mrca.org

ROOFING DAY IN D.C.

APRIL 21-22, 2020

Washington Marriott Wardman Park

Join fellow roofing professionals in Washington, D.C., as we take our message to Capitol Hill! It is important members of Congress see you and hear from you about the critical issues facing your company. To be seen and heard, we need the industry speaking with one voice in Washington, D.C.! Don't miss this opportunity to make a difference for your business and our industry!

For more information contact NRCA's Washington, D.C. office at 800-338-5765 or visit www.nrca.net/advocacy/roofingday

**GET UP,
STAND UP**



Happy Anniversary



Joe and Allison Bieszki
Architectural Building Specialties Inc.
September 21

Mary Jo and Ken Dietrich
T.F. Beck Company
September 26

Anthony and Kristy Schena
Schena Roofing & Sheet Metal Co., Inc.
October 12

Chuck and Dee Rosa
Lifetime Member
October 16

Steve and Lisa Yontz
Roofing Products of Michigan, Inc.
October 17



2020 International Roofing Expo and NRCA's 133rd Annual Convention

FEBRUARY 4-6, 2020

Kay Bailey Hutchison Convention Center
Dallas, TX

The 2020 International Roofing Expo and NRCA's 133rd Annual Convention provides attendees with opportunities to network with fellow roofing professionals from around the world; see the newest industry products, equipment and services; and learn from the industry's leading experts.

For more information visit:
www.theroofingexpo.com

SMRCA

Spells the Best in Roofing Services

S

AFETY

A safe jobsite is assured because SMRCA crews complete the M.U.S.T. Safety Training and Drug Testing.

M

ULTIPLE SERVICES

A SMRCA Roofing Contractor has the ability to provide the roof you need because of our expertise in a variety of roofing applications and techniques.

R

ELIABLE

SMRCA Contractors are Union trained professionals bringing an Industry leading standard of service, quality and knowledge to every project.

C

ONFIDENCE

Projects completed by SMRCA Contractors provide a Michigan roofing contractor 2 year standard workmanship warranty.

A

CCOUNTABILITY

SMRCA Contractors are established companies with years of experience in providing responsive service, superior workmanship and exceptional value.

Call us today at 586-759-2140 to receive our free "Roofing Facts" brochure or contact one of the SMRCA Contractors below for a no-cost estimate on your next roofing project.

Southeastern Michigan Roofing Contractors Association Members

T. F. BECK COMPANY

Rochester Hills, MI
(248) 852-9255
www.tfbeck.com

LUTZ ROOFING COMPANY, INC.

Shelby Twp., MI
(586) 739-1148
www.lutzroofing.com

ROYAL ROOFING COMPANY

Orion, MI
(248) 276-ROOF (7663)
www.royal-roofing.com

J. D. CANDLER ROOFING CO., INC.

Livonia, MI
(734) 762-0100
www.jdcandler.com

M.W. MORSS ROOFING, INC.

Romulus, MI
(734) 942-0840
www.morssroofing.com

SCHEMA ROOFING & SHEET METAL CO., INC.

Chesterfield, MI
(586) 949-4777
www.schenarroofing.com

CHRISTEN/DETROIT

Detroit, MI
(313) 837-1420
www.cdetroit.com

NEWTON CRANE ROOFING, INC.

Pontiac, MI
(248) 332-3021
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Wixom, MI
(248) 926-1500
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DETROIT CORNICE & SLATE COMPANY

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Oak Park, MI
(248) 414-6600
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DAVE POMAVILLE & SONS, INC.

Warren, MI
(586) 755-6030
www.PomavilleRoofing.com



www.smrca.org