

# The Business Credit Pro

NACM Houston



National Association of Credit Management

*Today's Resource for the Busy Credit Professional*

## Spring Time Is Here and So Is the Time for You to Get Your 2005-2006 Nominations in for Board of Directors

Each year the membership of NACM Houston is called upon to nominate and elect new members of the Board of Directors. The Board of Directors is a very intricate part of this Association and you, as a member, are very important to the Board. We encourage each of you, individually or as part of your Industry Credit Group involvement, to consider a position on the Board or to forward the names of members you feel would have an interest in serving on the NACM Houston Board of Directors.

**Don't let this privilege pass you by!** Don't ignore this opportunity to become a nominee or to place a nomination for the Board of Directors.

As a member-owned association, we are dependent upon each of you to get involved in this process. This is the chance for all deserving individuals to serve on the NACM Houston Board of Directors for 2005 and beyond.

Please take time to consider yourself or other individuals that you know who might be interested in serving on the Board of Directors. This is an important process in the governance of your Association and we need your involvement. Should you have any questions or would like to request a nomination form, please call Kathryn Reed or Kathleen Quill, CAE at the Association office at 281.228.6100.

## Did you know?

If have a question, you can go to the NACM Houston website, type in your question and we will find the answer for you. You can also use this feature to look at previous question and answers!

[www.nacmsouthtexas.org](http://www.nacmsouthtexas.org)

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# The Business Credit Pro

## NACM Houston

10887 Wilcrest  
P.O. Box 721348  
Houston, TX 77272-1348  
www.nacmsouthtexas.org

## Phone/Fax

Business Offices	281.228.6100/6122
Accounting	281.228.6100/6153
Adjustment Bureau	281.228.6161/6122
Industry Credit Groups	281.228.6100/6123
Collections	281.228.6161/6151
Credit Reporting	281.228.6150/6120

## Officers and Directors

### Chairman

Ronnie Archer, CCE 713.869.4841  
Dunn Enterprises

### Vice Chairman

Jay Wald, CCE 713.328.6322  
Core Laboratories

### Second Vice Chair

Madeline Sprague, CCM 713.319.1479  
Wells Fargo HSBC, The Trade Bank

### President

Kathleen Quill, CAE 281.228.6100  
NACM Houston

### Treasurer

Johnnie Walker White 713.220.7057  
Houston Chronicle

### Chair Emeritus

Gary White, CCE 713.423.1814  
Waste Management

### Directors

Jessica Chu 713.880.5050  
Bank of America

James Criswell 713.355.8100  
Credit Alternatives

Dan Ducharme 713.923.9004  
Turtle & Hughes

Susan Nash, CBF 713.861.6171  
Precision Flamecutting & Steel

Kelly Wilson 281.485.2755  
Associated Welding

Carol Zingelmann, CCE 281.285.1965  
Schlumberger Technology Corp.

### Corporate Counsel

Craig Powers 713.535.5528  
Cokinos, Bosien & Young

## CONGRATULATIONS TO OUR OLYMPIANS!!!

### February Olympians

<b>Steve Pringle</b>	A-1 Freeman Moving Group	.20
<b>Madeline Sprague, CCM</b>	Wells Fargo HSBC Trade Bank NA	.20
<b>Carol Stutes</b>	BFI/Allied Waste	.20
<b>Joni Carlisle</b>	Delta Steel LP	1.0
<b>Carol Zingelmann, CCE</b>	Schlumberger Technology Corp.	1.0

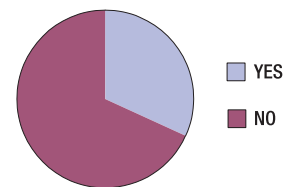
## WELCOME NEW MEMBERS!!!

Ron Pray Equipment Sales Inc.  
San Jacinto Stone Co.  
Spark Energy LP  
Texas Steel Processing Inc.  
Monique Catarineau  
Formwork Services & Supply Co.  
Kitchen Equipment Fabricating Co.

## Super Tuesday/Super Wednesday Flash Poll Results

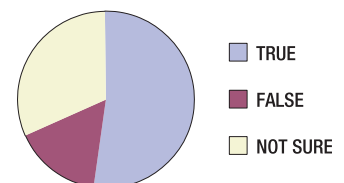
Have you ever had to file in small claims court?

Yes – 32%  
No – 68%



If the amount that your customer owes is under the dollar limit of the small claims court, you can file suit against a customer yourself.

True – 52%  
False – 16%  
Not Sure – 32%



Before you file, you should send a letter by **certified** mail to the other party.

**NACM Houston**



National Association of Credit Management

Your Business Credit Trade Association  
dedicated to improving the performance  
of today's business credit community.

**Directory**

**NACM Houston**

10887 Wilcrest  
P.O. Box 721348  
Houston, TX 77272-1348  
www.nacmsouthtexas.org

Main Phone Number 281.228.6100  
Toll Free 866.252.NACM  
Main Fax 281.228.6122  
Industry Credit Groups Fax 281.228.6123

**Staff Extensions**

**Accounting**

Controller, Bernard Forde 1450

**Administration**

President, Kathleen Quill, CAE 1400  
Vice President, Michele Hamby 1360  
Executive Assistant, Kathryn Hill-Reed 1405

**Education**

Education Manager 1410

**Industry Credit Groups**

Nat'l Group Rep, Deana Gardner 1300

**Membership**

Membership Marketing Specialist, Gretchen Neel 1317  
Membership Specialist, Linda Battle, CCE 1482

**Legislative Issues**

President, Kathleen Quill, CAE 1400

**NACM Houston  
Business Credit Services**

Main Phone Number 281.228.6100  
Adjustments & Workouts 281.228.6100  
Collections 281.228.6161  
Credit Reports 281.228.6150  
Toll Free 866.252.NACM  
Remote Access 281.228.6142  
Credit Reporting Fax 281.228.6121  
Collections Fax 281.228.6122

**Staff Extensions**

**Adjustments & Workouts**

A & W Manager, Robert H. Davis 1370

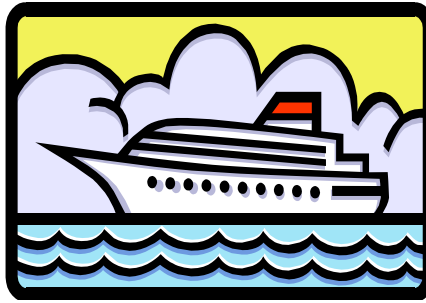
**Collections & Investigations**

Collections Manager, Jim Vogt 1430

**Credit Interchange**

Credit Interchange Manager, Steve Krischke 1480  
Interchange Supervisor, Wanda Love 1341  
Special Reports, Deidre Henry 1350

*Both NACM-Houston and  
NACM Business Credit Services exist  
for and because of you. Any questions or  
specific needs are not just welcome, but  
the reason we are here. Please call us.*



**YOU COULD BE  
CRUISIN' YOUR WAY  
OUT OF GALVESTON  
COURTESY OF  
NACM HOUSTON!**

Did you know that, in your day-to-day business, you talk with a lot of prospective members? Next time, share the benefits of NACM Houston with them and you could be headed on a **FOUR-Day Western Caribbean Cruise from Galveston for TWO!**

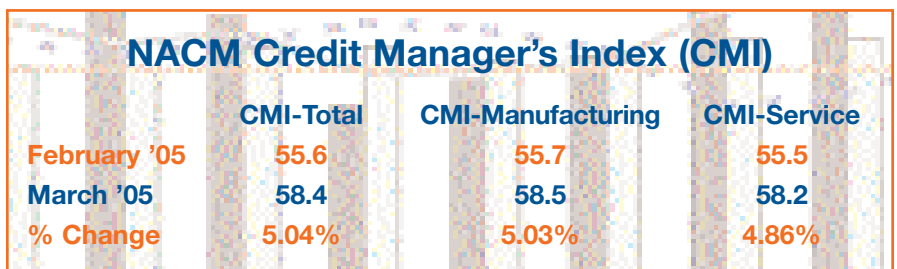
If we pull together and increase the membership in NACM Houston, we will find that it benefits our members by offering them more information and expertise through the customer database. More voice, more power and an overall stronger association!

**From now until May 30th turn in your referrals and win GREAT PRIZES!!!**

- For every five qualified referrals you submit, your name will be entered into a drawing for one of five prizes, including: a **Stereo, a DVD/VCR player and a TV/VCR combo!**\*
- If you submit one qualified referral that becomes a member, you will be invited to the **Breakfast of Champions**, sponsored by the Olympian Club!
- And, after you have submitted two referrals that turn into members, every additional referral you submit that becomes a member will result in your name being entered into a drawing for a chance to win a **Caribbean cruise for two!**
- Plus, if one of your qualified referrals signs up for membership, those points will count toward your standing in the **Olympian Club!**

\*Each member may only win one of the referral prizes.

Contact Gretchen Neel at 281.228.6100 ext. 1317 or [gneel@nacmsouthtexas.org](mailto:gneel@nacmsouthtexas.org) for more information!



# AN OVERVIEW OF THE MOST COMMONLY USED DEFENSES AGAINST DEMANDS FOR THE RETURN OF PREFERENTIAL TRANSFERS

## 1. New Value Exception

New value given to the debtor involving sales made to the debtor during the 90-day preference period reduces the size of the preference.

Receipt of preference payments can be offset by sales made on open account terms if the debt that arose from those sales remained unpaid at the time of the bankruptcy filing.

## 2. Ordinary Course of Business Exception

Payments received in the ordinary course of business are not preferential...but the burden is currently on the creditor to prove this exception...and courts and trustees tend to interpret this particular exception narrowly. Courts look at industry standards, as well as to the creditor's payment history with the debtor. In addition, different district courts have varying interpretations of what constitutes a payment in the ordinary course of business.

## 3. Contemporaneous Exchange of Value Exception

An example would be a sale made on COD or wire transfer terms during the preference period. This exception applies only to the extent the new value equals the payment received. For example, if a creditor demanded a 3-for-1 exchange, only 1/3 of the payment received would not be considered preferential.

## 4. Subsequent New Value Defense

This defense provides that the trustee may not avoid a transfer to or for the benefit of a creditor if the creditor gave new value to the debtor (i.e., a subsequent shipment of goods) after the payment, which was not secured by an otherwise unavoidable security interest and on account of which new value the debtor did not make an otherwise unavoidable transfer to or for the benefit of the creditor.

## 5. Defense Relating to No Improvement in Position by a Secured Creditor

A trustee may not avoid a transfer of a perfected security interest in inventory or receivable or the proceeds of either, except to the extent that the aggregate of all such transfers (or perfected security interests) caused a reduction in the ratio between the indebtedness to that creditor and the value of that creditor's collateral as of the date of the petition and the 90th day prior to the bankruptcy filing date—which prejudices other creditors holding unsecured claims.

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Robert H. Davis  
NACM Business Credit Services  
Manager, Adjustments, Workouts and Special Projects  
281.228.6100 ext.1370  
rdavis@nacmsouthtexas.org



## COURT IS IN SESSION!

Come see **Judge Bill Yeoman** preside over a “mock” small claims case held at NACM. Bring yourself and all of your small claims court questions!

## All rise for NACM's April Superdays!

11:30am, Tuesday, April 19 and  
Wednesday, April 20, 2005

NACM  
10887 Wilcrest Drive  
Houston, TX 77099

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4  
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1  
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# WHAT'S COMING UP???

## NACM Houston April/May Education Calendar

*NACM Scholarships are available!*

Date	Event, Presenter	Times and Event Type
Apr 4	<b>Teleconference: Business Etiquette (NACM-National)</b> <i>Presenter: Cynthia Lett</i> For more information, please contact the NACM Meetings Dept. at 410.740.5560.	2:00-3:00pm
Apr 18	<b>Teleconference: The Credit Application (NACM-National)</b> <i>Presenter: Scott Blakeley, Esq.</i> From the basics to hot topics! For more information, please contact the NACM Meetings Dept. at 410.740.5560.	2:00-3:00pm
Apr 20-22	<b>Don't Gamble On Your Government Business (NACM-National)</b> <i>Las Vegas, NV</i> For more information, please contact the NACM Government Business Group at 410.730.5352.	
Apr 21	<b>Win Win Solutions: Internal and External Customers (YCER)</b> <i>Presenter: Tom Tolleson/Bison Building Material, Ltd.</i> There's nobody better to take advice from when dealing with customers! Tom Tolleson, Sales & Marketing Manager for Bison Building Materials, Ltd. will spend this session on tips for: dealing with people, taking a proactive approach with sales and problem solving. Don't miss this opportunity to pick up on some helpful points to advance in your career!	7:45-9:45am
Apr 22	<b>International Letters of Credit</b> <i>Presenter: Madeline Sprague, CCM/Wells Fargo HSBC Trade Bank</i> This seminar will provide a working knowledge of Letters of Credit using samples and case studies. The focus is on LCs used in import and export transactions, and we cover both commercial and standby LCs used for international business. Attendees will receive tips and tools for the successful management of the LC process, and a variety of reference material and contacts to help them in future transactions.	8:30am-4:30pm
Apr 25	<b>Application Deadline for the June 12, 2005 CBA, CBF and CCE Designation Exams</b> For more information, please contact the NACM-National Education Dept. at 410.740.5560.	
Apr 27	<b>Collection Management</b> <i>Presenter: Jim Shreve/FTD Resources</i> Participants who complete this training program should be able to: understand how to set and achieve their collection goals for business accounts; identify the reasons and early warning signs of a delinquency problem; understand how to conduct telephone collection calls, send effective delinquency letters; monitor collection activity and, decide when to use an attorney for collection matters.	8:30am-4:30pm
May 2-Jul 15	<b>Online Business Law Course (NACM-National)</b> For more information, please contact the NACM Education Dept. at 410.740.5560.	
May 2-Aug 12	<b>Online Accounting Course (NACM-National)</b> For more information, please contact the NACM Education Dept. at 410.740.5560.	
May 2	<b>Teleconference: Performance Metrics</b> <i>Presenter: Susan Delloiacono, CCE</i> For more information, please contact the NACM Meetings Dept. at 410.740.5560.	2:00-3:00pm
May 4	<b>Advanced Financial Analysis</b> <i>Presenter: Jim Shreve/FTD Resources</i> This is ideal advanced training for underwriters, credit representatives or anyone desiring to enhance their credit analysis skills. Participants will acquire more advanced credit skills and gain an understanding of the risks, issues and requirements for underwriting a commercial credit request.	8:30am-4:30pm
May 5-Aug 4	<b>Business Law (NACM Houston)</b> <i>Instructor: Daniel J. Goldberg, Esq./Ross, Banks, May, Cron and Cavin</i> This course qualifies for and is required to attain CBF certification. With the legal environment of business constantly changing, it is imperative to have a solid understanding of the laws that affect business and credit. This course is designed to introduce students to the basics of law, the legalities of contracts, and the emerging importance placed upon laws affecting cyber crimes.	6:00-9:00pm
May 11	<b>Credit Boot Camp</b> <i>Presenter: Linda Bost, CCE/Wilson Industries, Inc.</i> A day designed to provide an overview of trade credit covering: the credit function, policy and application, and laws governing their creation and implementation; role of credit in your organization and as a part of the sales function; investigating the creditworthiness of a potential customer; identifying the red flags of, and tools to reduce risk; interaction and building relationships with both internal and external customers; impact of the world business market; accounts receivable process; staying out of jail and tools for successful growth in the credit profession.	8:30am-4:30pm
May 16	<b>Teleconference: When Good Accounts Go Bad</b> <i>Presenter: Jack Williams</i> For more information, please contact the NACM Meetings Dept. at 410.740.5560.	2:00-3:00pm

<b>May 19</b>	<b>Antitrust Issues You Need to Know (YCER)</b>	<b>7:45-9:45am</b>
	<i>Presenter: Kathleen Quill, CAE/NACM Houston</i> This is one time where it is okay to take the easy way out! Before you learn the hard way, come find out about the laws that govern what information can be exchanged. We will also cover the penalties you can avoid by following these laws. Just to make ourselves clear, we'll go over some do's and don'ts and even look into some case studies. This is an opportunity for everyone to bone up on antitrust!	
<b>May 23</b>	<b>Incoterms™</b>	<b>8:30am-4:30pm</b>
	<i>Frank Reynolds/International Projects, Inc.</i> Incoterms™ are recognized globally by courts and other authorities. Their incorporation in international sales contracts reduces the risk of misunderstandings that could lead to legal complications. By understanding the responsibilities, risk and related costs for each of the 13 Incoterms™ 2000, you will save your company valuable time and money by negotiating the most favorable trade terms for your international sales contracts. These terms do not favor any specific country.	
<b>May 27-Jul 8</b>	<b>Registration Opens for NACM-National's Online Accounting and Credit Law Courses</b>	
	For more information, please contact the NACM Education Dept. at 410.740.5560.	

NOTE: This is a tentative schedule. For prices contact your NACM Houston Education Director at 281.228.6100. Dates, times and presenters on all scheduled events are subject to change. All events will be held at the NACM Houston Conference Center, 10887 Wilcrest Drive, Houston, TX 77099. Call 281.228.6100 or see us ([www.nacmsouthtexas.org](http://www.nacmsouthtexas.org)) for directions or registration information.

## **YOUNG CREDIT EXECUTIVES ROUNDTABLE** **Win Win Solutions: Internal and External Customers**

**Presented by Tom Tolleson, Bison Building Material, Ltd.**

There's nobody better to take advice from when dealing with customers! Tom Tolleson, Sales & Marketing Manager for Bison Building Material, Ltd., will spend this session on tips for dealing with people, taking a proactive approach with sales and problem solving. Don't miss this opportunity to pick up on some helpful points to advance in your career!

**April 21, 2005**

Registration/Networking/Breakfast: 7:45 – 8:15am

Program: 8:15 – 9:45am • Cost: \$5 per person

Contact Gretchen Neel at 281.228.6100 ext. 1317, [gneel@nacmsouthtexas.org](mailto:gneel@nacmsouthtexas.org), or fax 281.228.6123 to make your reservation!

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

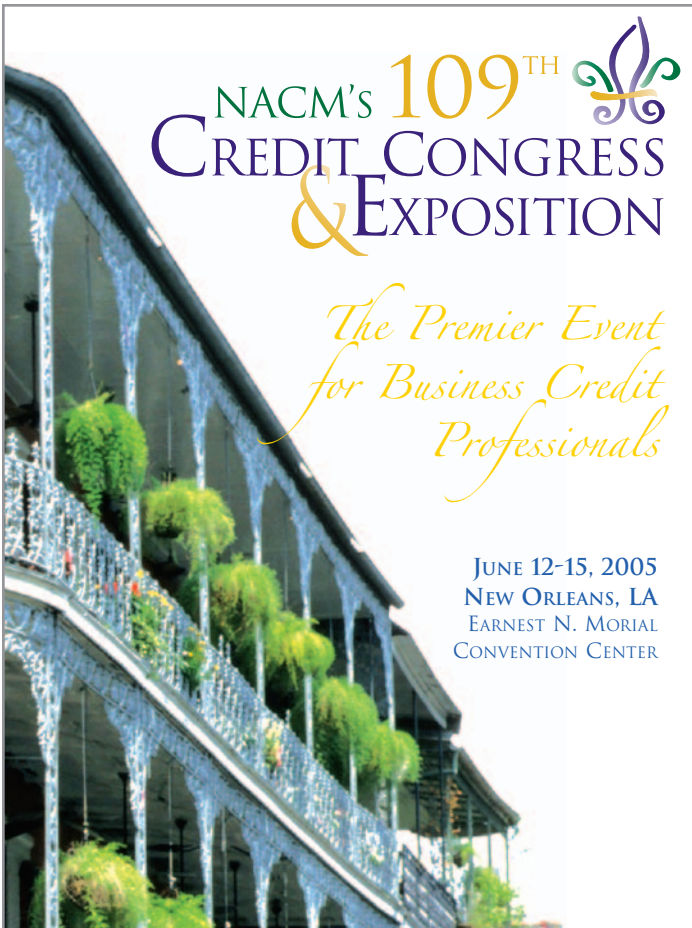
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-mail: \_\_\_\_\_

Payment:  Check  Master Card  Visa  American Express  Discover  Bill My Company

Credit Card #: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**NACM's 109<sup>TH</sup>**  
**CREDIT CONGRESS**  
**& EXPOSITION**

*The Premier Event  
 for Business Credit  
 Professionals*

JUNE 12-15, 2005  
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 EARNEST N. MORIAL  
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 Fax - (713) 355-7475

**NEW STUDY: CONGRESS SHOULD SHIELD U.S. EXPORTERS  
 FROM HARM OF UPCOMING WTO TAX RULING**

With the European Union (EU) continuing to challenge U.S. tax treatment of exports, a new Tax Foundation report concludes Congress should accelerate tax relief for companies in anticipation of an upcoming World Trade Organization (WTO) ruling that may harm U.S. exporters. “The 2004 American Jobs Creation Act was supposed to square U.S. export tax law with WTO rules,” said Staff Attorney Chris Atkins, author of the new report. “But the EU won’t let the export tax issue die.”

In 1999 a WTO panel ruled U.S. Extraterritorial Income (ETI) tax provisions constituted an illegal export subsidy. The 2004 Jobs Act aimed to repeal the FSC/ETI provisions slowly and provide transition relief to U.S. companies. The EU challenged that transition relief as well, arguing for immediate FSC/ETI repeal. A WTO panel ruling is expected by year end.

The report argues that the EU is likely to prevail, allowing the EU to impose punitive trade sanctions against U.S. exports. “A ruling against transition relief would constitute a retroactive tax change that would be highly unfair to U.S. companies who’ve formed current contracts based on today’s tax law,” said Atkins. “The U.S. prohibits retroactive tax changes by the Internal Revenue Service at home, and it owes it to U.S. taxpayers to fight against unfair retroactivity in WTO law as well.”

Although an EU victory at the WTO would be unfortunate, Congress can act today to help mitigate the potential harm to U.S. companies. One way is by accelerating and perhaps enhancing the tax cuts in the JOBS Act. In particular, Congress could accelerate the phase-in of the deductions for qualified production activities income (not scheduled to be fully implemented until 2009), and consider making the tax relief available to all U.S. corporations, not just those heavily engaged in manufacturing.

The report highlights a key lesson from the ongoing dispute with the EU over the tax treatment of export income: piecemeal tax reform can have disastrous results. “The United State’s tinkering with the tax system to give exporters a benefit gave the EU and WTO the chance to cry foul over export subsidies to begin with,” said Atkins. “More fundamental tax reform of the U.S. tax code toward economic neutrality across industries would help alleviate these types of challenges in the WTO in the future.”

Source: The Tax Foundation (View the full report online at <http://www.taxfoundation.org/sr133.pdf>)

# NACM HOUSTON'S ANNUAL GOLF OUTING



Who? All Players Welcome!

What? NACM Houston's Annual Golf Outing!

When? April 25, 2005

Registration starts at 11:30am.  
Shotgun start begins at 1:00pm.

Where? Oakhurst Golf Club

(Note: Oakhurst Golf Club is a Non-Metal Spike Facility. Collared Shirts Required.)

How Much? \$84 per player before April 15th

(Includes greens, cart, dinner and drink tickets)  
\$94 per player after April 15th

**Great NEW Location!!!**  
**Tons of Prizes!!!**  
**Great Dinner!!!**

**Hole-In-One Contest on all Par 3's**  
**Mulligan Drawing!!!**  
**(Mulligans sold day of play)**  
**Awards for:**  
**1st Place Foursome, Longest Drive,**  
**Closest to the Pin, Longest Putt**

Golfer #1: \_\_\_\_\_

Golfer #2: \_\_\_\_\_

Golfer #3: \_\_\_\_\_

Golfer #4: \_\_\_\_\_

Company Name: \_\_\_\_\_ Member #: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Payment Method:  American Express  Visa  Master Card  Discover  Check  Bill My Company  Online Bill Pay

Credit Card #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Billing Zip Code: \_\_\_\_\_

Name on the card: \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

Sorry, no refunds!  
Please Return to NACM Houston, Attn: Gretchen Neel  
Phone: 281-228-6117 Fax: 281-228-6123  
E-mail: gneel@nacmsouthtexas.org  
10887 Wilcrest Drive, Houston, TX 77099

# 2005 SUPER TUESDAY & SUPER WEDNESDAY SCHEDULE

## 2005 Dates Program Topics

Apr. 19 & 20	A Mock Small Claims Court
May 17 & 18	The Price: Part 1
June 21 & 22	Hot Issues Forum
July 19 & 20	The Price: Part 2
Aug. 16 & 17	Work Place Do's & Don'ts
Sep. 20 & 21	The Price: Part 3
Oct. 18 & 19	Credit Jeopardy
Nov. 22 & 23	Sarbanes Oxley & the Credit Department
Dec. 20 & 21	Collections Jeopardy

## Presenters

Judge Bill Yeoman/Harris Co. Justice of the Peace Court
NACM Emcee
NACM Emcee
NACM Emcee
TBD
NACM Emcee
NACM Emcee
Craig Power/Cokinis, Bosien & Young
NACM Emcee

## Menu

Fajita Fiesta
Sesame Crusted Chicken Breast
Lasagna and Penne Alfredo with Chicken
Herb & BBQ Boneless Chicken
Enchilada Fiesta
Rib Eye Steak
Chicken Parmesan & Penne Pasta in Pomodoro Sauce
Tur-Duc-Hen
Grilled Spiced London Broil

Make your reservations now!

Online: [www.nacmsouthtexas.org](http://www.nacmsouthtexas.org)

Fax: 281.228.6120

Phone: 281.228.6100

Come try our menu! New caterers for 2005:

Logan Farms Honey Baked Hams (Kirby & Rice Location)

Mama Ninfas

Lasagna House

Bailey Connor Catering

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 2:00pm: Teleconference: Business Etiquette	5 11:30am: BLMT 6:00pm: FSA II	6	7 11:30am: Welding Supply 6:00pm: Principles of Business Credit (CBA)	8	9
10	11	12 11:30am: Apartment Supply	13 11:30am: HEC Group Meeting	14 6:00pm: Principles of Business Credit (CBA)	15	16
17	18 2:00pm: Teleconference - The Credit Application: From the Basics to Hot Topics	19 10:00am: Membership Committee Meeting 11:30am: BLMT 11:30am: ELEC 11:30am: HAC	20 11:30am: CONT 11:30am: INDS 11:30am: INTL/OFSS	21 7:45am: YCER 8:30am: HRIS 11:30am: ADME	22 8:30am: International Letters of Credit	23
Transportation Revenue Management Group			Don't Gamble on Your Government Business/Las Vegas			
			Super Days		Texas Statewide	
24	25 Golf Outing 5:30pm: Paperwork Due for June Certification Exams 6:00pm: Executive Committee Meeting	26 11:30am: PLUM 5:45pm: BOD Meeting	27 8:30am: Managing the Collection of Commercial Accounts 11:30am: Home Builders Group Organization Meeting	28	29	30