



SOUTH FLORIDA CHAPTER

From the President's Corner

We are pleased to bring to you the final edition of the RMA South Florida Chapter newsletter for the 2012/2013 fiscal year. We had a very successful year, with several events and educational courses held throughout the year.

Congratulations go out to our fellow board member and Young Professionals Liaison, Alex Nall, on his appointment to the RMA National Young Professionals Committee. Alex will serve on this committee that provides support and direction and act as a resource to established and developing YP groups. Also, we are happy to announce that Jim Springer, our Education Co-Chairman, was appointed to serve on the Florida State RMA Board for the coming fiscal year.

The new incoming Chapter President is Bart Bishop. Bart has over 25 years of banking experience in Florida. Bart has been involved in the South Florida Chapter since 2011 and has been the moderator for our signature CEO Panel Event the past 3 years, a past newsletter Member Spotlight, and has served in various capacities on the Board. Currently, Bart is the South Florida Commercial Banking Manager for Fifth Third Bank, in Boca Raton.

The new incoming Young Professionals Chairman is Trey Fogg of PNC Bank. Trey is a Board Member and serves as the Communications Chairman. The YP group has been successful in expanding their presence in the local community by offering innovative and timely programming events and by holding joint networking events with other YP Groups. I would like to especially thank this year's Chairman Kelley Herrmann and his Board for their hard work and dedication in making this year such a success. If you would like to learn more about this group, please reach out to Trey at trey.fogg@pnc.com or phone at (561) 622-3788.

Highlights of Recent and Upcoming Events:

On June 4th the Chapter co-sponsored an RMA Educational Class, titled Advanced Real Estate Cash Flow and Valuation at Palm Beach Community Bank, in West Palm Beach, which received excellent reviews from our attendees.

Based on the feedback from our Survey of Classes, we have scheduled offering three RMA sponsored educational classes that our associates felt strongly about holding the Chapter hold for the Fall/Winter of 2013 as follows:

| Course | Date | Place |
|------------------------------|-------------------|-----------------|
| Cash Flow Analysis I: | 09/26/13 & | West Palm Beach |
| UCA Fundamentals | 09/27/13 (2 days) | |
| Business Writing For Bankers | 10/11/13 | TBD |
| Detecting Problem Loans | 12/13/13 | TBD |

You can register online and find out more details for the above classes, upcoming programs on our website <http://community.rmahq.org/SouthFlorida/Home/>.

I encourage you to please check out our website <http://community.rmahq.org/SouthFlorida/Home/> for upcoming programs, educational events and more. Also, you can join our LinkedIn.com group and connect with the RMA South Florida Chapter.

As our fiscal year approaches to end on July 31, I wanted to share how much I have enjoyed being involved with this Chapter and it has been a pleasure serving as President. I have gotten to know many of our new members, both fellow bankers and other professionals. Thank you for your commitment and ongoing participation with the South Florida Chapter.

Warm Regards,

Reese Sastro, Chapter President

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Member Spotlight



Alex Nall, PNC Business Credit

Alex Nall, CCIM, is vice president and relationship manager at the asset based lending business of PNC Business Credit. Since joining PNC in 2005, Alex has held several positions in the corporate bank, including underwriting, relationship management and asset resolutions in commercial real estate as well as field examination, underwriting and relationship management in asset-based lending. Alex is a certified commercial investment member and formerly held NASD Series 7, 63, and 65 licenses, a life and disability insurance license and a real estate license. He is a board member of the South Florida Chapter of RMA and CCIM East Coast District. His academic background includes a bachelor's degree from Tulane University and a MBA from University of Florida, where he graduated with honors.

Alex has been active with the RMA since his first days of credit training in 2003 and graduated from the RMA School of Commercial Lending at UCF in 2005. When a PNC colleague cycled off of the South Florida Chapter RMA board of directors in 2011, Alex jumped at the opportunity to become involved at the leadership level. When he arrived at his first board meeting, the current President Jim Springer asked Alex to use his existing network to organize a YP group for the South Florida chapter. Alex gladly reports that starting the YP group has been a ton of fun and very rewarding, both professionally and personally.

The YP group broadened RMA's prototypical membership base of commercial bankers to also include commercial insurance and real estate agents, CPAs, attorneys and other professionals who help commercial bankers mitigate risk. Now starting their third year, the YPs have a distribution list of over 150 young professionals and an elite board with well defined roles and succession plans. The YP group hosts monthly networking happy hours the first Thursday of every month at various locations around Palm Beach County as well as educational events based on member interest. Past events include: Alternative Finance Panel, Loan Workout Horror Stories, Speakeasy Politics, Economic Outlook for Palm Beach County and their Health Care Reform Seminar Series. They've also co-hosted networking events with other YP groups including accountants and commercial real estate brokers and sponsored events for various charities.

Alex was recently honored when the National RMA YP steering committee asked him to join as a board member for the 2013 / 2014 fiscal year. He quickly accepted, before his 35th birthday when Alex says he's afraid of falling into the OP¹ category.

1. Old Professional

The Other Side: Five Things Companies Should Consider Before Doing Business Overseas

By Joao H. Gomes, CFE, MTx and Bob Wild, both with Alpern Rosenthal

Thinking of expanding your business overseas? You are not alone. With 70 percent of the world's purchasing power located outside of the United States, capturing and utilizing international markets is a logical next step for growing domestic businesses. However, before you hop on a plane, you should establish a good foundation for your international venture. Whether you are planning your entry into the South Pacific or the south of France, these tips can help you make the transition with all your bases covered.

Research your market

First, familiarize yourself with the marketplace you want to do business in, looking at existing competitors but also local demographics and socioeconomic trends. To develop a good understanding of the market, utilize agencies such as the U.S. Department of Commerce and the Office of Commercial and Business Affairs, which offer helpful information on everything from taxation to economic indicators and trade opportunities.

Examine risk factors

With the international business landscape so volatile, business leaders entering new markets should prepare strategies for a variety of scenarios that could develop within the next decade, says Woody Wade, principal of Wade & Co., an international business consulting firm. For example, the Japanese earthquake in 2011 severely diminished Japan's infrastructure, affecting local supply chains and logistics for many businesses. Similarly, the European debt crisis is taking a toll on European businesses and the major economic powers that do business in the Eurozone. Look at your prospective market and consider which factors could most affect your company's success. Now, how do you plan to control them?

Close legal loopholes

Doing business in international markets exposes companies to any number of legal issues. Besides dealing with unfamiliar regulations and red tape, you'll often find contracts mean different things in different countries. So when it comes to legal issues, find legal counsel in the market. Attorneys with local knowledge will be able to write up firm contracts and agreements with your overseas

partners as well as put in place protections, such as locally enforceable arbitration clauses, that can save you money and headaches down the road. As members of the Leading Edge Alliance, the second largest international professional association, Alpern Rosenthal can assist with this endeavor.

Build a posse

No matter where you're doing business, you'll want to build a network of trusted advisors in the local market. Building and maintaining business relationships and staying on the pulse of the market requires people who know the business environment and understand local customs, fashions, morals, ethics, hospitality and, of course, language. Depending on your business, this advisory team could include bankers, lawyers or even employees, such as sales reps don't know where to start? Try asking people with connections in your chosen market for suggestions. You might also check with the country's U.S. Embassy, which can facilitate introductions to local officials and agencies.

Protect your intangibles

When growing your business overseas, it's easy to focus on creating your physical footprint. But transitioning your intellectual property and other intangible assets must also be a priority as "more than 65 percent of most companies' value and sources of revenue evolve directly from their intangible assets and IP," says Mike Moberly, founder and president of business consulting firm Knowledge Protection Strategies. Safeguard your business from security threats and economic espionage by securing vital patents and trademarks before you enter a new country.

Do Not Be So Quick to Abandon Ship When a Borrower Files for Bankruptcy

By Frank P. Delia, Esq.

My practice consists mostly of corporate litigation and creditor bankruptcy work. Seventy percent of my commercial foreclosure work ends up in bankruptcy court, whether the debtor corporation, guarantors or both file. When this happens some of my clients often believe there is no way to recover assets from that point on. Nothing can be further from the truth.

A qualified creditor bankruptcy counsel will be able to protect the creditor's interest and may be able to recover assets.

Upon first notice of a defendant or borrower filing

bankruptcy, be it a Chapter 7, 13 or 11, the creditor should promptly call a bankruptcy specialist. One thing common to all three forms of bankruptcy listed above, deadlines are firm and issues arise in the first month of a bankruptcy case that directly impact a creditor.

Bankruptcy counsel will need to pull the bankruptcy schedules from the court for review if not already sent by the debtor. Special attention should be given to the treatment of your claim, if you're listed as a creditor in the schedules, and the amount of the claim. Often the creditor is not even listed or scheduled incorrectly.

Bankruptcy counsel will also look at the assets the debtor lists in the schedules; look for other possible competing creditors, debtors' income and indebtedness. Any decision made in the case starts with a complete review of the debtors schedules.

Some initial motions a creditor can file from information derived from the schedules include: Not listed on the schedules- Objection to the Bankruptcy Amount of collateral not accurate- Motion to Value

Collateral Amount of collateral less than the debt owed- Motion to Lift the Stay Debtors exemptions exceed what is allowable- Objection to Exemptions Debtor has too much disposable income- Motion to Convert to a Chapter 13 or to Dismiss the Case Debtor is being untruthful about his financial condition- Motion to Dismiss on grounds of Bad Faith.

In a chapter 11 there are many other motions that could be filed to protect the creditor unique to that situation but in the interest of brevity we will save them for another article.

Once the initial schedules are reviewed and a strategy is discussed it is equally important to attend the 341 Meeting of Creditors. At the 341 Meeting the creditors and the trustee get to ask the Debtor questions about his bankruptcy filing. Attending the 341 Meeting has other benefits. First, it lets the trustee and the debtor know the creditor is watching the case and is not going to just walk away from the debt owed. Second, it is the creditor's opportunity to learn valuable information from the debtor and other creditors. Those other creditors could be already known, unknown or competing with your interests in collateral. Finally it is your opportunity to inform the trustee of your position or give the trustee factual information the debtors all too often leave off the schedules.

As far as a Chapter 11 filing is concerned, reviewing the schedules and attending the 341 Meeting of Creditors is just the start. Creditors counsel must review initial motions such as Motion to Use Cash Collateral, Motion for Adequate Protection Payments and setting Offices Salary. The creditors counsel should object when necessary.

Two recent results I have been able to obtain on behalf of my creditor clients illustrate not giving up too early when a debtor/borrower files for bankruptcy.

Case 1 involves a Chapter 7 Debtor who sued my client for an alleged construction defect in a luxury condo they purchased at the height of the market. At trial in Federal Court and apparently knowing they were going to lose they offered to settle with my client in the approximate amount of \$100,000.00 for damages, fees and costs on what was obviously a frivolous suit. After accepting the settlement my client was dismissed from the trial. When we tried to collect the settlement 2 weeks later the debtors would not respond and promptly filed bankruptcy thinking they would not have to pay. I was able to argue that the bankruptcy filing was not made in good faith. Additionally, the debt they listed was not involving a business (they claimed they purchased the condo to rent out) and therefore the means test did apply to them. This resulted in having too much disposable income. The result was that they have to pay us the agreed settlement.

Case 2 involves a commercial contractor who owed my client, a commercial supplier, \$700,000 for past invoices uncollected. The debtor corporation filed a Chapter 11 and also claimed that its president was indispensable to the business success and because of that the automatic stay should apply to him personally. I was able to show the court that the president of the corporation was not critical for a successful plan of reorganization thus allowing me to bring an action in state court against him personally on his guarantee. More importantly, by objecting to the bankruptcy on grounds of the feasibility of the plan of reorganization and the lack of any reliability of the debtors financial disclosure I was able to have the court convert the case to a chapter 7 bankruptcy. This means that the corporation is being liquidated to pay back my client and whatever is left will be collected from the president of the corporation personally.

So remember folks, do not abandon ship too quickly when a borrower files bankruptcy. Have a competent creditor bankruptcy counsel in the very least do a

preliminary work up. Many times there will be a substantial recovery for the creditor after all.

As a member of the Firm's Commercial Litigation Practice Group, Mr. Delia focuses his practice on creditor's rights, commercial bankruptcy, commercial law and business litigation. Mr. Delia concentrates his practice in commercial foreclosures of real property and personal property interests representing institutional lenders and individual creditors. He has acted as trustee's counsel in complex bankruptcy cases and is a member of the Bankruptcy Bar throughout the State.

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Areas of Practice:

- Bankruptcy and Creditors Rights
- Commercial Foreclosure
- Commercial Law and Business Litigation
- Real Estate Litigation

Chapter Leaders Conference

In June 2013, Bart Bishop, Beau Marburger and Trey Fogg from the South Florida Chapter Board of Directors represented our chapter at the RMA Chapter Leaders Conference in Scottsdale, Arizona. This two day conference allows the National RMA organization to communicate directly with chapter leaders and focus on improving local chapters through leadership education. The conference also provides a forum for chapter leaders to network with peers from across the country and share best practices.

Among the topics discussed, there was a clear focus on general member growth, promotion of educational programs and development of Young Professional groups. The South Florida Chapter is proud to announce that we excel in each of these categories thanks to the continued involvement of our chapter members. In order to remain a top chapter, the South Florida Chapter encourages recommendations for new members and member institutions, involvement in our many educational programs and involvement of your institutions future RMA members in our Young Professional group.

This year's conference celebrated 100 years of RMA. Did you know that when RMA was founded in 1914 to facilitate the exchange of credit information, it was named the Robert Morris Club after Philadelphian Robert Morris, who signed the Declaration of Independence and was the primary

financer the Revolutionary War?

The Robert Morris Club soon changed its name to the Robert Morris Association; in 2000 the organization changed its name to the Risk Management Association as a sign that in the new millennium RMA would continue its commitment to advance sound risk principals in all areas of risk in the financial services industry.



(RMA Chairman Robert Rose remarks during lunch)



(Panel of RMA Chapter Leaders discussing best practices)

Young Professional Corner

The 2013-2014 Young Professional (YP) Board has outlined another exciting year of educational events and networking opportunities:

- **Advocating for Your Success:**

A three part “Lunch and Learn” series designed to educate young professionals on how succeed in a competitive financial services industry within a changing regulatory environment.

1. *Planning for Your Success*
Join a professional recruiter and banking team leader to learn what experience, skills, education and licenses yield the most marketable careers in the financial industry. Fall 2013
2. *Market for Your Success*
Attend a seminar led by a marketing professional to learn how to create your own marketing campaign using social media. Winter 2014
3. *Where Do I Fit in a Changing Financial Industry?*
Interact with local industry leaders to learn how the financial industry will likely evolve and how to position yourself for success. Spring 2014

- **RMA YP Signature Charity Event:**

In Winter/Spring 2014 RMA YPs will host the 1st Annual Charity Event. This year’s event will consist of a competitive team bowling event with all proceeds and fundraising to benefit a local charity. Stay tuned for more details and begin working on your 7-10 split!

- **Monthly Networking Happy Hours:**

Join RMA YPs and South Florida Chapter RMA Board Members at monthly happy hours hosted by RMA YPs.

If your organization has any young professionals, please send a quick email to the current YP President, Trey Fogg at trey.fogg@pnc.com, with their contact list so that we can reach out to them, add them to our distribution list and help get them involved in the RMA. They can also visit the RMA South Florida Chapter – Young Professionals group on LinkedIn.

2013-14 (South Florida) Board Officers & Committees

President:

Bart Bishop, Fifth Third Bank 561-862-5109

Vice President:

Beau Marburger, Floridian Community Bank 561-333-5773

Past President:

Reese Sastro, CRC, First Bank of the Palm Beaches 561-847-2723

Secretary:

John Valenti, SunTrust Bank 561-835-2605

Treasurer:

Christine Meyers, CPA 561-227-1534

Membership Committee:

Beau Marburger, Floridian Community Bank 561-333-5773

Communications/Marketing Committee:

Trey Fogg, PNC Bank 561-622-3788

Program Committee:

Kirk Nelson, CB Richard Ellis 561-227-1803

Beau Marburger, Floridian Community Bank 561-333-5773

Education Committee:

Jim Springer, Palm Beach Community Bank 561-681-7232

YP Committee:

Trey Fogg, PNC Bank 561-622-3788

YP Board Liaison:

Alexander Nall, PNC Bank 561-803-9725

Nominating Committee:

Reese Sastro, First Bank of the Palm Beaches 561-847-2723

Robin Henderson, Bank of America 561-838-2291

Jim Springer, Palm Beach Community Bank 561-681-7232

Members at Large:

Susan Rabinowitz, Co-Chair, Bank of America 561-838-2390

Stephen Ritmiller, Alpern Rosenthal 561-689-7888

Welcome to New Members

Sean Lelchuck, Bibby Financial

RMA South Florida Chapter Presents



OUR CALENDAR OF EVENTS

South Florida Chapter

General Membership Meetings & Educational Offerings in 2013/2014:

Date/Time/Location

*EDUCATIONAL OPPORTUNITY:
Cash Flow Analysis I: UCA Fundamentals*

*September 26-27, 2013
West Palm Beach, FL {Register Online}*

*RMA YP: Advocating for Your Success
Three Part Lunch Series*

*Beginning Fall 2013 - TBD
Palm Beach County*

*EDUCATIONAL OPPORTUNITY:
Business Writing for Bankers*

*October 11, 2013
West Palm Beach, FL {Register Online}*

*RMA General Meeting
Credit Panel Luncheon*

*October 2013
TBD*

*EDUCATIONAL OPPORTUNITY:
Detecting Problem Loans*

*December 13, 2013
West Palm Beach, FL {Register Online}*

Joining RMA as an Associate is easy. If you are an employee of an RMA Member Institution, you may join for a \$75 annual Associate fee and any local chapter dues. To find out more please contact art Bishop at 561-862-5109 (bart.bishop@53.com)

**Joining RMA is an investment in yourself and your future.
Make that investment!**

Special note from the editor:

Our chapter presents opportunities for individuals to get involved. Chapters rely on the talents of volunteers to stage many of their programs, conduct membership development efforts, and promote the ideals of the Association. To find out more about how to can get involved, please contact Trey Fogg at trey.fogg@pnc.com or (561) 622-3788.

**Registration for events is welcome from our members and all prospective members.
Please join us at our next meeting.**

For more information about our educational event schedule, contact: Education Committee Chair - Jim Springer jspringer@pbcblink.com.

For information about RMA membership, contact: Bart Bishop bart.bishop@53.com

If you have RMA Chapter news in the State of Florida, please pass it on to:

Trey Fogg, PNC Bank
Trey.Fogg@pnc.com