“HAVING IT ALL, IN YOUR OWN WAY”

HIA-LI hosts its Annual Women’s Leadership Conference - Page 4
HIA-LI POSITIONING STATEMENT & INITIATIVES

HIA-LI is one of the recognized voices for business on Long Island; a powerful force and economic engine for regional development. Our member companies represent tens of thousands of business professionals.

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Profile manufacturing on LI helping obtain funds to operate more efficiently and create opportunities for a skilled manufacturing workforce.

WORKFORCE DEVELOPMENT
Develop solutions to attract, blend and retain employees and keep youth on LI.

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Explore existing and emerging strategies for containing healthcare costs.

VIRTUAL HIA-LI
Deliver added value by sharing knowledge with employees and keep youth on LI.

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HIA-LI COMMITTEE MEETINGS

TUESDAY, JANUARY 10TH - 8:30AM
HIA-LI’s Environmental/Green Industries Committee Meeting, HIA-LI Office, 225 Wireless Blvd., Hauppauge

THURSDAY, JANUARY 12TH - 8:00AM
HIA-LI’s Human Resources Committee Meeting, Call HIA-LI Office for Location

THURSDAY, JANUARY 12TH - 8:30AM
HIA-LI’s Trade Show Committee Meeting, HIA-LI Office, 225 Wireless Blvd., Hauppauge

FRIDAY, JANUARY 13TH - 8:30AM
HIA-LI’s Sales and Marketing Committee Meeting, HIA-LI Office, 225 Wireless Blvd., Hauppauge

WEDNESDAY, JANUARY 18TH - 8:30AM
HIA-LI’s Education/Workforce Connection Committee Meeting, HIA-LI Office, 225 Wireless Blvd., Hauppauge

WEDNESDAY, JANUARY 25TH - 5:30PM
HIA-LI’s Young Professionals Committee Meeting, Location to be announced. Call 631-543-5355 for more info.

THURSDAY, JANUARY 26TH - 8:30AM
HIA-LI’s Business Development Committee Meeting, HIA-LI Office, 225 Wireless Blvd., Hauppauge

HIA-LI UPCOMING EVENTS

FRIDAY, JANUARY 20TH - 8:00AM - 10:30AM
HIA-LI’s Annual Meeting & Legislative Breakfast hosted at the Upsky Long Island hotel - 110 Vanderbilt Motor Parkway, Hauppauge NY. Members: $50 • Non-Members: $65. Here from your 2017 Elected Officials as they discuss initiatives, updates, and the forecast for 2017. To register, visit www.hia-li.org or call 631-543-5355

FRIDAY, JANUARY 23RD - 5:30PM - 7:30PM
HIA-LI’s Membership Appreciation Networking Event hosted at Sangria 71 - 1095 Jericho Tpke, Commack NY. Join us for a night of networking, lite bites, cash bar with the HIA-LI Business Community. Feel free to bring a Non-Member as a guest to learn more about the benefits of our organization! This event is complimentary, to RSVP, register online at www.hia-li.org or call 631-543-5355

THURSDAY, FEBRUARY 16TH - 8AM - 10AM
HIA-LI’s 23rd Annual Economic Summit, hosted at Hyatt Regency Long Island - 1717 Motor Parkway, Hauppauge NY. Members: $45 • Non-Members: $60. Join us as we review AVZ & Company’s LI Business Survey and Opinion Poll and discuss the present and future of Long Island Business. To register, visit www.hia-li.org or call 631-543-3555

MEMBER APPRECIATION NETWORKING EVENT!

JANUARY 23, 2017 - 5:30PM - 7:30PM
HOSTED AT SANGRIA 71 - 1095 JERICHO TPKE, COMMACK

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Women Leading the Way on Long Island: Having It All, in Your Own Way

Lauren Kanter-Lawrence, Esq.
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In the decades since Cosmopolitan editor Helen Gurley Brown’s famous book Having It All was published in 1982, the title has transformed from words of encouragement to a hated cliché – an elusive and even judgmental standard that pressures some women to ask themselves why their nonstop balancing act between the competing demands of work and family isn’t as effortless as in the movies.

The message from Christine Malafi, Partner at Campolo, Middleton & McCormick, LLP, is therefore an important one: “You can’t ‘have it all’ the way the media portrays, but you can do it in your own way.”

Malafi spoke at HIA-LI’s sixth annual women’s leadership breakfast, “Women Leading the Way: A Discussion with Women CEOs” on December 2, 2016, where she was joined by Dr. Christine Riordan, President of Adelphi University; Neela Mukherjee Lockel, CEO of American Red Cross on Long Island; Judith Heller, Assistant Vice President of Physician Recruitment at Northwell Health; and Karen Davis-Farage, Co-Owner and President of Pole Position Raceway. Domenique Camacho-Moran, Partner at Farrell Fritz, moderated the dynamic panel, drawing in the crowd as she weaved throughout the packed room of 200 attendees. Senator Kirsten Gillibrand, who was instrumental in creating the event in 2010, addressed the room via video message on the topic of women’s leadership.

Camacho-Moran reminded the crowd that although women have long played a significant role in the economy, they still are not proportionally represented in leadership roles and professional positions, and continue to earn less than men. The women on the panel “defied the odds” as they embarked on their unique career paths.

Like Malafi, Dr. Riordan acknowledged that success is not one-size-fits-all. “Success comes in many forms. It’s not our job to judge others.” The first woman to serve as Adelphi’s president, she encouraged attendees to take risks in their careers and try things that frighten them. In the workplace, women shouldn’t shy away from expressing what they need to succeed.

Davis-Farage observed that many successful women “don’t always realize our accomplishments when they are happening.” Recalling a difficult period in 2009 when the recession abruptly ended her 32-year career in the software industry, Davis-Farage shared that she needed to take time to mourn the loss. But she emerged from the experience with a fresh perspective and the desire to apply her skillset to a new industry.

Davis-Farage is now an owner of the first Pole Position Raceway indoor electric go-karting facilities on the East Coast. Surrounding herself with a support system got her through the most difficult times. “Everyone has angels and coaches, and they don’t always come from where you expect.”

Heller emphasized the importance of preparation and initiative. Her career took her through public policy positions to hospital administration and eventually to Northwell. Throughout her career, “whenever I saw a gap or a need, I took it upon myself to fill it.” She stressed the need to “do your homework. Before a meeting, make sure you know your info cold and that you know what others are thinking.” This drive has not only advanced her career, but also created a role model for her two young daughters: “They think I can do anything.”

Lockel’s career path has focused on humanitarian work: the New Jersey native studied social work and eventually came to Long Island where she joined Girls Inc., a new organization at the time that she helped build before moving to her current role at the American Red Cross. Lockel noted that “as women, we feel compelled to fulfill certain roles.” Her advice, especially to young women starting their careers, is “to find someone who believes in you and will give you feedback.” Her mother taught her from an early age that “there was nothing I couldn’t do. Women need to support other women.”

Malafi’s legal career has spanned a variety of roles and sectors: in 2004, she was appointed Suffolk County Attorney, the first woman and youngest person ever appointed to the position. The trial lawyer then made the unusual transition to senior corporate counsel to a major manufacturing company before joining Campolo, Middleton & McCormick as chair of the Corporate department. “People said no one switches from being a trial lawyer to a transactional attorney, but I was going to do it. I worked 24 hours a day on learning how to make it happen.” Her message is that you don’t look at the risk; you look at the end game, “then figure out how to get there.”

The panel’s candid advice made an impression on the attendees. Randi Busse, President of Workforce Development Group, shared: “I thought it was important that all of the panelists spoke about the need to surround yourself with a good support network, and that it’s okay to ask for and receive help.”

Devon Palma, an associate attorney at Campolo Middleton who attended the event with her father, said that “the panel gave me a roadmap to follow as I begin to build my own network and seek out mentors.”

Her father, Frank Palma, Smithtown Distribution Center Manager at Coca-Cola Refreshments, added: “Listening to these extremely successful professional women tell the stories of their journey in the workplace as women, while sitting at a table next to my own daughter who is beginning her career as an attorney, was a unique and eye-opening experience. I take pride in noting that Coca-Cola is ahead of the curve on the issues we heard from the panel, on everything from ‘Mommy Rooms’ to parental leave. I’m confident that the business leaders who attended this panel learned a great deal about how to attract and retain talent in their own organizations.”

As the event drew to a close, Malafi noted that the panel’s advice and experiences can apply to anyone passionate about their career, not only women. “I hope that in ten years, we don’t have a need for this type of event.”

Join us at our next Executive Breakfast on January 20th, at HIA-LI’s Annual Meeting and Legislative Breakfast. Learn more at www.hia-li.org
Located in both the heart of Long Island and on the East End, Campolo, Middleton & McCormick, LLP is Suffolk County’s premier law firm. Over the past generation, our attorneys have played a central role in the most critical legal issues and transactions affecting Long Island. Our commitment to excellence has earned us accolades from the business community, including the prestigious HIA-LI Business Achievement Award and LIBN Corporate Citizenship Award, a spot on the U.S. News & World Report list of Best Law Firms, and the coveted title of Best Law Firm on Long Island. To learn how we can help your business succeed, visit www.cmmllp.com.


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Tell us about how you/your company started.

I started my career 22 years ago serving disadvantaged, at-risk, vulnerable people in the New York metropolitan area—and I’ve progressed on this path because helping others as a leader is so rewarding. Since 2013, when I joined CN Guidance & Counseling Services (cnGuidance.org) as its Chief Executive Officer, I have been collaborating with a remarkable team of nearly 300 dedicated people who provide person-centered, comprehensive services to individuals and families on Long Island who are affected by mental health and substance use disorders. We provide not just clinical services, but also housing, coordination of care, and many critical programs (including peer support) that give people the tools they need to sustain a full recovery. As a nonprofit agency that began in 1972 as a mental health clinic, CN Guidance has expanded to become a safety net provider for individuals with co-occurring mental health, addiction, and physical health disorders—and their families.

What was a turning point for you/your company?

Not long after my start at CN Guidance, we were looking at our clients and the current national research—showing that people with serious mental illness are dying on average about 25 years sooner than others. We were terribly alarmed. People with serious mental illness are dying from heart disease, stroke, diabetes complications, respiratory ailments—very often never diagnosed or treated. We recognized that we needed to go after funding to enable holistic, integrated treatment of our clients—including the provision of primary care on the spot. Receiving a state grant, we launched a partnership with a local primary care provider and began to serve clients on-site at our mental health clinic. Over the past two years, we’ve seen amazing results as people with obesity, diabetes, and cardiovascular conditions become aware of their risk for stroke and heart disease—and learn how to eat differently, exercise more, and take medications needed to manage and reduce their risks. It’s game changing. A new federal grant will enable us to expand this work over the next four years.

What is your philosophy at CN Guidance?

A deep belief in each person’s capacity to recover underlies all the work we do. We have found that people heal best when they get to live at home, receiving the support they need. While inpatient treatment is best for a small subset of folks who struggle, the vast majority prove to thrive under our programs that supply mobile services, outpatient care, and alternatives to emergency rooms and institutional settings. Another part of our philosophy is: we collaborate often and deeply with other expert organizations in order to deliver the most comprehensive array of needed services to our clients. We recognize that we cannot directly provide everything ourselves.

What opportunities do you see in the future?

In the future, CN Guidance will expand beyond the behavioral health center it was in its first 40 years. We are becoming a total healthcare facility. Increasingly, we will treat our region’s most vulnerable people holistically—diagnosing and treating their mental health and medical health together. CN Guidance will seize and create the opportunity to remain our community’s reliable safety net provider, ensuring that needed services—mental health, addiction recovery, and physical healthcare—continue moving forward for our area’s most vulnerable individuals and families during rapidly changing times.

Tell us about your company’s profile today.

CN Guidance now serves over 4,700 clients per year (up from 2,200 in 2013), with over 170,000 activities across our programs. This past year, we succeeded at securing a rare Integrated Outpatient Services license across NY State agencies, and we added 21,000-square-feet to better serve individuals and families who struggle with behavioral health conditions. Creating more on-demand integrated care access, we are seeing consistently improving health outcomes: people recovering from depression, reducing their blood pressure, improving their blood-sugar (reducing diabetes risk), and using emergency rooms and inpatient facilities far less than before they began working with us. CN Guidance remains a trusted community anchor for holistic wellness in a rapidly changing healthcare landscape.

“We have found that people heal best when they get to live at home, receiving the support they need.”

~ Jeffrey Friedman, CEO of CN Guidance and Counseling Services
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There is no question that to reduce the risk of a data breach and to comply with data protection laws, companies must destroy sensitive materials when it is no longer needed. Some small businesses think it is less expensive and easier to do it themselves, but unforeseen costs including money, time, and security all become apparent. Most staff cannot be bothered with using a shredder which are usually slow and jam easily, so papers are often tossed casually in the garbage. When using a professional shredding company your sensitive material is removed and handled by trained professionals. Also, a Certificate of Destruction is essential if a business is asked to provide evidence that their confidential information was securely destroyed. Using an in-house shredder provides no real proof. Compared to the cost of outsourcing secure shredding services, an office shredder can be an unexpected financial drain, with ongoing maintenance, repair and replacement. Employees also have to take time away from their work to shred documents and increase the risk of a costly security breach. It can be tempting to retain and store every document your company may ever need but this approach is never cost effective. This becomes even more wasteful as the amount of information your business generates continues to grow. Just as you need to identify and store important files, you also need to identify those that don’t need storage and can be destroyed. Physical destruction is the only 100% secure way to permanently destroy confidential data on a hard drive which cannot be done with store bought shredders.

Once you have considered using a professional document destruction company, price should only be part of your decision. It is just as important to understand the cost of a security breach to your business and to feel confident that the company you choose has the experience to help protect your business, customers and employees. Make sure the company has expertise in the industry and their employees have undergone training and background checks. They must have a secure chain of custody for shredding your confidential documents on and off-site the premises. Have the company you choose provide references and proof that there are no security breaches in their history. These factors will help when evaluating the right security and budgetary fit for your business.

Besides the environmental impact, it is not a good idea for any business to simply throw away old documents. There are federal and state regulations that mandate the secure destruction of many types of information; social security numbers, medical records and other industry specific data. There is also your own companies secure data to consider. Any information that your business or your customers might consider confidential cannot pass through your existing recycling program. Secure, locked shredding consoles may be another option for your business. Your employees dispose of sensitive material in special locked bins. The shredding service picks up the bins on a regular basis in a secure vehicle to a secure shredding facility. The documents are then shredded beyond recognition. These factors all help determine the best plan for your business when deciding on your document destruction needs.


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The easiest way to create sharability is to give people an experience.
Krizstina Holly, Forbes
On Thursday, October 20th, Elon Musk – CEO & Founder of Tesla Motors made a historic announcement that will forever change the face of driving. They will begin delivering fully autonomous cars by as early as end of 2017! (naturally legally dependent). That’s right, driverless cars are here today! I believe that this movement is gaining traction! According to the National Transportation Safety Board, 30,000 deaths on the roads were caused by human error. In fact, with a 7.2% increase from 2014 to 2015 they are occurring with more regularity and most of these deaths are preventable. Clearly technology could be a solution to these problems if it is implemented properly. Tesla’s announcement is a huge advancement in saving lives.

We are on the precipice of radical change, and not just with respect to the upcoming Presidential elections. In essence, with the Department of Labor’s Fiduciary Reform comes into full effect in April 2017. This is the most sweeping legislative change in the retirement industry since ERISA in 1974! The new rule brings about many new items intended to protect plan participants. However, it also adds a new regulatory burden to plan sponsors.

There is a huge potential liability in this change. Over 65% of DOL audited plans (under $10mil) have resulted in penalties and fines to the plan sponsor! The average plan fine is in excess of $265,000! We believe that this significant increase has resulted from a general feeling among most plan fiduciaries that they have mitigated their risk because they employ service providers. This fact is alarming! The plan sponsor/fiduciary who is ultimately responsible for ensuring that the plan functions are completed correctly. One of the most cited violations of ERISA is failure to monitor. Plan sponsors would do best to find a third party administration firm that can provide co-fiduciary services, referred to in the industry as 3(16), to help remove the associated tasks and lessen the liability of plan sponsors. Essentially by partnering with such a firm, plan sponsors can fall under the Safe Harbor of ERISA 405(a)(1), which expressly provides for a fiduciary to outsource some of their liability.

Our question is that if employers can outsource janitorial, accounting, human resources, shipping, landscaping and call centers, why would they not consider outsourcing something with considerably more compliance “teeth” to experts who deal with plan compliance all day? Being named a co-fiduciary in the agreement gives you a true retirement partner.

What Tesla is doing to make roadways safer, this co-fiduciary support (3(16) service) is doing to help plan sponsors avoid any DOL / IRS regulatory liability. When was the last time your plan had a compliance review?

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The majority of employees in the United States do not have written employment agreements. Because employment agreements are not the norm, they often do not occur to employers as a possibility when hiring a new employee, let alone a requirement. With most employees, the lack of a written agreement is not an issue, except for one glaring exception: commissioned salespersons.

Pursuant to New York labor law, New York employers must have a written agreement in place with each commissioned salesperson. This agreement must be signed by the employer and the employee, and must include a description of how all compensation will be earned and calculated, including any wages, salary, and commissions. If the terms of compensation include a recoverable draw, this must also be addressed in the written agreement, including the frequency with which the draw will be reconciled. The agreement should also detail how all forms of compensation will be calculated upon the employee’s termination or resignation.

In addition, it is vital that written commission agreements address the issue of when commissions are considered “earned.” Are they earned when the employee books the sale? When the client pays in full? How to define “earned” is up to you as the employer, but it should be clearly stated in the agreement. If the agreement is silent or ambiguous on this point, the employer runs the risk that a court reviewing the agreement will construe it against the employer.

The commission agreement is a good place to address other issues as well, such as at-will employment status and the obligation to adhere to the policies set forth in the company’s employee handbook. The agreement should also state whether the employee is exempt or non-exempt from overtime laws. Of course, before making this designation, the employer must educate itself on the applicable exemptions; many employers make the mistake of just assuming their salespersons are covered by the outside salesperson exemption without verifying that the exemption applies to each employee’s particular situation. The requirements for meeting the outside salesperson exemption are quite specific. The exemption applies only if the employee’s “primary duty” is making sales or obtaining orders or contracts for which a consideration will be paid by the client/customer, and the employee “customarily and regularly” works away from the employer’s place or places of business.

Employers should also consider including a non-solicitation covenant in agreements with salespersons, commissioned or otherwise. Because salespersons, by definition, are going to cultivate relationships with your company’s clients, they are well-positioned to poach clients when they leave the company. A well-drafted non-solicitation clause will restrict their ability to do so.

If entering into written agreements with each salesperson on your staff sounds like too much work, bear in mind that, without such an agreement, the Department of Labor will accept as true whatever terms the salesperson says were agreed upon. Thus, this is not a step any employer with commissioned sales staff should be skipping. For assistance in drafting compliant commission agreements, please contact an HR professional at PMP.

Do Your Commissioned Salespeople Have Written Agreements?

Lisa Skruck
Counsel
Portnoy, Messinger, Pearl & Associates, Inc.
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You will never achieve what you want.

I need to share some bad news. Chances are you’ll never find the happiness you’re seeking in life. In fact, you’ll most likely never reach your financial, health or personal goals. Before you start cursing me, allow me to explain.

In the beginning, we all set out to climb a mountain but when life gets in the way we settle for what’s more “realistic”. Fact is, you have the potential to achieve anything you desire if you choose to. Let me rephrase that: commit to. We all want to be the best version of ourselves, whether that means having a six-pack, making vast amounts of money or just being happy. Unfortunately, what most people lack is patience and the endurance needed to succeed in spite of pain.

It really comes down to two words… pain tolerance. Although, it can be said that pain is a very subjective word. Ask anyone about the physical pain threshold a woman develops during childbirth. Pain is not only defined by the feeling conveyed by sensory neurons, it’s also the perception of discomfort. We crave pleasure (outcomes), but avoid the pain. Very few rewards in life will come without pain. Of course, we can model from others to avoid certain mistakes or lessen the pain but if you’re looking for the easy street to achieve your personal or professional goals, keep dreaming. Life never gets easier, but experiences create a higher tolerance to the pain life freely gives. Your ability to thrive in the face of adversity does more than just make you stronger, it makes you a winner!

Another important point is that you assess what you want from each of your goals. It’s not the money you want because that’s paper. You want the perceived freedom it gives you. Do you really need a six-pack? Fully clothed, nobody would be any the wiser. What you want is the feeling you have of accomplishing something most people will never have. Here’s a question, are your goals really yours? Do you allow your dreams to be dictated by societal standards or by the way you’re judged by others?

I ask new entrepreneurs three simple questions before they get started. “How much money do you need to earn in the next six months to make it worth your time?” Notice I didn’t say 5 years? I want to measure their short-term expectations. I can adjust the “pain” of the next question accordingly. “How much time are you willing to commit each day to achieving that goal?” The key here is committing regardless of how tired you are. It doesn’t matter whether the kids are sick or that you have other obligations. You must be willing to commit one hundred percent and stick to it. Finally, I’ll ask them “How many months are you willing to commit that time with zero return?” This is the most important question. We live in a world of instant gratification but reality dictates that things don’t come easily or quickly.

You can ask these questions for anything you want to achieve in your life. Personal and professional aspirations always come down to your willingness to commit to your goal. Focus on why you’re doing it and the rest falls into place. Earlier I referenced the pain threshold of women. They never stop in the middle of childbirth and say it’s too hard. They endure it because of the bigger ‘why’ at the end. That’s difficult for most men to understand, so we will go with a large kidney stone instead. That visual will make most men cringe.

Remember, pain is subjective but don’t ever feel like you’re alone in your struggle. Push through the pain knowing that in the end you’ll be proud that you did what most people wouldn’t endure.
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The recent deaths of actress Carrie Fisher and her legendary actress mother, Debbie Reynolds was one of the sadder stories that marked the end of 2016. In reading the many stories that appeared in print and online I was struck by the anonymous comments that people posted in relation to Carrie Fisher’s battle with mental illness. Many of the comments were critical and often condemning of the actress and illustrate that society is comfortable in continuing to stigmatize mental illness and the millions of people who struggle with its symptoms every day of their lives. It’s a sad commentary about many American’s lack of understanding or unwillingness to understand an illness that all of us have been exposed to by someone you love or know.

While Fisher’s illness was diagnosed and being treated, if we look back to the presidential election of 2016, the political pundits, media and even some of the candidates were discussing some of Donald Trump’s behavior in terms that often describe a mental illness. Like Debbie Reynolds, the loss of a child could cause such a severe depressed state of being that it leads to physical symptoms which in this case was a contributor to her death. Long Island Cares although a food bank, delivers food to people’s homes through our Mobile Pantry and other outreach services, and several of the people we visit are seniors, disabled veterans and people with debilitating medical conditions who also suffer from depression, isolation and other symptoms of mental illness. And, I bet while you’re reading this you’re not being critical of our work or the people we serve. Thousands of veterans on Long Island are diagnosed with post-traumatic stress disorder and too many have turned to suicide to end their pain and suffering but, we’re understanding of this form of mental illness. At the same time, there are too many young people on Long Island that are addicted to prescription drugs and other substances who become depressed and suicidal and some unintentionally die from their addiction which is a contributing factor of mental illness. And, I bet that some people reading this are not feeling that understanding about the plight of these people or their families.

We’ll criticize Carrie Fisher and others who become addicted to drugs. We’ll make light of the emotional behavior of candidates for public office, and we’ll be understanding towards our veterans who bear the scars of serving our country. When it comes to mental illness we shouldn’t pick and choose which people we’re compassionately about. Everyone who struggles with mental illness deserves to be understood and be treated compassionately. Mental illness and substance abuse are a major health issue on Long Island and we’re very fortunate that as a region we support a comprehensive and professional system of care that all of us one day might have to turn to for ourselves or someone we know. Carrie Fisher and Debbie Reynold’s tragic passing should serve as a wake-up call that just like cancer and heart disease, mental illness and substance abuse deserve support for research and treatment, and our understanding as a civilized society.
Success Is Not Complicated, It Just Requires Diligence

I am writing this book because Dr. Zoellner and I want to teach YOU how to start and grow a sustainably successful business so that YOU can create both the financial and time freedom YOU need to enjoy YOUR life as you see fit. The only reason a business exists is to serve YOU and to allow you to fund the pursuit of YOUR F6 goals (Faith, Family, Friendships, Fitness, Finances and Fun). If you had all of the money in the world, what would you spend your time doing? I know that I enjoy chasing my wife around and harassing our 5 kids. I enjoy artwork and cartooning. I enjoy burning stuff and obsessing about the New England Patriots. My friend, take this very moment and do something that only millionaires and successful people do, write down your goals and then I’ll show you how to achieve them.

Fun Facts from Tom Corley and www.RichHabitsInstitute.com:
1. 88% of wealthy read 30 minutes or more each day for education or career reasons vs. 2% of poor.
2. 80% of wealthy are focused on accomplishing one single goal. Only 12% of the poor do this.
3. 84% of wealthy believe good habits create opportunity luck vs. 4% of poor.
4. 86% of wealthy believe in lifelong educational self-improvement vs. 5% of poor.

We both grew up poor and between Doctor Zoellner and I (my business partner), we have built (in no particular order) America’s largest wedding entertainment company (www.DCConnection.com), two booming ophthalmology clinics (www.DRZoellner.com), one of the most successful men’s grooming (haircut) businesses in Oklahoma (www.EITRLounge.com), one of the largest auto auctions in the mid-west (Z66AA.com), the most successful PR and Marketing Firm in Oklahoma (www.MakeYourLifeEpic.com), a thriving durable medical company called A to Z Medical (www.AtoZMedicalTulsa.com), the nation’s largest award-winning wedding photography company (www.EpicPhotosTulsa.com), a bank (that Doctor Zoellner invested heavily in...www.BankRecent.com), a thriving online school (www.CheerTimeShow.com), a regional radio show (www.CheerTimeShow.com) and a 200 acre championship horse-breeding ranch (www.RockingRanchok.com).

Building a successful business is not infinitely complicated, you just have to start by solving a problem that people legitimately have and that you can solve at a profit. Entrepreneurship is about diligent doers solving problems that people have and that they are willing to pay diligent doers like you to solve. Once you find that product or service that people are willing to pay for, then all you have do is build a scalable system and hold your team accountable to profitably by executing your repeatable system over and over and over...And the process of holding yourself and your team accountable to the execution of business systems requires the constant application of effort (diligence).

So What Happens If You Struggle to Get Things Done?

Developing the habits of diligence and consistency are just like developing physical muscles: your strength will come as a result of consistent struggle. But your confidence will come as a result of being able to make small promises to yourself that you are able to hold yourself accountable to each day. These small little wins and these small little victories where you get to cross an item off of the to-do list that you made are at the very core of successful entrepreneurship. However, if you find yourself consistently dropping the ball and failing to get things done, you need to correct this behavior immediately. And because you are self-employed, you cannot really fire yourself without going into bankruptcy, so failure is not an option and this is how you do it.

1. Ask yourself why you did not get it done.
2. Determine what tools, coaching, and resources you need to have access to before attempting to start each action step.
3. Determine how long it’s going to realistically take to get the action item done.
4. Determine where you need to physically be to focus and concentrate on the task at hand long enough to complete the action item.
5. Determine specifically when you are going to knock out the action item.
6. Determine if you really do believe that completing this action item truly will help you grow your business to truly create both the time and financial freedom you seek.
7. Determine whether you are truly open to correction and coaching in this area or if this is just something that you are simply not going to do.

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It’s a business owner’s worst nightmare: an employee leaves to work for a competitor, and tucked into the boxes in which he’s packing his diplomas and photos are your customer lists and confidential information.

Enter a non-compete agreement, which prohibits the employee from working for a rival company for a specified amount of time after leaving your employ. Traditionally, employers have used non-compete agreements as tools to protect their interests with respect to high-level employees with specific skills and those with access to highly valuable information such as trade secrets and customer lists. But if the New York Attorney General Eric Schneiderman announced settlements this past summer with several companies whose non-compete agreements were determined to be overly broad. One such settlement was with Law360, a legal news outlet, which had been requiring editorial employees at all levels to sign non-competes prohibiting them from working for the company’s direct competitors for a year after leaving the company. The settlement agreement does away with these mandatory non-competes, leaving in place those for only the most senior editorial employees deemed to have highly specialized skills.

With more investigations and settlements expected from the AG’s office regarding overly broad non-compete agreements, New York employers should take this opportunity to review their existing non-compete agreements and take stock of their hiring policies regarding such agreements.

Specifically, as we head into a new year, employers should considering doing away with blanket policies requiring all employees, regardless of skill and pay level, to sign non-competes. Instead, they should evaluate employees individually, assessing their access to proprietary information, whether they possess highly specialized skills critical to the role, and whether there is a legitimate and reasonable business interest in barring the employee from working for a competing company after he or she departs. If a non-compete agreement is in fact warranted, it should be narrowly tailored to maximize its enforceability.

Arthur Yermash is an attorney at Campolo, Middleton & McCormick, LLP, where he counsels clients in all areas of labor and employment law. Contact Arthur at ayermash@cmmllp.com or (631) 738-9100.
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Economic fluctuations may present tenants of commercial or office space with bargaining power which they might not otherwise have. While it may not be possible to obtain rent concessions in a strong real estate market, it still makes sense to spend some time and energy negotiating the terms of one’s lease. Hiring an attorney to assist in this endeavor may make a great deal of financial sense.

First, the involvement of an attorney in the negotiating process provides credibility and leverage with the landlord. In short, landlords tend to take tenants more seriously when the tenants have legal representation. Acting as the intermediary, the attorney may be able to obtain better lease terms without jeopardizing the landlord-tenant relationship. The attorney can act as a buffer, so that the tenant is not directly viewed as the adversarial party.

One of the most important legal issues which may arise in connection with commercial leases is whether the tenant should have the right to assign or sublet all or a portion of the leased premises, and under what terms and circumstances. The ability to assign or sublet, especially in the event of an economic downturn, may be crucial to the financial health of one’s business. Certainly, the landlord also has an interest in seeing the tenant remain financially viable over the long-term; therefore, during changing economic times the landlord may be more willing to permit assignment and/or subletting.

If the poor performance of the economy also softens the real estate market, tenants may become more successful in negotiating lower rents. Often overlooked, however, are rent and tax escalation clauses. These must be reviewed carefully, as the precise wording of such clauses can have great financial consequences. Tenants in Nassau County must be especially careful with respect to tax escalation clauses in light of recent property reassessment initiatives.

Of practical concern always is the landlord’s willingness to make representations regarding the condition of the roof, fire sprinkler system, plumbing, heating, ventilation and air conditioning systems. If the tenant is responsible for such items, the cost of repair or replacement can be prohibitive.

In summary, retaining a knowledgeable and experienced attorney to negotiate the terms of one’s lease may prove quite valuable and cost-efficient.

“PACE” Loans Make Energy Savings Practical For Suffolk Owners

Suffolk County building owners have a new source of low cost long term loans for energy improvements such as solar power systems and LED lights. The County recently authorized the new loan program, called PACE, to help building owners cut their energy costs and shift to renewable power, while being cash-flow positive from day one.

Building owners know that more efficient lighting or increased insulation, or solar power will cut their operating costs. The challenge for owners has been to find the extra cash needed to finance such projects. Now, through the PACE loan program, owners can qualify for long term financing so long as the energy savings cover the debt service – that is, the improvements will pay for themselves over 20 years.

The PACE loan program uses a unique repayment mechanism, the annual property tax payments due to the local taxing body. The interest and principal due on the PACE loan is paid as part of the annual property tax payment. Because property taxes due have a priority over other obligations, the loans are more secure and entitle the borrower to more favorable terms than conventional loans.

Thirty one states have established PACE programs over the past eight years. In 2015 New York State law authorized taxing bodies to offer PACE. Suffolk County passed their PACE law in the Fall of 2016, with the strong support of County Executive Steve Bellone, which was fitting because the forerunner of the current PACE program was first developed in the Town of Babylon when Mr. Bellone was Town Supervisor.

PACE in NY is run by a not for profit - the Energy Improvement Corporation. Their “Energize NY” (“ENY”) finance program is focused on helping property owners reduce energy use, save money, and improve the quality of their buildings through clean energy projects involving energy efficiency and renewable energy.

Many types of properties are eligible under the Energize NY Finance Program, including: (1) commercial, industrial, institutional, and not-for-profit facilities; (2) small multifamily (1 to 4 unit) buildings; and, (3) large multifamily (5+ unit) buildings.

PACE loans are compatible with NYSERDA and utility incentive programs, as well as the federal Investment Tax Credit. In many cases, the tax incentives will cover up to ½ the cost of a project—and PACE will finance the balance of the cost. Interest rates range from 4% - 6.5%, depending upon capital market conditions.

While Suffolk County is new to PACE, other parts of the State have completed a multitude of PACE financed projects.

Energize NY and American Solar Partners broke new ground by committing to provide 20-year PACE financing for a roof-mounted 35 KW photovoltaic solar installation in Peeksull, NY that was acquired through a power purchase agreement (PPA). A PPA enables a property owner to acquire solar energy at a fixed cost with low or no upfront cost. Under the PPA, the solar company is responsible for the cost of installing and maintaining the solar PV system during the term of the PPA and for providing electric power to the customer at a fixed cost. A PPA /PACE agreement can be a big help to nonprofits or other property owners that don’t have sufficient income tax liability to take full advantage of federal tax credits on their own but still wish to save energy.

PACE lending is off to a fast start in Suffolk County as ENY has already committed to finance a 43 KW roof-mounted solar power system for a restaurant. The $136,000 system is expected to offset 65% of the customer’s electric usage and save the owner almost $5000 per year, over and above the cost of financing.

To learn more about PACE contact Energize NY: Energize NY / info@energizeny.org / 914 302-7300
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Donald Trump’s Tax Reform Proposal and Its Implications on Individual and Business Tax

While uncertainty surrounded the presidential election season, President-elect Trump and Republicans in the House of Representatives appear certain that tax reform will happen in 2017. However, the shape of such reform remains unclear. Below is a discussion of the president-elect’s proposals.

**Individual tax**
Proposed changes applicable to individual taxpayers include a reduction to the top marginal tax rate and the elimination of certain taxes that apply in addition to the regular income tax. These benefits could come at the cost of restrictions on itemized deductions allowable under present law.

President-elect Trump is proposing a reduction in individual income tax rates; the maximum personal income tax rate could be reduced to 33 percent (from 39.6 percent). This reduction could come at the cost of placing a cap on itemized deductions of $100,000 for single taxpayers and $200,000 on taxpayers filing joint returns.

With the potential reduction in tax rates and limitation on itemized deductions, individual taxpayers should consider accelerating deductions into 2016. In addition to avoiding the possible cap on itemized deductions in future years, deductions will provide a greater benefit if used to offset income in 2016 that is subject to a higher rate than those that could apply in 2017.

Since Trump has proposed elimination of the alternative minimum tax (AMT), acceleration of deductions should be implemented only after analyzing whether this strategy would place the taxpayer into AMT for 2016. AMT elimination would simplify future planning for the timing of paying state income taxes and real estate taxes.

The net investment income tax (NIIT) could also be abolished. NIIT currently imposes a 3.8 percent assessment on interest, dividend and capital gain income of individuals and trusts that have investment income as well as income from passive business investments that exceeds certain thresholds. Elimination of this tax would make passive business investments more attractive and could provide additional sources of capital for businesses.

The president-elect is also proposing to eliminate the estate tax.

**Business tax**
Proposed changes applicable to businesses include: a drastic reduction in the top corporate tax rate to 15 percent from 35 percent, the taxation of carried interest in hedge funds, and the treatment of capital expenditures.

Similar to the recommended individual strategy of accelerating deductions in 2016, corporate taxpayers should also consider this tax planning mechanism between now and the corporate year-end. While the Trump proposal does not directly address the taxation of income from pass-through entities (partners and S corporations) directly, a House of Representatives proposal calls for a 25 percent rate on income from active businesses after a reasonable allowance for compensation for personal services.

Carried interest, presently taxed at preferential capital gains rates, would be taxed at ordinary income rates under Trump’s proposal.

Manufacturers would be allowed to deduct the cost of capital expenditures, although this election would come at the cost of not being permitted to deduct interest expense. It is unclear whether the elimination of the interest expense deduction would apply only to the interest on debt incurred to make the capital investments or to all interest expense incurred by a business.

Businesses may currently deduct capital expenditures under Section 179 of the Internal Revenue Code. This “Section 179” deduction, however, is phased out when taxpayers exceed certain thresholds of property placed in service in a year. The Trump proposal would increase the Section 179 deduction to $1 million.

The president-elect’s tax reform plan would also eliminate the “Section 199” deduction, or domestic production activities deduction, while retaining the research and development credit.

Any of these suggested tax reform plans will have to be negotiated in Congress. The House Ways and Means Committee has its Tax Blueprint, which, while similar, does differ from the president-elect’s proposals. It is unclear how Senate proposals could affect reform. In the meantime, taxpayers should be prepared and ready to adapt to forthcoming changes.

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Update from December 2016 Industry List:
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During my more than forty years as an operations executive working in six high tech manufacturing companies here on Long Island, I observed one challenge that all of those companies I worked in faced: the lack of adequate skilled technical talent. Needless to say, recruiting that talent was a major requirement for those companies’ continued success. Even when we were able to hire entry level engineers, a significant amount of time was spent in mentoring and training the new employees to transform them from college graduates to contributing career engineers. Frequently we had to recruit from out of the tristate area, which entailed further risk. Once those employees relocated to Long Island, many of them would be unhappy living in an unfamiliar and high cost area of the country, and they would prematurely quit their jobs. This would result in additional rehiring expenses because of a high turnover rate.

All through the second half of the 20th century, many large and medium sized manufacturing companies offered in-house career development programs to selected entry level employees. These employees would rotate through various different departments for three to six months within the organization, working on special projects, and in the process, learn all aspects of their company’s business. As each industry started to consolidate in the late 20th century and early 21st century, many of these programs were scaled back or even eliminated, resulting in fewer career development opportunities for entry level professionals. At the same time, with the average age of employees in most companies edging closer to retirement age, companies are finding it harder and harder to fill their diminishing ranks with qualified skilled replacements. As the business environment continues to evolve, on the job training will grow in importance as one of the key challenges facing companies.

One way for companies to address the issues of lack of skilled employees, cost of employee turnover and a need for a long term reliable source of technical and professional talent, is to team up with a local university that offers a formal co-op program. These types of programs place students, usually when they are juniors and seniors, in full-time paid co-op positions working for local companies. The student takes a semester off from his/her coursework in order to be available to work full-time for six to eight months. This enables companies to train the co-op hires in its corporate procedures as well as evaluate their performance over a significant period of time on the job. This type of program has proven more effective than a summer or part-time internship position, which is significantly shorter in length, and which doesn’t allow the employee to be assigned to long-term projects.

Another benefit that companies can realize when they collaborate with a local university’s co-op program is that the students that participate in these programs are usually mature, career-minded individuals who have made the decision to invest additional time to obtain their degree since most of the programs require more than four years to complete. Universities find that many of the students that complete a co-op experience return to their campus with a more serious and real-world approach to their coursework. These students have gained an appreciation of how their academic training relates to the technical professions they will be entering when they graduate.

Time has proven that a well-run co-op program is a win-win for both the university and its corporate partners. Over 100 years ago universities such as Northeastern and Drexel pioneered cooperative education programs. Often these programs start in engineering programs but today many universities have expanded the co-op experience to include other majors. In 2012 Hofstra University created the Fred DeMatteis School of Engineering and Applied Science and in 2015 it introduced the first New York downstate co-op program. Plans are now in place to expand the program to our Frank G. Zarb School of Business in 2017, utilizing students in its full-time MBA program.

As the world of business continues to become globally competitive, companies must ensure that they develop every advantage they can to stay innovative. Having an efficient talent acquisition system supported by a local university co-op program goes a long way to giving that company a more effective staffing result over its competition. To use a baseball metaphor, co-op programs are the farm teams for Corporate America.

For more information contact:
Mr. Philip M. Coniglio, Co-op Director and Adjunct Assistant Professor at Hofstra University – Fred DeMatteis School of Engineering and Applied Science
516-463-5548 or by email at philip.m.coniglio@hofstra.edu

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Co-op Programs: the Farm Teams for Corporate America

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The Flying Locksmiths
Long Island is owned and managed by partners Joe Perillo and Bruce Coners.
Joe has held a number of executive-level financial management positions, including most recently the CFO and CAO for a $1.5 billion call center and repair services company, Joe has extensive experience at implementing effective business processes. Ensuring his customers experience a reliable service delivered in a pleasant manner at a fair price is the central focus of his activities at The Flying Locksmiths Long Island.

Bruce has run a successful residential construction contracting company on Long Island for the last 30 years. Strong relationships with his customers, a commitment to the highest referral of business from satisfied customers have been the hallmarks of his business. Bruce combines a strong entrepreneurial spirit with a can-do attitude and ability to solve problems that all make him a great asset in running a business that is focused on providing quality dependable service.

Both Bruce and Joe were born and raised on Long Island and each of them has 4 children who they also raised on Long Island. They have known each other for over thirty years and bring a set of unique and complementary skills and experiences to The Flying Locksmiths family. They are looking forward to serving the extensive Long Island business and residential community with a full menu of locksmith repair and installation services. Specialties include lock replacement and repair, lock rekeying, deadbolts, intercom systems, electronic card access systems, door repair and door closers, panic devices and master key systems.

Debi Silber MS, RD, WHC, FDN, CEO of Lifestyle Fitness, Inc. and founder of www.DebiSilber.com is a recognized health, weight loss, fitness, empowerment, mindset, lifestyle and personal development expert.
She’s a speaker, consultant and author of 2 books recommended by Brian Tracy, Marshall Goldsmith, Jack Canfield and many more. Debi’s led countless others to achieve their ultimate body, mind, image and lifestyle; inspiring them to transform into their personal and professional best.
In addition to being a highly credentialed and awarded health expert, Debi has her own line of deliciously healthy Mojo Fuel Bars™ and shakes, has also contributed to FOX, CBS, The Dr. Oz show, TEDx, Forbes, The Huffington Post, Shape, Self, Health, Working Mother, Psychology Today, WebMD, Yahoo Shine, Ladies Home Journal, MSN, and Glamour to name a few. She regularly speaks at association meetings, corporate events, conferences, universities and leadership retreats, offering simple solutions that create quick and lasting changes physically, emotionally and psychologically.
Debi Silber is THE secret behind some of the healthiest, most influential, charismatic and successful professionals today.

TO SUBMIT A NEW MEMBER PROFILE TO THE HIA-LI REPORTER CONTACT JOE GELFAND AT JGELFAND@HIA-LI.ORG
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Campolo, Middleton & Campolo, P.C., Suffolk County’s premier law firm, is pleased to announce that tax and estate planning attorney Laura Blasberg has joined the firm in an Of Counsel role. With first-hand experience with taxes and businesses in general tax, tax controversy, and estate planning matters, offering sophisticated solutions drawn from her wealth of experience in these areas. She has represented clients in the real estate, finance, fashion, and publishing industries as well as hotel owners, public utilities, plumbers, contractors, and many other fields.

In recognition of the outstanding work that she has done on behalf of the Jefferson’s Ferry Foundation, Kaylin Peterson has been named Director of Philanthropy. The announcement was made by Jefferson’s Ferry President and CEO, Robert E. Caudill. Ms. Peterson is currently Manager for the Foundation. “Kaylin’s leadership qualities and skills are evident in her growth with our organization,” said Bob Caudill. “Her enthusiasm, drive and out of the box thinking put Kaylin on a clear path to success. She continues to offer innovative strategies and programs that advance the success and mission of the Jefferson’s Ferry Foundation.”

Evans H. Krincich, Managing Partner of RivkinRadler LLC, has announced that Edward C. Denby and Jonathan Salm have joined the firm. Edward C. Denby, of Great Neck, NY, has joined the firm’s Insurance FraudServices practice group as an associate. Edward’s experience includes his practice on insurance defense and no-fault insurance fraud matters. Prior to joining Rivkin Radler, Edward served as a Partner in the New York City firm of Jaffe & Koumoundouros LLP, where he handled arbitration and litigation, examinations under oath, and trials. Edward also gained experience defending his client in uninsured motorist hearings and appearing on bodily injury suits. Jonathan Salm, of Great Neck, NY, has joined the firm’s Health Services practice group as an associate. Jonathan represents healthcare providers in corporate, transactional, and regulatory matters. He advises clients on a wide variety of legal matters, including formation of business entities, joint ventures, compliance and regulatory issues, as well as general corporate and business transactions. Prior to joining Rivkin Radler, Jonathan worked at Aristotle Circle, NYC, where he oversaw customized tutoring for first year law students.

Fuller Lowenberg & Co., CPAs, is pleased to announce that Lynn Cipriano has been promoted to partner of the firm, a full-service accounting firm specializing in tax and strategic planning with its clients. Lynn will continue to lead the firm’s not-for-profit and small business division.

Farrell Fritz extends a warm welcome to Marvin (Matt) G. Busin, a partner in the firm’s bankruptcy & restructuring practice group. He is resident in the firm’s New York City office. Marty also lives in the City. Marty’s experience includes the representation of committees in Chapter 11 cases, with an emphasis on unsecured creditors’ committees in cases filed by hospitals and other healthcare businesses, resort hotels, manufacturers, service businesses and owners of real estate. Additionally, Marty is a mediator in bankruptcy and bankruptcy-related disputes in the Southern District of New York and elsewhere.

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