



Member's

Corner

**Especially for our manufacturer readers:
The added value of a Rep Council**

by Steve Grossman, CPMR
Former IHRA President / Chair

(Note: at the seminar for manufacturers, presented by IHRA and MRERF at the recent Home & Housewares Show, a discussion was held about manufacturer rep councils. Many of the attending manufacturer personnel were not familiar with this important marketing byproduct of the field sales professional function. We hope the following enlightens you.)

By the time you finish this article, you will learn a relatively easy and inexpensive way to have a direct line of communication to your customers, a national marketing department, and an in house consulting unit by investing the time to develop your own Rep Council. This is not a new idea. Many manufacturers in our industry and related industries have derived increased market share and efficiencies by establishing an ongoing Rep Council.

So you ask, what is a Rep Council? Simply it is a once or twice a year focused meeting to include some of your commissioned representatives and management to take an honest look at your business and how you go to market. Whether you are a small, medium, or large manufacturer or marketing company, the basics for positive results are the same. Collectively you come up with the best solutions to increase your sales and profitability.

Increasingly over the last few years the professional people I talk with, i.e. manufacturers, factory sales management, and other reps are basically saying the same thing, "It is more challenging than ever before, and finding the enjoyment in selling is more difficult today." I believe that

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The subject is taxing!

I.R.S. wrestles with the tax law

By **Stanton B. Herzog** — IHRA's CPA and Financial Consultant principal in the firm of Rehbock, Applebaum, Sylvan & Herzog, P.C.

This article covers a few significant recent developments in the tax law. First, remember that taxes on eligible dividends have been lowered to a flat 15 percent for all taxpayers. Eligible dividends are those received from corporations or from mutual funds that own corporate stock. The stock must have been owned for 60 days out of a 120-day period that begins 60 days before the ex-dividend date and ends 60 days after that date. Further, if it is a foreign stock, it must be from a country that is approved for this purpose. Excluded are mutual fund dividends derived from interest-bearing securities. Thus money funds, bond funds, etc., are not eligible. When a stock is sold short, the 15 percent no longer applies to the dividends.

The IRS has decided to give owners of smaller trucks and SUVs (assuming that the SUVs are built on a truck chassis) a break, because the costs of these new vehicles are increasing faster than regular autos. They will allow, in addition to the regular luxury car allowances of \$3,050 for the first year, \$4,900 for the second year and \$2,950 for the third year, an additional \$300 in the first year, \$500 in year two and \$300 in year three. Every year thereafter, the depreciation of \$1,775 per year can be increased by \$200 for those vehicles. The IRS is so generous.

You can also escape the "luxury auto" depreciation limitations (and take advantage of Section 179 allowance of up to \$100,000) by acquiring a vehicle that weighs more than 6,000 pounds (such as a HumVee) or by acquiring a vehicle whose special purpose would limit its usefulness as a vehicle for ordinary driving. The IRS includes in this category ambulances, lift trucks and cement mixers. The idea of driving a cement mixer on vacation does boggle the mind, but it might be useful for washing clothes on a long trip.

Changing topics, an interesting IRS letter ruling was issued to a law firm regarding the switching to an S corporation from a regular C corporation. A number of years ago, Congress created the "built-in gains tax," an attempt to prevent regular corporations from escaping regular tax by converting to an S corporation and perhaps enjoying capital gains rates. The biggest fear in such a transition for a cash-basis corporation was the inclusion of receivables in the built-in gains tax. That tax is assessed on the receivables minus payables at the moment of conversion. It effectively double-taxes the income by forcing the S corporation to pay tax on the receivables as they are collected as if it were still a cash-basis, regular C corporation, and the individuals owning S corporation stock must also pay tax on the same income since it is now S corporation income.

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Rep Councils (from page 1)

one of the ways to improve the playing field, is to utilize rep councils that help focus both the manufacturer and sales team to work toward the same end, to increase profitable sales.

This article is aimed at the manufacturer who uses and believes in reps to go to market. If you are wondering if there is a value to the rep function or for out-sourcing sales, I recommend you read the Fortune Magazine insert article that was in the November 1999 issue. (If you can't find it or would like information, I suggest you contact the IHRA Headquarters office.)

Before I get in to why I believe in rep councils, let me give you a little background on who I am and why I am writing this article. I have been in the retail game since the 1970's. I have worked at retail, been management, been a buyer, been a factory salesman, part owner in a clock manufacturing company, and a manufacturer's rep for the last 15 years. I have been involved as an officer in the International Housewares Representative's Association since NHMA guided us to be our own independent unit. There is some more, but I think you get the picture that my main focus is selling not writing articles.

To get started you have to have clear goals and objectives on what you want your rep council to try to achieve. (I do not recommend you look at this as a one-time event. It will take two or three council meetings for all parties to know that this is a serious commitment of time and energy. Positive results for both you, the manufacturer and the rep, will be the driving factor for a mutual and long-term growth curve.)

Once you have made this decision, write a simple agenda of what you want to accomplish at your first meeting, and what the overall plan is. Then send this to the group of reps that you believe will have the same investment you and your company will have. (You might want to call and screen your target reps before officially inviting them to participate.) Ask for input to your thoughts and invite theirs. You might learn a lot from their responses, and remember this is a joint venture for both sides to benefit. Have them rank the topics to the importance of increasing sales, since this is the underlying purpose.

The development of the agenda is important because it starts all council members getting involved/invested in the process. When you send out your final agenda for the meeting with dates, times, places and topic, it is easy to buy into since all participated and all can prepare and be ready for this event. The agenda is a serious guideline and I personally would stick to the rough outline and time table. I would also build in some flextime to handle new topics that come up or additional time to "finish" ones that need more time.

The most efficient working groups are 5 to 12 people; therefore we recommend 4 to 6 reps on your council. The group of reps that you select should be a balanced mix, such as two from the largest territory, average and small or from food/drug, mass and hardware channels. Try to

include some of your members who previously served on other councils, as this will provide experience for you as well as to the other reps. I suggest a diverse group of reps but you can choose a group with a narrow set of skills. The most successful councils have terms for three years on a rotational basis. When it starts out you will have some for one, two, and three year terms. As these members retire, you will then have a rotating basis, and it is OK to reappoint members, but a plan to bring in new blood is important.

The people you choose from your company need to be upper management and committed to the process. This is not an adversarial relationship but a team to get better results through listening and understanding. The rep is donating his time and is looking for positive outcomes; you are using your time and resources and expect the same thing. There will be issues on your side and the rep side that in order to resolve you will need to invite your department heads, such as accounting, customer service, shipping, etc. to the meeting. This will allow both sides to hear and listen and to arrive at a common solution to provide better systems and results.

I am not suggesting that it is necessary or possible for all changes and decisions to be made on the spot, but sometimes it happens. (In one council I participated in, the question at hand was how to get new products listed faster in the hardware distributors. What came out was that the reps needed artwork for each new item at the time of presentation or it could not go in the system. When management understood this, we had the artwork for all items in three weeks and new item placement doubled.) Sometimes both sides need to do more homework or research before the right solution is reached, and sometimes there is no quick answer.

One of the positive outcomes of the council is the new found cooperation that comes from working together and understanding the whys and why nots. I have seen it many times that when reps realize management is working to improve a situation, resistance turns into support. Also, when manufacturers learn how their policies are inhibiting the sales function, positive changes happen that benefit all.

A very important point for all sides: There must be a good note taker and minutes for accountability's sake and they must be sent out to all rep council participants. *Both the reps and the manufacturer should do their utmost to complete the agreed tasks on time; this is the number one way that the council and others know that this is something to take seriously.* (Please understand there are times when conversations in the council are confidential and the topic(s) will not be in the general minutes. Also when a deadline cannot be met, a notice should be sent out rather than ignoring the commitment.) While on the topic of minutes, be sure to send out progress reports to both company personnel and sales reps, this will increase company support and future progress.

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Rep Councils (from page 2)

Meetings are usually scheduled once a year, with communications on progress and new topics throughout the year. (With today's phone conferencing capabilities, it would be easy to have mini sessions two or three times a year if needed. Again good notes and follow-up are essential.) Rep councils should not be scheduled at or around trade shows, but at a time when the participants can focus on the task at hand.

Many times they are scheduled at or near the home office so management personnel can be made available when needed. If your facility has a meeting room that will accommodate a council, and use it, please have standing instructions that all are not to be disturbed. Plan regular breaks for all members to check in with their offices since we all have a business to run. Even though the meeting is "all" business, plan some recreational time, for both fun and some informal conversations that will relate to the day's conversations.

Some companies rotate the meeting places from resort to plant(s) and back again. The place/location is important since it should help facilitate the meeting not detract from it. Plant or department tours on a regular basis never hurt. Running a good meeting is serious stuff and will probably fail if you don't invest the time up front. In the same way you would expect an expert to help you with accounting or shipping problems, I would suggest you bring in a meeting facilitator for the first few times to guide all of you through the process.

Be aware that both sides are going to hear things they like and do not like, *but this is not a place to discuss personal agenda items or issues.* Someone must be in charge or facilitate the meeting fairly, or trust will never evolve, which is a core factor in having a productive council. Lastly it should go without saying that when any sensitive materials are discussed, whether business or personal, that this information will stay within the council. This should be made clear to all from the start.

One of the last topics is who pays for what. My personal opinion is that since the rep is investing time away from his selling time, that the manufacturer is requesting his time, the manufacturer should pick up all normal and customary expenses. I have been on councils where I picked up reasonable airfare or drove to the meeting and then all expenses were picked up. (Note: living in Chicago I have participated in meetings here and my hotel expense was picked up since the schedules were long and the company wanted to build a camaraderie with both the reps and company personnel.) To look at it another way, if you had your own sales force and had a meeting, you would probably pick up all the expenses, so why not here also.

So lets review the steps

- Decide that you wish to utilize a rep council and carefully decide your company objectives.
- Make sure upper management is in agreement and will support the efforts of all.

- Choose the mix of reps to complement, not necessarily agree, with your company objectives.

- Send out your proposed agenda so all can input and be part of the process.

- Choose a time and place to accommodate participation of the members.

- Make sure meeting notes go out to all participants.

- Make positive changes known to all and give credit to the council.

- Keep members updated on progress through updates

- Send out your proposed agenda for the next council meeting.

- Enjoy the benefits of all pulling together.

As a result, you have now learned a relatively easy and inexpensive way to directly connect to your customers, have a national marketing department, and an in house consulting unit by investing the time to develop your own Rep Council. Men and women who are paid a commission upon results have a vested interest in you and your company succeeding, as you have a vested interest in us succeeding.

We bring to the table our experiences working with our other manufacturers and being in the field daily. To me it comes down to realizing and valuing that your people are your most important asset. I wish you luck improving your sales and bottom line in today's fast moving economy.

Steve Grossman, GM Partners, 847.368.1970, gmpartner@aol.com

The subject is taxing! (from page 1)

There have been few clues as to how to value service corporation receivables. Leave it to the lawyers to force the IRS' hand on that issue. Lawyers claimed that the fees on their contingency cases were not income until the fees were received, since they had no idea whether they would win or lose the case and could not determine how much they would receive. The IRS agreed. It ruled that none of the contingent fees were considered receivables unless the lawsuit had been decided, and the fee had not yet been received at the moment of transition to an S corpo-

ration.

Can this letter ruling be translated to other situations? Sure. For example, many sales reps work on the basis that their commission is contingent until the manufacturer collects the money from the customer. The above ruling, while "limited to the law firm," seems to point a way to severely limit built-in gains tax liability for contingent receivables upon conversion from a regular corporation to an S corporation.

Outline of Gerry Newman presentation at IHRA Annual Breakfast & Program

If you were one of the fortunate members that attended the IHRA Annual Breakfast & Program during the 2004 Home & Housewares Show, you know it was time well spent. If you weren't there, here is what you missed:

Legal Update and State of the Rep Industry

- Sales Rep Protection Acts
- More Manufacturers using outsourced field sales
- Reps redefining themselves
- Reps expected to provide more services
 - Marketing
 - Sales
 - Design
- Retainer Agreements – Fee for services for pioneering territory

Collection of Commissions Outside of the Contract (Unfair Terminations and House Accounts)

- Recent trends
- Relevance of the contract
- Breach of covenant of good faith and fair dealing
- Procuring cause
- Quantum meruit
- Fraudulent Inducement (fraudulent misrepresentation)
- Negligent Misrepresentation (or omission)
- Promissory Estoppel
- Tortious Interference with Business Relationships
- Other causes of action
- Commissions based on principal's profit margin (avoid)

Case Study with "Lessons to be Learned"

Gerald Newman is IHRA's legal counsel and participates in IHRA's Expert Access Program that provides advice to IHRA members at no charge or reduced costs. He, or his partners and associates, can be reached at:

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Mark your calendar to be sure to attend next year's Annual Breakfast & Program:

Monday, March 21, 2005
7:00 - 9:00 AM
NO CHARGE FOR IHRA MEMBERS!

IHA announces record registration at 2004 International Home & Housewares Show — over 18,500 buyers; nearly 2,200 Exhibitors

ROSEMONT, ILL. — The International Housewares Association announced today that the recently concluded 2004 International Home & Housewares Show—held March 20-22 at Chicago's McCormick Place—set records for retailer registration with more than 18,700 buyers, an increase of over 10 percent from 2003. Total registration including exhibitors totaled more than 59,100, an increase of 4.2 percent. As previously announced, the Show also featured a record 2,177 exhibitors from around the world, a 4 percent increase.

"We are pleased to report these record results," said Phil Brandl, president of IHA, the Show's not-for-profit sponsor. "Exhibitors and buyers to whom we have spoken both at and since the Show have told us that the newly re-focused March Show was quite successful for them."

The Show once again saw an increase in U.S. specialty retailers. More than 65 percent of the U.S. retail buyers registered came from specialty channels. Internationally, the attendance numbers were comparable to the previous year, with buyers from more than 100 countries converging on Chicago. In discussions with buyers from outside the U.S., many cited increased difficulty in obtaining visas to attend the Show.

The 2005 International Home & Housewares Show will take place March 20-22 at McCormick Place and will return to its traditional Sunday through Tuesday pattern. For more information or to register, please visit www.housewares.org.

IHA is the 66-year-old voice of the housewares industry, which accounted for (US\$) \$283.2 billion at retail worldwide in 2002. The non-profit, full-service association sponsors the world's premier housewares products exposition, the International Home & Housewares Show, and offers its 1,700 member companies a wide range of services, including industry and government advocacy, export assistance, State-of-the-Industry reports, point-of-sale and consumer purchase data through Housewares MarketWatch, executive management peer groups, a unique Web-based community at www.housewares.org and group buying discounts on business solutions services.

Letter to the Editor

About the 2004 Home & Housewares Show

In the April issue of The **RE**porter®, **Steve Grossman** asked for suggestions for the Housewares Show and I have a suggestion/complaint.

The change in date from January to March has been a real burden on independent reps and has interfered with our calling on customers. As a result of the date change, we had many vendors schedule meetings in January at their facilities. These not only cost us in actual dollars spent to attend, they cost us in lost time working with customers.

It appears that this is little more than a childish game between the sponsors of the International Housewares Show and George Little Management. Your comment about not seeing anything really new and exciting is because March is too late for spring and too early for fall. The large "power" stores such as Federated, Target, etc. expect to be shown new products privately at their own offices. The smaller retailers depend more on shows. The timing of these 2 shows does nothing but dilute the value of both shows.

My suggestion for both show management teams is "Grow Up!". There is a definite place for both shows, however, when they are put on top of each other, they both lose impact. Also, a special "Shame on You" to George Little Management. With your customer base being solidly the independent/small retailer, what were you thinking scheduling the show over Mother's Day weekend? This is a big sales period for most retailers in this industry and the store owners want to be in their stores to help maximize sales. Pay attention to who you are supposedly serving!

Sincerely,
Scott Barnett, The Connection • PO Box 25468,
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 Scott@KitchenRep.com

Here are the details for the **Gourmet Products Show**



<http://www.thegourmetshow.com>

New members (continued)

Tel Mark Sales Inc.	John Gillen
Tinsman Group	Jeff Tinsman
Sponsor David Silberstein	
Tools For Living / Mike Reuter Corp.	Mike Reuter
Sponsor Kent Kulovitz	
Total Impact Services, Inc.	Kris Schutzmaier
TSB Sales & Marketing	Suzanne Grimm
Steve Weiner Associates	Steve Weiner
Dan Z & Company	Dan Zielke

And so it grows . . .

A BIG welcome to our sixty (60) new member firms since July 2003!

COMPANY	CONTACT
Alliance Sales, Inc.	Joe Pataffi
Aquino & Co., Inc.	Juan A. Aquino
Arrowhead Sales and Merchandising	Brian Cohen
Austico Company	Ken Escoe
Big Apple Enterprises	Kenneth Bookbinder
Berglund Elnes Associates	Thomas Berglund
Paul Caraco and Associates	Paul Caraco
Sponsor Peter Bang-Knudsen	
Cascade Diversified Marketing & Sales	Todd Hasty
CDZ Sales, Inc.	Robert DiCamillo
CG Marketing	Thomas McFadden
Champion Marketing	Steven Rozensky
Cheney Retail Services	Rick Schleigh
CJ Marketing, Inc.	Cynthia Janssen
CP Sales & Marketing	Michael Cavalaris
Creativity Plus / PAMed	Pamela S. McGregor, CPMR
Direct Sales & Marketing, Inc.	William Szydlak
Distinctive Advantage LLC	Randy Heaton
Dynamic Marketing Inc.	James Golding
Essig Marketing	Claudia Essig
First Light, Inc.	Kevin Cody
Fog City Sales	Gina Gozinsky
Sponsor Kent Kulovitz	
Cheryl Furdos & Associates	Cheryl Furdos
GMC Associates, LLC	Jerry Campanella
William F. Holmes Co., Inc.	William F. Holmes
Horton Associates, Inc.	James Horton
HR & Associates/FGR	Teresa Martinez
Incatalog, Inc.	John N. Kyle, II
Kahn-Kahn, Inc.	Philip Kahn
The Kaplan Group	Howard Kaplan
M. Kirchner & Associates, Inc.	Mickey Kirchner
Market Midwest	Mark Madl
Master Distributors Pty Ltd	Sandra Dobbin
Buster Mathis & Associates	Buster Mathis
Maverick Int'l Trading & Consulting, Inc.	Giorgio Ameri
The Midwest Group, Inc.	Woody Grandstaff
Sponsor Jim Ayotte	
Mitchell & Mitchell Marketing	Julie Mitchell
MJV Group	Jay Gutierrez
New England Associates	Maurice O. Allard
Northern Response (International) Ltd.	Richard Stacey
PatLine Products International	Patti Cramer
Pennmarva Marketing/Ronald A. Alarie Inc.	Ron Alarie
Sponsor Jay Cohen	
Pro Marketing, Inc.	J. H. Hall
Professional Reps Group Inc.	Betty Serratt
Rapid Sales & Marketing Associates, Inc.	Darrel Slager
Sponsor Steve Grossman, CPMR	
Reps LLC	Dave Yenzler
The Sales Department	Eric David Smith
Elias Shaker & Company	Bruce Funk
Shamrock Marketing	Nancy Rost
Sharks Success Marketing Ent., Inc.	Sandra Hodgskin
Silverhart Group	Barbara Silver
Sussberg & Co., Inc.	Milton Sussberg
TCD Sales Corp.	Craig Dreilinger

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2004 INDUSTRY CALENDAR OF EVENTS**May**

Spring NASFT Fancy Food Show & FMI Show
May 02 - May 04, 2004
Chicago, IL

Gourmet Products Show
May 09 - May 11, 2004
San Francisco, CA

National Hardware Show
May 10 - May 12, 2004
Las Vegas, NV

SOURCES
May 15 - May 18, 2004
New York, NY

National Stationery Show
May 16 - May 19, 2004
New York, NY

NRA Restaurant, Hotel-Motel Show
May 22 - May 25, 2004
Chicago, IL

June

Portland Gift & Accessories Show
June 05 - June 08, 2004
Portland, OR

IDDBA Dairy-Deli-Bake
June 06 - June 08, 2004
Washington, DC

All Candy Expo
June 08 - June 10, 2004
Chicago, IL

Coffee Fest Las Vegas
June 12 - June 14, 2004
Las Vegas, NV

Dallas International Gift & Home Accessories Market
June 23 - June 30, 2004
Dallas, TX

NASFT Summer Fancy Food Show
June 27 - June 29, 2004
New York, NY

July

Atlanta International Gift & Home Furnishings Market
July 06 - July 15, 2004
Atlanta, GA

The Gift Fair in Atlanta
July 09 - July 12, 2004
Atlanta, GA

California Gift Show
July 17 - July 20, 2004
Los Angeles, CA

San Francisco International Gift Fair
July 24 - July 28, 2004
San Francisco, CA

Washington Gift Show
July 25 - July 28, 2004
Chantilly, VA

August

Orlando Gift Show
August 07 - August 10, 2004
Orlando, FL

CGTA Canadian Gift & Tableware Show
August 08 - August 12, 2004
Toronto, Canada

New York Gift Show at 225
August 11 - August 19, 2004
New York, NY

New York International Gift Fair
August 14 - August 19, 2004
New York, NY

New York Gift Show at 41 Madison
August 15 - August 19, 2004
New York, NY

The Seattle Gift Show
August 21 - August 25, 2004
Seattle, WA

Tendence Lifestyle 2004
August 27 - August 31, 2004
Frankfurt, Germany

September

IN'NOVA, Innovative Solutions for Table & Living
September 02 - September 05, 2004
Lisbon, Portugal

Atlanta Fall Gourmet Show & Gift & Accessories Market
September 11 - September 14, 2004
Atlanta, GA

Boston Gift Show
September 11 - September 14, 2004
Boston, MA

Dallas International Gift & Home Accessories Market
September 11 - September 14, 2004
Dallas, TX

Philadelphia Candy Show
September 12, 2004 - September 14, 2004
Valley Forge, PA

Sweets China
September 21, 2004 - September 24, 2004
Shanghai, China

Los Angeles Gift & Home Accessories Market
September 26 - September 28, 2004
Los Angeles, CA

October

New York Home Textiles Show
October 08 - October 11, 2004
New York, NY

For a complete list of ECRM-EPPS Conferences, see their website at: <http://www.ecrm-epps.com>

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The IHRA Locator

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Lines Available



Lines Available

A special page (or pages) of listings in the IHRA Monthly Newsletter - the REPorter - of manufacturers seeking representatives.

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**Home • Housewares • Hardware
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If you're not a member of IHRA, you
owe it to yourself to join the organization
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