



FTI TRAINS JATC TRAINERS ON LEAD

Two JATC-DFTC Apprentice Training Center Instructors (Jay Kolder and Mike Krawiec) will undergo eight days of training classes in January at the Finishing Trades Institute in Hanover, Maryland. The four-day, 32-hour Lead Abatement "Train the Trainer" course provides information, imparts teaching techniques, and active presentation skills for trainers training workers who perform or are learning to perform abatement of lead-based paint. Three days will be spent on Lead Abatement Worker training, and an additional day on Renovator, Repair, & Painting training.

Returning to the school in Berkeley, they will, in turn, pass on the same training to a

third Instructor, Lance McCalla. Then, all three will deliver the new lead training to PDC14-area journeymen and contractors. It is planned to make these classes available during February through the Industry Advancement Fund.

FTI requires all participants to present portions of the course. Hands-on exercises allow the trainers to perform activities such as establishing a containment and decontamination area, donning and doffing PPE, discussing the practical applications of abatement, and clean-up.

Topics covered include lead hazard control and abatement

activities in residential dwellings and industrial settings. Trainers experience hands-on activities providing guidance and "best practices" experience to meet the needs of all learners.

The accreditation/approval process, training instructor qualifications, training manager qualifications, course length, course changes, blue printing course materials, facilities, and quality control are all covered.



Instructor Lance McCalla (left), of PDC14, and Joe Karesh, of PDC9, undergo training at the Finishing Trades Institute.

AVOIDING BUSINESS FAILURE

By Christopher L. Picone, J.D., L.L.M.
Managing Director,
Buccino & Associates, Inc., Chicago

Much has been written and said regarding the reasons for business failures. While some believe that the causes of business failures are unique to each particular case, careful study has revealed certain recurring themes. Exploring those recurring themes is our subject.

The reasons for business failures can be broken down into two major categories...external and internal factors.

EXTERNAL FACTORS

External factors lie beyond the control of the business, and may be summarized as follows:

- Competitive Changes (Foreign Competition, Mergers, Low-cost Producers, etc.).
- Economic Factors (Inflation, Recession, Interest Rate Fluctuations, International Monetary Reasons, etc.).
- Technological Changes.
- Social Changes (Lifestyle, Consumer Decline, Attitude Toward Pollution/Green Movement, etc.).
- Government Constraints (New Legislation, Changes in Tax Policy, Pollution Control/Global Warming Initiatives, Product Safety Initiatives, etc.).

INTERNAL FACTORS

Internal factors are within the control of the business, and may be summarized as follows:

- Excessive Debt.
- Improper Business Planning.
- Failure to Change.
- Poor Asset Management.
- Inadequate Control Systems.
- Over Expansion.
- Lack of Sales or Revenue Volume.
- Inexperienced Management.
- Inadequate Accounting and Management Information Systems.
- Over Dependence on One Customer.
- Over Dependence on One Vendor.
- Inadequate Leadership.
- Poor Pricing.

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PAINT SPOTS

Miscellany

Plans are under way for FCAC training on the new EPA Lead Rule, with Instructors from the JATC School being trained in January at the Finishing Trades Institute back east in preparation for returning here to conduct local training in February. In the next month, arrangements will be finalized and we will notify all FCAC Contractor members and Signatory Contractors of times and dates. It is being planned to hold the training at the JATC-DFTC Apprentice School in Berkeley. The fuse is short on this, as firms which do renovation work involving lead issues must have their workmen and company certified by April.

Meanwhile, on February 4-6, 2010, FCAC will also co-sponsor with FCAI-NiPDI the Third Annual Midwest Regional Union Finishing Contractors Conference at the Westin Hotel in Lombard. A pre-Conference LEED Green Associate Exam Preparation session will be offered on Thursday. Then, Jim Williams, General President of the IUPAT, will serve as Keynote Speaker on Friday morning, Educational sessions, a Panel Discussion, and a Round Table will follow for the balance of Friday and Saturday. National FCA CEO Stuart Binstock will moderate the Panel Discussion, and the Closing Luncheon on Saturday will feature speaker Rick Wright, CEO of DRW Partners, Inc., with a motivational talk on "Leading Through Change."

Registration for the Conference is

open by e-mail (contact Kelly@NiPDI.com) or call FCAI at 630/264-7880 to submit attendee names. The first FCAC attendee from each member firm will be FREE through 1/8/2010 and additional attendees will be just \$99.00. After 1/8/2010, the first attendee will cost \$79.00 and additional attendees will cost \$119.00 each.

Fast on the heels of FCAI/NiPDI's conference, National PDCA, the Painting and Decorating Contractors of America and its partner, SSPC, the Society for Protective Coatings, will convene in Phoenix on February 7-10, 2010 for "The Power of Paint and Coatings...PACE 2010." Greater Phoenix, offers great hotels and resorts, fine dining, breath-taking golf courses, trendy shopping, modern nightlife, and enriching culture. Registration is open for PACE 2010 at <http://www.prereg.net/2010/pace/>.

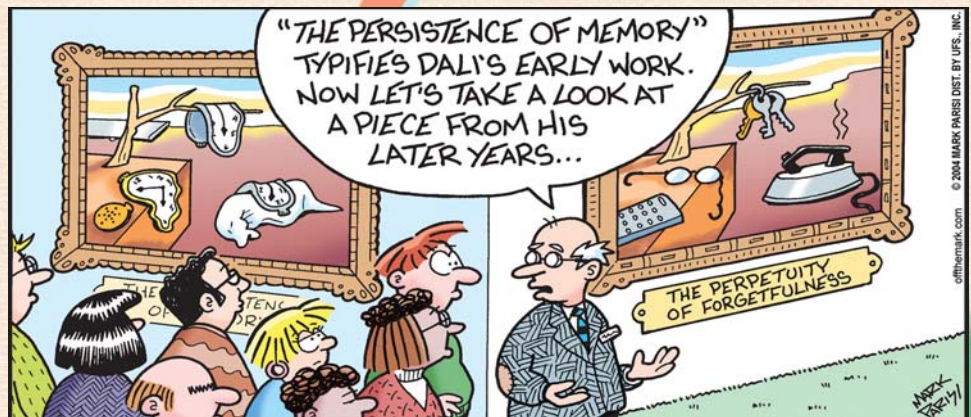
The entire painting & decorating industry attends (wallcovering professionals, manufacturers, suppliers, vendors, residential,

industrial, and commercial contractors, business owners, engineering firms, consultants, architects, designers, inspection firms, steel fabricators, state, local and federal DOT officials, and power companies).

PACE also offers the industry's premiere paint and coatings tradeshow, with 300+ exhibits of innovative products, tools, and technology. Hands-on demonstrations will be conducted in classrooms and the exhibit hall. Attendees can learn about the emerging issues and trends facing the industry, meet with peers and share knowledge, and research new products. It's an opportunity to see the future...where the industry's innovations, products, and services are launched.

Here's some good advice in case your wallet gets lost or stolen.

- When ordering checks, print only your initials and last name.
- Do not sign the back of your credit cards. Instead, write in "PHOTO I.D. REQUIRED".
- When writing checks to pay on credit cards, put only the last four numbers on the "For" line.
- Copy and save both sides of each license and credit card.
- Cancel credit cards using the toll-free numbers on each.
- Call these credit organizations to place a fraud alert:
 - 1) Equifax: 1-800-525-6285
 - 2) Experian (formerly TRW): 1-888-397-3742
 - 3) Trans Union: 1-800-680-7289
 - 4) Social Security Administration



off the mark



FINISHING CONTRACTORS ASSOCIATION

By Jay Weaver,
Vice President,
Eastern Region
and Canada,
Finishing
Contractors
Association

LEGISLATIVE UPDATE:

□ **ECONOMIC STIMULUS PACKAGE** -- AFL-CIO President Richard L. Trumka has called for a second economic stimulus package that would include creating a Troubled Asset Relief Program (TARP) for small and medium-sized companies. He indicated that we need a second stimulus calling for more infrastructures spending under reauthorization of the **Surface Transportation Act and the Clean Water Act**, more investment in "green technology," and more aid given directly to state and local governments. He proposed a TARP-like program that would lend directly to small and medium-sized companies, getting the money out quickly and helping to stimulate the economy.

For your information, one stimulus funding web site, www.recovery.gov breaks down the stimulus monies into various maps and tables. For an update on the stimulus money available and committed within each state, access FCA online, www.finishingcontractors.org.

□ **HEALTH CARE REFORM** -- The Campaign for Quality Construction (CQC) Alliance, of which FCA is a member, urged the Senate to include an amendment to its health care bill that would keep construction industry employers that do not provide health care benefits for their workers from benefiting from a compliance relief proposal for small businesses. The Senate health care reform proposal would require all employers with 50 employees or more with payrolls totaling \$500,000 or less to provide health care coverage for their workers, or pay penalties. According to the Alliance, however, 90% of construction firms employ fewer than 20 workers, 80% have fewer than 10 employees, and 50% employ less than 5 employees. The Alliance, therefore, is asking for a special construction industry standard to be amended to the bill that would only exempt construction companies with less than six employees and payrolls totaling \$250,000 or less, thereby significantly leveling the playing field between union and non-union contractors. This amendment it is still on the table.

□ **IMMIGRATION** -- The **Employ America Act (S.2084)** was introduced to prohibit employers that conduct mass layoffs of U.S. workers from hiring foreign labor through temporary guest-worker programs. This legislation would apply to any company with more than 100 employees that lays off 50 or more workers. They emphasized that the foreign

guest-worker program is in place to fill employment needs only when there is a shortage of U.S. workers. It was pointed out that the construction industry, a major employer of H-2B guest-workers, has laid off more than 1.5 million workers since December 2007.

□ **WORKER MISCLASSIFICATION** -- Numerous federal laws address the issue of misclassification, but little coordination exists among federal agencies that must deal with independent contractor issues in enforcing wage, labor, and tax laws. All that being said, however, management practitioners have warned contractors that there is vulnerability everywhere for employers because of the difficulty in distinguishing between employees and independent contractors. Misclassifying a worker as an independent contractor leaves the worker with none of the employment rights created by federal and state law. It was indicated that Congress may soon take action (possibly in 2010) by passing Rep. Jim McDermott's (D-WA) bill, **H.R.3408: Taxpayer Responsibility, Accountability, and Consistency Act**, that would clarify the rules classifying workers as independent contractors vs. employees to ensure proper tax filing.

□ **TOP REGULATORY ISSUES** -- The Government Accountability Office (GAO) was requested to look into reporting worker injuries and illnesses. The GAO's report concluded that the disincentives for employers to report worker injury and illness are pervasive, and the DOL's Occupational Safety and Health Administration needs to improve its records audit process. In its report, "Workplace Safety and Health: Enhancing OSHA's Records Audit Process Could Improve the Accuracy of Worker Injury and Illness Data," the GAO said that a third of occupational health practitioners said they had been pressured by employers to provide insufficient treatments to hide or downplay work-related injuries or illness. And more than two thirds of health professionals said they had observed worker fear of job loss or other disciplinary action for reporting an injury and illness. In response, OSHA has stated that under its National Emphasis Program it will be taking strong enforcement action where it finds such underreporting of injuries and illnesses. Labor has called on Congress to act now on **H.R.2067: Protecting America's Workers Act**, which would specifically prohibit current underreporting abuses and would give OSHA the means to correct such abuses.

Steve "Mongo" McMichael At FCAC



Chicago Bears great Steve McMichael appeared as the Keynote Speaker at the September 9th FCAC General Membership Meeting held at Maggiano's Little Italy in Chicago. First playing at Texas University, then the New England Patriots, Steve was acquired as a free agent by the Bears in 1981. He excelled as a starting defensive tackle, starting in 101 games. Steve also led the Bears with 11-1/2 sacks in 1988 and 108 tackles in 1989. McMichael was named to the NFC's Pro Bowl teams, and, in 1994, he played one season with the Green Bay Packers before retiring from football. Since his football days, he has competed in World Championship Wrestling, as well as writing "Tales from the Bears Sidelines," a compilation of memories and humorous stories from his days as a Chicago Bear. McMichael now co-hosts a Bears pre-game show on ESPN 1000 in Chicago and is the Head Coach of the Chicago Slaughter of the Continental Indoor Football League. In 2009, he was elected into the College Football Hall of Fame.



Avoiding Business Failure

Continued from Page 1

LEAD TIME

It is easy to rationalize that many reasons for business failures lie beyond the control or responsibility of management. It is also clear that management failures can be equally significant contributing factors. Whether the basis for a business failure is external or internal, the warning signs are generally present at least three years before the failure. Experienced and proactive management will recognize those signs at an early stage and take action while it is still possible to avoid the failure.

THREE KEY INDICATORS

In identifying early signs of distress, management should pay close attention to the three major constituents of every business: customers, creditors, and employees. Early signs of distress can be identified by analyzing the behaviors of these important groups. Some of the more common behavior patterns include the following:

Customers

- Defective Work Claims.
- Slow Pay.
- Reduced Activity Levels.
- Loss of Customers and Customer Concentration.

Creditors

- Lender Issues (reduced advance rates; default interest rates, etc.).
- Supplier/Subcontractor Issues (reduced lines of credit, higher pricing, refusal to bid, reduced terms, etc.).

Employees

- Morale Issues.
- Reduced Productivity.
- Increase in Job Safety Issues/Accidents/Personal Injuries.
- Personnel Absenteeism/High Turnover.
- Quality Control Issues.

FINANCIAL FACTORS

Early signs of distress can also be revealed by careful analysis of the company's financial statements. With respect to the income statement several early warning signs can appear:

Income Statement Early Warning Signs:

Sales

- Sales shortfall vs. plan.
- Low margins, expectations of

volume to "cover overhead."

- Forecasts and investment based on accelerated growth rate.

Costs and Expenses

- Decreased gross margins.
- Increased customer claims for defective work.
- Increased SG&A as a percent of sales.
- Increased warranty expense.

Balance Sheet Early Warning Signs:

Cash

- Sources of cash are external (IPO, secondary stock offerings, mezzanine financing, traditional lenders).
- Sources of cash are from balance sheet (stretched vendor payments, discounting accounts receivable, asset sales).
- No positive cash-flow from operations.
- Increased aging of accounts receivable (excessive receivables reflect operational issues).
- Increased prepaid assets (expenses are being deferred rather than charged to the income statement).

15-STEP CRISIS MANAGEMENT PLAN

Once the warning signs are present, management must immediately adopt a crisis management approach and position the business for industry leadership rather than ignore the warning signs and hope the problem goes away or corrects itself. Failure to quickly address the early warning signs of failure will set the business on a collision course with ultimate business failure. Some of the proactive steps that management should take are as follows:

1. Carefully manage cash flow.
2. Do not delay making necessary expense reductions (including headcount reductions).
3. Protect your margins (good bidding discipline).
4. Communicate openly with lenders and bonding company (no surprises).
5. Increased focus on quality control.
6. Employ greater use of technology to improve efficiency and reduce costs.
7. Aggressive collection of outstanding receivables.
8. Eliminate unprofitable lines of business/shut down money losing operations/offices.
9. Increase marketing/business

development efforts.

10. Dispose of nonproductive assets/equipment.
11. Evaluate merger/acquisition opportunities.
12. Use bonding capabilities as a marketing tool.
13. Determine customer's ability to pay before committing to a contract.
14. Conduct proper due diligence on subcontractors/choose subcontractors wisely (lowest bid is not always the best bid).
15. Seek professional crisis management assistance at the early signs of distress.

SUMMARY

In these particularly difficult economic times, early recognition of the warning signs of business failure is important more now than ever for maintaining the health of the business.

Through early recognition of the key warning signs, the adoption of a crisis management approach, and the careful execution of the proactive steps discussed above, management can greatly improve the chances of a successful business turnaround and reposition the business for short term survival and long term success.



Chris Picone is an attorney with Buccino & Associates, Inc., a leading firm in business assessments and valuations, crisis and interim management, forensic analysis and expert testimony. His twenty-five year legal and business career includes significant experience in real estate development, asset management, financial restructuring, operations, turnarounds, bankruptcy and expert-witness and litigation support.

Flexing Your Mental Muscle

If you are much over 40, you must know what it is like to have a senior moment. One minute you can recall every name in your senior class and rattle off batting averages from the '69 Cubs. The next, you draw a blank on the neighbor's name.

Those neurological hiccups do increase as we age, but what do they mean? Are they from stress, fatigue, or just a matter of age? People commonly assume that our brains are genetically predetermined, that we are fated to experience some definite declining neurological destiny. That isn't necessarily true...the brain is really more like a mental muscle that just naturally needs to be fed and exercised or it will atrophy and shrink away.

EAT WELL

Our brains need both food and challenges to survive and prosper. Nutrients that help keep your cerebral powers nourished include the Omega-3 fatty acids (healthy fats found in fish) which slow cognitive decline by keeping arteries clear and supporting neurotransmitters. Other substances also help the brain:

- Carotenoids and flavonoids (vitamin-like substances that can act as antioxidants).
- Lycopene and quercetin (found in tomatoes, pink grapefruit, watermelon, leafy green vegetables, red apples, onions, cranberries, and blueberries).
- Resveratrol (found in red wine, but don't overdo it!)
- Turmeric and curcumin (spices found in curried foods and mustard).

The brain needs natural, healthy nourishment, not the chemicals found in artificial foods (like sweeteners and MSG). Some over-the-counter cold and allergy medications can even contribute to memory problems.

SEEK MENTAL CHALLENGES

Challenges stretch your mental muscle by putting it to use...working crosswords, doing sudoku puzzles, playing Scrabble or chess, or even learning how to speak a new language. Teaching helps save the brain, too. We all retain information better after explaining it to someone else. In fact, one's ability to explain information indicates just how well you really learned it yourself. Mentoring younger people is a great way to pass on what you have learned. Show them how to make an omelette, change a tire, or play an instrument, and your own mind will just get stronger.

FORGET "RETIREMENT"

Retirement used to mean settling into a hammock and napping all day, but that cannot keep your brain sharp. It needs to keep working and learning new things, not allowing

itself to molder away. Continuing your own learning process will decrease developing memory-related problems. An active, engaged mind seeks challenges from such lessons as learning a new game, taking up a different hobby, or even pursuing a fresh career. It is healthy to make the brain a bit uncomfortable by learning tasks that may not come naturally, such as learning to play golf later in life. The reward is that difficult tasks reinforce neural connections, thus preserving memory.

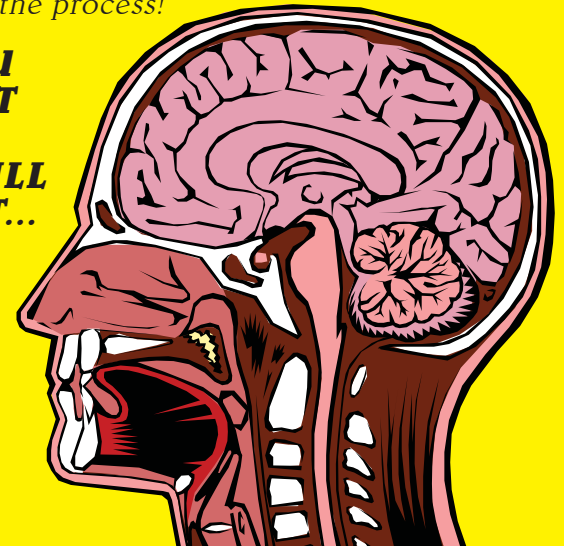
REDUCE STRESS

Stress is hard on the body and the mind, but it can be minimized by focusing on the here and now. Multi-tasking is an over-rated modern habit that simply creates stress and diffuses attention. Try prioritizing and managing your tasks one at a time to make all your mental powers work together at the same time. A healthy mind lives in the moment and doesn't concern itself with mistakes made yesterday or problems that might arise tomorrow. Stress disables the ability to concentrate, which contributes to a shrinking of the pre-frontal cortex of the brain. Living in the moment can be a learned behavior with personal rewards and benefits for those who surround you.

GET SOME EXERCISE

Regular physical exercise increases blood flow to the brain, thus nourishing it physically, while full periods of restful sleep allow it to rest and recuperate after a busy day. Most people need a consistent eight hours of sleep to recharge their physical and mental batteries. Try waking up with a fresh shower, a light breakfast, and an hour's walk in the morning before turning attention to everyday chores and responsibilities. Savor those peaceful routines before your day gets busy...reading the paper, having a cup of coffee, observing little things as you walk about the neighborhood...and pay attention to the details of your surroundings. Those thought processes help tune up the brain for a day's work just by increasing your sense of awareness. Not surprisingly, you may well lose a few excess pounds in the process!

**IF YOU
DON'T
USE IT,
YOU WILL
LOSE IT...**



FCAC OFFERS 50-50 DEAL: WORK INJURY CONFERENCE

Conference & Learning Center
U.S. Cellular Field, Chicago

February 11, 2010

For 17 years, the Work Injury Prevention & Control Strategies Conference has been on the cutting-edge of Illinois Workers' Compensation issues. For the first time ever, the Work Injury Conference will be presented in Chicago at U.S. Cellular Field on February 11, 2010.

FCAC Contractors may join the brightest minds in the industry at this conference and request a 50% rebate on registration fees from FCAC. Attendees will include leaders in treating injured workers and improving the workers' compensation system.

Sessions will include a multi-disciplinary reenactment of two simulated workers' compensation cases, and attendees will examine the reality of two cases and how it affects each stakeholder in the workers' compensation system.

CONFERENCE OBJECTIVES

- Discuss the current issues facing the Illinois Workers' Compensation System and identify the key players who largely contribute to the success of the system.
- Provide an interactive forum that allows work injury leaders to be educated by experts and each other on the latest trends affecting our state's care of injured workers.
- Create networking opportunities for all participants in order to establish a better understanding of individual roles and how those roles generate positive change and improvement within the IWCC.

REGISTRATION FEES:

- COST:** \$120.00 per person before January 8th, 2010 (\$100.00 per person when you register 2 or more). After January 8th, the cost will be \$150.00 per person.
- Price includes continental breakfast, lunch, and conference materials.
- Free Parking.

REGISTRATION PROCEDURE:

Go to www.safeworksillinois.com for a Work Injury Conference brochure with full details on speakers and conference session topics. The brochure includes a registration form.

- Send your completed form with a check for all attendees to:
SafeWorks Illinois
c/o Work Injury Conference
Attn: Christie Volden
1806 N. Market Street
Champaign, IL 61822

- You may contact Christie directly at 217/356-6150 to pay by credit card.

All pre-registrations with payment must be received by SafeWorks Illinois by Monday, Feb. 1, 2010. FCAC Contractors completing the Conference may submit proof of attendance to FCAC at 35530 Mignin Drive, Warrenville, IL 60555 to receive a 50% Rebate.



The JATC-DFTC Apprentice Training Programs produced 59 Painter Graduates for the Class of 2009, including one Industrial Painter, which celebrated completion of all requirements to attain Journeyman status at the October 9, 2009 Graduation Ceremony held at the Rosewood Restaurant in Rosemont. This year's graduating class also included 26 Drywall Finisher Apprentices and 10 Glazier Graduates. The Keynote Speaker was Tom Villanova of the Chicago Building and Construction Trades Council.

How to Get Ahead of the Competition

Attend the
Third Annual Midwest Regional
**Union Finishing Contractors
Conference**
The Westin Lombard, IL
February 5 & 6, 2010





Learn to Thrive - Right Here, Right Now

Who should attend this conference?
Business Owners
Management Teams (Superintendents, Foremen, Estimators, Safety Coordinators, etc.)
Union Leadership
Vendors / Associate Members

Why should you attend this conference?
Great Value! You get \$640 worth of conference for only \$99 or possibly FREE!
Can help put you ahead of the competition in a challenging economy
One day out of the office can have significant ROI

What unique opportunities are we offering you?
Networking with colleagues, union leadership and vendors
Latest news & information that is trade specific
Opportunity to speak with union leadership in an open forum

Survey results from last year's conference:
88% were satisfied or very satisfied with the conference material
100% were satisfied or very satisfied with the speakers

The Dropcloth is a quarterly publication of the Finishing Contractors Association of Chicago. Its mission is providing news and information on matters of general interest to the Painting & Decorating Industry. All topics are covered as accurately as possible. FCAC does not, however, warrant the contents of *The Dropcloth* from legal, technical, or accounting standpoints -- or in any other way -- and hereby disclaims any and all liability therein. Readers are, therefore, cautioned to always seek the services of competent professionals in those areas, when needed. Story and picture submissions are welcome...please forward them to: Dropcloth Editor, P.O. Box 359, Warrenville, IL 60555.

THE DROPCLOTH

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3M CONSTRUCTION DIVISION
Westchester ★ 800/982-3764

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Addison ★ 630/627-1011

GRACO, INC.

ZINSSER / RUST-OLEUM
Vernon Hills ★ 815/357-1490

8 Oconomowoc, WI ★ 262/751-9300

Join Us On January 29, 2010 for the FCAC-Chicago PDCA President's Night

Rosewood Restaurant

9421 West Higgins Road
Rosemont, Illinois

An FCAC General Membership Meeting and the Installation of new Officers and Directors will follow Dinner. All IAF Contributing Contractors, FCAC Contractors, and PDCA Associate Members are invited to attend with one FREE attendee per company!

- Extra Guests Welcome (\$25.00 Each)
- Open Bar During Cocktails & Dinner



6:30 PM
Cocktails

7:30 PM
Dinner

Entertainment to
be provided by
Tin Horse

Register On-Line At
www.chicagopdcafc.org
Or Call FCAC At 630/393-1313