



DEALER

The Newsletter of NORTHEAST EQUIPMENT DEALERS ASSOCIATION, INC.

AGRICULTURE FUELS JOBS & ECONOMY

Learn While You Earn Apprenticeships

Fuel Ag's Future

Part of the Wolf Administration's \$30 million investment in relevant Ag and other workforce training, seven state-certified agriculture apprenticeship programs and two pre-apprenticeships, offer the next generation of workers hands-on, paid experience in high-demand food and agriculture jobs.

"Pennsylvania's agriculture workers are essential to ensuring food and agricultural goods reach consumers across the commonwealth and the world," said Secretary Redding.

"**National Apprenticeship Week** is an opportunity to highlight skilled careers in agriculture and Pennsylvania opportunities to learn while you earn and get ahead in a growing field. These programs are training the next generation of food and agriculture workers for in-demand, competitive jobs. Apprenticeships open up career pathways to fulfilling and meaningful work."

Pennsylvania's \$132.5 billion agriculture industry fuels more than 593,000 jobs across the commonwealth, paying nearly \$33 billion in wages each year. Over the next decade, agriculture is expected to face a workforce deficit of 75,000 workers as farmers and laborers retire and new technology-based positions become available. **Agricultural apprenticeship** programs are preparing the next generation of agriculture and food workers by developing technical skills and the agility required to master emerging technologies through on the job, hands-on training.



Agriculture Secretary Russell Redding will travel Pennsylvania, visiting agriculture apprenticeship programs in Lancaster, State College, Williamsburg and Pittsburgh in honor of National Apprenticeship Week.

(Photos: Pennsylvania Department of Agriculture)

continued on page 10

**ALL EQUIPMENT DEALERS,
GET INVOLVED WITH APPRENTICESHIPS.**

NEDA Salutes our Supporting Advertisers. It is our pleasure to list the names of those advertisers who support NE Dealer each month. We trust their advertisement will be remembered when goods and services are required by you, our dealer members. It is good to do business with companies who are interested in doing business with you and your industry association.

IN THIS ISSUE

- 3 Observations from the Field
- 4 New Jersey: R2R Solutions
- 4 New Member
- 6 New York Legislation Signed: 18- 20 Year Olds Can Obtain Class A CDL License
- 8 Farmers Share of Thanksgiving
- 12 Theft Alert
- 12 EDA Announces Women in Industry Mentoring Program
- 14 FMSCA Amends FMCSRs 393.86
- 20 After-Hours Leads
- 20 Save the Dates: Annual/Regional Meetings
- 22 How to Best Advocate for Clients
- 23 What Does Luke Bryan Know About Farming?

ADVERTISERS

- 2 Haylor, Freyer & Coon
- 5 AgDirect / Farm Credit System
- 7 NY Farm Show
- 9 Fastline Marketing Group
- 13 Lancaster Farming
- 15 Custer Products
- 19 Specialty Equipment Ins. Services
- 19 OPOC.US CARE CENTER
- 21 Cost of Doing Business Study
- 24 Federated Insurance

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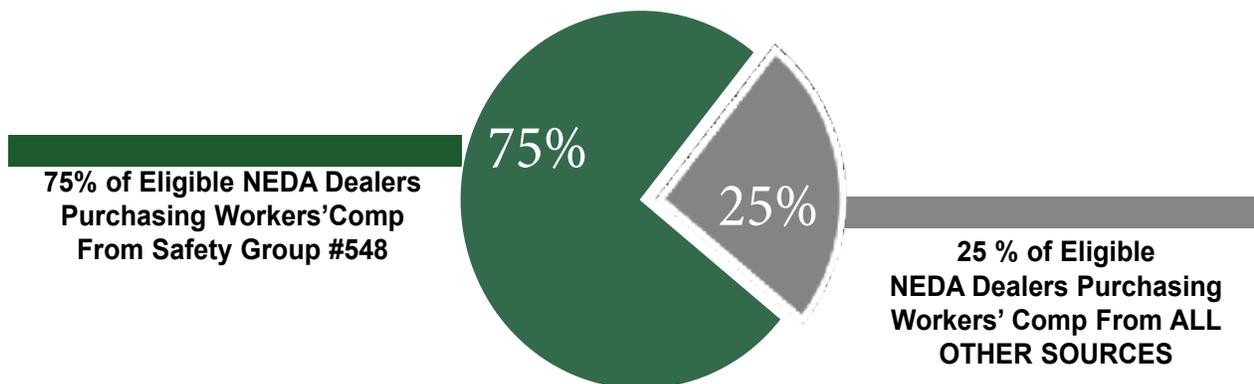
Policy Year	Dividend
2019-2020	35.0%
2018-2019	40.0%
2017-2018	40.0%
2016-2017	35.0%
2015-2016	30.0%
2014-2015	20.0%
2013-2014	15.0%
2012-2013	15.0%
2011-2012	5.0%
2010-2011	20.0%

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Observations from the **FIELD**

First off, I want to wish everyone a happy and joyous Holiday Season! Sharing time with friends and family is always a special bonus this time of year. I want to encourage everyone to make an extra special effort to ensure that this year's opportunities do not become one of those "blessings" so easily dismissed during all the distractions that 2021 has brought. Please take the time to be more deliberate about your plans and do the extra work necessary to ensure that you can truly enjoy family and friends and rejoice in the spirit of the season.

Last year, I started my column by saying: "I don't think any of us could have predicted that 2020 would bring so many challenges to the nation and our economy!" and went on to encourage dealers to adapt, be innovative and flexible in the year to come. I do not think anyone could have predicted how innovative and flexible the dealers would have to become, but I want to commend you for your ability and willingness to adapt and respond to the challenges 2021 brought before us. Well done!

Unfortunately, it looks to me like at least the first two quarters if not the whole of 2022 will be at least as demanding as 2021 was as the economy and our industry work through the supply chain and labor challenges COVID-19 exposed. Not being an accountant or MBA, I never quite bought into the "just-in-time" mantra. While I can understand it is application and impact on a manufacturer's/business' profitability and cash flow, as with many things in life, sometimes it pays to step back and objectively evaluate long-term impacts of current "policies" and practices impacting your dealership. Within that review, it is important to throw in a couple of "what ifs." For example, if sales staff are paid primarily on a commission basis (whole goods) and, for whatever reason, inventory does not arrive on time – for example, if its cost is well above expectations, if the trade unit experienced a catastrophic failure, excessive use or event negatively effecting its trade value, etc. – will the dealership be able to retain the sales staff? What impacts could any of those events have on dealership operations and profitability?

Along that same vein, I was curious to read an article on my phone's news feed published by Inc. and thought there might be some take a ways we could bring to our dealerships. The article was titled, "**You Need To Know How This New England Grocery Store Chain Keeps Its Employees Happy**" and the article asked readers to create such a great environment that your people will go on strike to keep you from leaving. It can be [found here](#). I would be interested to know your thoughts.

Hopefully, we will be back in the "regular" groove (whatever that may turn out to be) early in 2022. More especially, I hope our association members will continue to be as profitable as they were in 2021. Not unlike any other year, I suspect that the

continued on page 6



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ASSOCIATION NEWS

Alone we can do so little ...
together we can
accomplish great things!

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NEW JERSEY R2R Solutions

To our valued New Jersey member dealers:

Recently Senator Cryan introduced S. 4033 which is a broad R2R bill and the companion bill to what was introduced on the house side by Representative Moriarty. An industry document outlining the issues with this bill is also attached for your review and reference.

Senator Cryan's Chief of Staff has indicated that this bill could be heard before the Commerce Committee this year. The Commerce Committee's last scheduled hearing is expected to be held on December 6, 2021 (time and location have not yet been posted). The hearing will be in person and virtual testimony will not be permitted. The agenda for the December 6, 2021, meeting should be posted seven (7) days prior (November 29, 2021).

NEDA will send an update once the agenda is posted if the agenda includes the bill and will immediately begin work to organize testimony before the committee, provide additional hearing details, etc. If not, we will work with dealers and our coalition partners and continue to seek a meeting with Senator Cryan and all Committee Members to discuss our concerns with the bill later in December.

Thank you all in advance for your consideration, participation, and support.

[Click here to get Talking Points Flyer](#)
Senate Bill 4033

Questions, please contact **Tim Wentz**:
P: 717-576-6794 • E: twentz@ne-equip.com

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The Association wants to feature your dealership(s) recent news and photos in a future **NE Dealer** edition.

Please feel free to submit your dealerships news and/or press releases to editor Art Smith @ sja1203@gmail.com



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NEW DEALER MEMBER

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New York Governor Hochul Signs Legislation Which Allows 18- to 20-Year-Old Drivers to Obtain a Class A CDL License

On Monday, November 15, Governor Kathy Hochul signed legislation that will allow drivers between the ages of 18 and 20, after completion of a rigorous training program, to obtain their Class A CDL for intrastate operation. New York becomes the 50th state to allow individuals under the age of 21 to obtain a Class A CDL for operation within the state's borders.

The legislation was a priority issue for during the 2021 legislative session and a critical piece of our workforce development initiative. As we continue to focus on encouraging high school students to consider careers in the trucking industry, it was imperative that they have the opportunity to obtain their Class A CDL prior to the age of 21.

To address safety concerns regarding younger drivers operating large commercial vehicles, the legislation provides for training that closely mirrors the Federal Motor Carrier Safety Administration's entry-level driver training requirements and requires a minimum of three-hundred (300) hours of behind-the-wheel training under the immediate supervision and control of an experienced driver.

~ Article courtesy of TANY

Observations continued from page 3

key to success lies in a dealer's ability to manage inventories and their manufacturer's ability to manage their supply chain challenges, as well as any unanticipated variables that 2022 may bring. Based on recent reports, commodity prices are on the rise so there is a distinct possibility that 2022 could be a pretty good year!

The themes for NEDA's scope of work in 2022 will primarily be workforce development and the continued expansion of our Agricultural Technician Apprentice and pre-apprenticeship programs. We will also be continuing our work to amend state equipment dealer laws, manage manufacturer relations and the fight against "Right-to-Repair" legislation in PA, ME, NY, RI, NH, VT, MA, and NJ. MA and NY are of particular concern. Legislation/regulation banning gas powered equipment is quickly becoming another issue, with NY being the first state in our region to introduce such legislation. Transport of over-width equipment via the interstate highway system is another issue we continue to work. I expect that budget "difficulties" will likely continue to challenge legislatures and begin to absorb the majority of legislators' time as we enter into "election season." While that may benefit our fight against R2R legislation, I am not sure the same cannot be said for any of our other legislative priorities.

As 2021 draws to a close, please know that we are deeply grateful for your continuing support and participation in the association's work. Thank you!

REMEMBER, "When we work together as an Equipment Dealer Association, we speak in a unified voice. Together we can achieve what individuals could not; the ability to attain our mutual goals."

Holiday Schedule

Friday
Friday

December 24
December 31

Christmas
New Years





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NFU: Farmers Earn Only 14.3 Cents of Every Thanksgiving Food Dollar

Even though consumers are paying more for food this year, almost none of that is being passed on to our family farmers

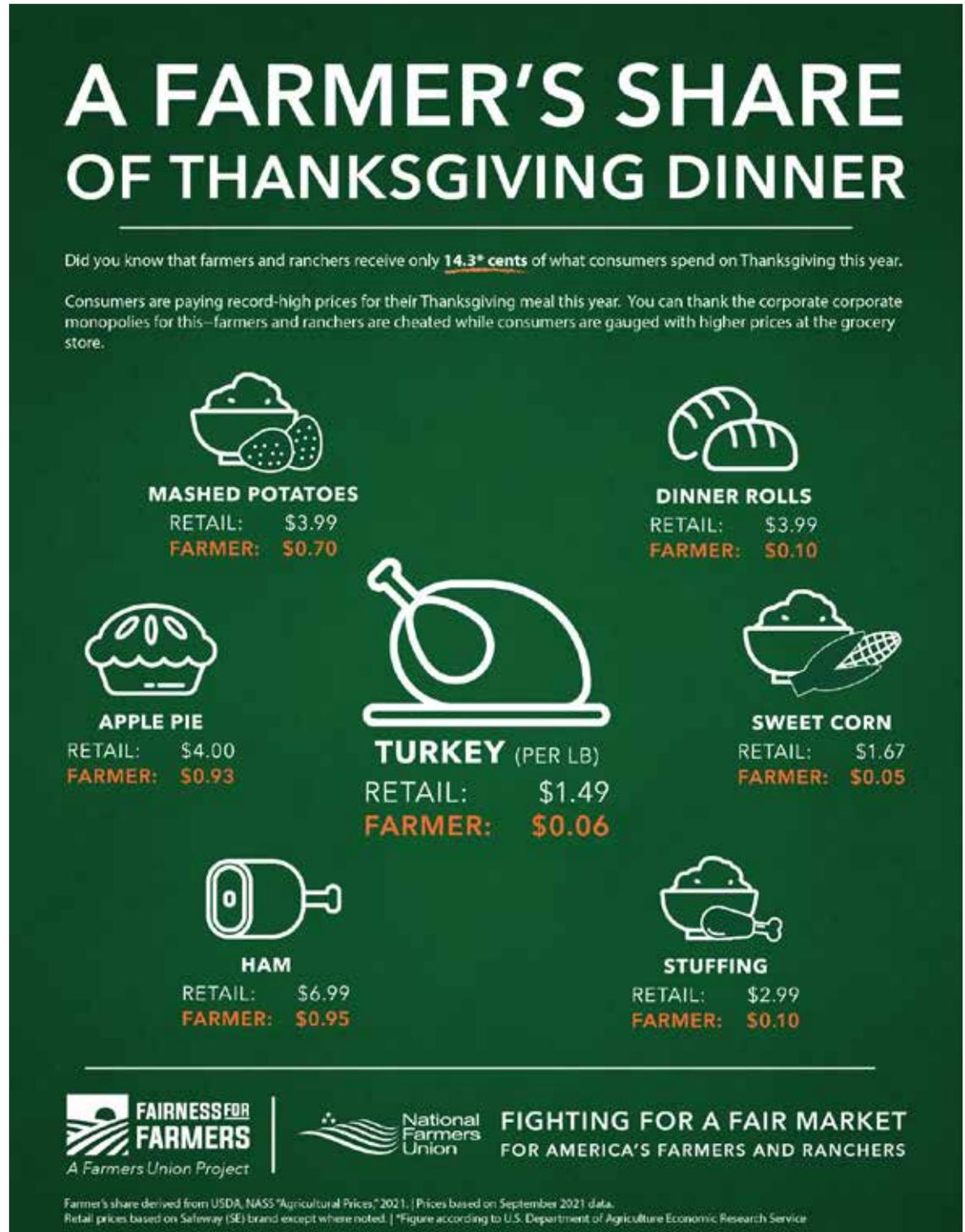
WASHINGTON — For every dollar Americans spend on Thanksgiving meals this year, farmers and ranchers will earn approximately 14.3 cents, according to National Farmers Union (NFU)."

Even though consumers are paying more for food this year, almost none of that is being passed on to America's family farmers and ranchers. Multiple waves of mergers and acquisitions during the last several decades have resulted in agriculture and food supply chains that are uncompetitive, fragile, and underpay farmers.

The farmer's share of every dollar consumers spend on food has fallen from 50 percent in 1952 to less than 15 percent today.

NFU members are actively advocating for the following policy changes to support fair and transparent agriculture markets:

- Stronger enforcement of the Packers and Stockyards Act (PSA)
- Improving price discovery and ensuring fair and accurate market information
- Facilitating competition and more diverse market opportunities
- Reinvigorated anti-trust enforcement



Published On November 22, 2021

= Courtesy Of Morning Ag Clips

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Earn Apprenticeships continued from page 1

"To help the next generation of leaders thrive, the Wolf Administration launched the PAsmart initiative in 2018, investing \$30 million in job training, in particular for STEM education. Part of that investment meant boosting the number of registered pre-apprenticeship and apprenticeship programs across the commonwealth," said Secretary of Labor & Industry Jennifer Berrier. "Right now, L&I has more than 1,500 registered apprenticeships, as well as 74 registered pre-apprenticeships.

These programs are incumbent upon the dedication and guidance of established professionals who are willing to design a unique curriculum and, ultimately, take on apprentices. **We see that symbiotic relationship happening in real time here in Lititz at Binkley & Hurst, which has been part of the development and creation of Northeast Equipment Dealers Association's apprenticeship and pre-apprenticeship programs since the beginning."**

In 2018, Governor Tom Wolf launched the **PAsmart** initiative, investing \$30 million in job training and science and technology education. As part of the PAsmart initiative, Registered Apprenticeship, Pre-Apprenticeship and Apprenticeship Ambassador Network

Grants support schools, students, workers, and businesses across the commonwealth to help Pennsylvanians develop skills for in-demand jobs, and in turn, support businesses by creating a skilled workforce to hire.

In recognition of workforce needs, the Pennsylvania Department of Agriculture launched a workforce development initiative in 2015 to promote and expand the state's agriculture education programs and career and technical education opportunities. Through this initiative, the department identified the **25 most in-demand occupations** in agriculture, including production agriculture; animal health and veterinary services; landscaping; food manufacturing, forestry, lumber and wood products; and conservation and natural resources.

"For agriculture education and workforce, apprenticeship and pre-apprenticeship opportunities are valuable to the sustainability of our industry," said Stephon Fitzpatrick, Executive Director of the Commission for Agriculture Education Excellence. "Providing opportunities to obtain valuable skills relevant to career interests creates opportunities to identify talent early on and shape student experiences to fit job requirements, business and organizational culture."

Through the **Commission for Agriculture Education Excellence**, the Pennsylvania Departments of Agriculture and Education have produced a comprehensive **agricultural education report** for

schools across the commonwealth. In coordination with the Departments of Agriculture and Education, the 15-member commission is charged developing a statewide plan for agricultural education. In addition to the commission, the Wolf Administration invests in future generations of agriculturalists through **Pennsylvania Farm Bill** programs, including the Ag & Youth Grant Program, Farm to School Program and Farm Vitality Grant Program. National Apprenticeship Week was November 15-21, 2021.

To learn more about agriculture apprenticeship programs and workforce development initiatives, visit agriculture.pa.gov.



Tim Wentz, NEDA, Sara Gligora (Special Assistant Workforce Development | Department of Agriculture), Stephon Fitzpatrick (Executive Director (Agricultural Education Excellence Commission), Don Hoover, Binkley & Hurst, Sec of AG Russel Redding, Sen Aument, Sec of Labor Jennifer Berrier.



Don Hoover of Binkley & Hurst discussing the program with Fox News and other news media personnel.

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- Earn Industry Credentialed
- Achieve your goals



The Agricultural Equipment Technician Apprenticeship is sponsored and administered by the Northeast Equipment Dealers Association and is limited to participating members and their employees. If you are a student, veteran or adult interested in a clear pathway to a well-paying career, an agricultural equipment technician apprenticeship might be for you!

NEDA

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Equipment
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For more information visit us at nedaapprentice.com

The impact (value) of the association's legislative advocacy, work-force development, and Industry Relations work can easily be overlooked. Our efforts cannot be accomplished without significant financial investment, support, and grassroots participation. If we're to continue that work, we are going to need your help participating in and financially supporting our legislative work, association governance/direction, and program development. We need your help recruiting new members, participating in legislative visits, giving testimony, contributing financially to the legal/legislative fund, association governance/direction, and program development!

When you REAP the benefits of membership, your PROFITS will follow!

Call Ralph Gaiss at 800-932-0607 for questions and support.



THEFT ALERT

NEDA Alert – Pennsylvania Kubota Tractor

NEDA reports to NER that October 13, 2021, the below described Kubota Utility Tractor was stolen from Abbottstown, Pennsylvania.

Please forward this alert to anyone who may encounter the equipment, and investigators working on similar crimes.

Northern York County Regional Police case: 2021-045652

Equipment Details

2020 Kubota B-2601-HST Utility Tractor

Tractor Serial Number: KBUB6BHREM1A74249

LA-435 Loader Attachment Serial Number: B7566

BH-70 Backhoe Attachment Serial Number: B1043

The tractor serial number decal is on the left frame above the front axle. The loader attachment serial number decal is on left loader arm. Backhoe attachment serial number decal is near the operator controls.

Contact Information: Adam - 717-292-5087; Isaiah - 717-225-1333; Messick Farm Equipment (Kevin Messick) - 717-367-1319.

EQUIPMENT DEALERS ASSOCIATION ANNOUNCES WOMEN IN INDUSTRY MENTORING PROGRAM

ST. LOUIS, MO – November 9, 2021, the Equipment Dealers Association (EDA), announced the launch of its newest workforce development resource, the **EDA Women in Industry Mentoring Program**. This novel mentoring program is an offshoot of the EDA Women in Industry initiative that was created last year. Similar programs have been extremely successful all-over North America.

The mission of the EDA Women in Industry initiative is to encourage and attract women to the equipment dealer industry by offering a network that nurtures professional success while furthering the mission of the EDA. The EDA Women in Industry Founders Group, a group of women in c-level, general manager, and dealer principal positions from EDA membership, have been meeting monthly since September and will act as mentors to interested women at other levels of dealership organizations. There is no additional charge for members to participate.

Anne Salemo, who worked in the equipment dealer industry for 30 years prior to retiring in 2019, is the facilitator for the EDA Women in Industry initiative as well as the mentoring program. "The mentoring program is for professional development in the construction and agricultural equipment dealers' industry. This type of program can attract more women and help women move up the corporate ladder. With everything going on in the world right now, this initiative will provide a positive impact for the equipment dealership industry." "We're seeing more women in dealerships and in leadership positions and we want to make sure those women feel welcome and empowered in their roles. This mentoring program will offer the participants career and professional development as well as growth opportunities in the future. "

If you are interested in joining the Women in Industry Founders Group or would like information on becoming a mentor, please email asalemo@equipmentdealer.org or contact: Anne Salemo at asalemo@equipmentdealer.org.

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Rear Impact Guards and Rear Impact Protection Inspection Alert

Changes take effect 12.9.21

Federal & States

Part 1



Committed to Building The Best Business Environment for Northeast Equipment Dealers

I just received the final rule from **FMCSA amending the FMCSRs to include rear impact guards as an inspect-able item part of the required annual inspection for each commercial motor vehicle.** In addition to the inspection portion, the labeling requirements for rear impact guards, and excludes road construction controlled (RCC) horizontal discharge trailers from the rear impact guard requirements.

These changes take effect December 9, 2021. For the most part the labeling rule in **Part 393.86** stayed the same except for a few changes. One of those is a word change from must to shall and rearward was added to read: "The label shall be placed on the forward or rearward facing surface of the horizontal member of the guard, provided that the label does not interfere with the retroreflective sheeting required by FMVSS 108 and is readily accessible for a visual inspection. **(The retroreflective sheeting was also added).** This portion plus all the requirements in 393.86 are and will still be potential violation items for roadside inspections.

The big change is that impact guards will now be part of the **"Annual Periodic Inspection"**. Previous to this it was not a periodic inspection component of Appendix G (now Appendix A). It also was not an inspection item for NY heavy duty inspection and many other state inspection programs. However in NY State it is an equipment requirement under **"Vehicle and Traffic Law 375-48(b)**, which puts it into an offence/ fine category.

I am going to spell out the actual physical requirements here, because one of my biggest gripes is that the FED's do not do a good job in getting the word out and helping those of you that actually inspect vehicles to meet this requirement (still go to the regulations to get the complete requirements for both trailers and motor trucks).

REAR IMPACT GUARD.

a. Trailers and semitrailers with a GVWR of 4,536 kg (10,000 lbs.) or more, manufactured on or after January 26, 1998 (see exceptions in 393.86(a)(1).

1. Missing Guard.
2. Guard is not securely attached to trailer, including broken or missing fasteners, any welds or parent metal cracked, or other damage that compromises secure attachment of the guard.
3. Guard horizontal member does not extend to 4 inches of each, or extends beyond either, side extremity of the vehicle.
4. Guard horizontal member is more than 22 inches above the ground.
5. Guard horizontal member is more than 12 inches forward of the rear extremity of the vehicle.
6. Guard horizontal member does not have cross sectional vertical height of at least 4 inches across its entire width.

The above pertains to trailers.

b. Commercial motor vehicles manufacture after December 31, 1952 (except trailers and semitrailers manufactured on or after January 26, 1998) (see exceptions in 393.86(b)(1) and 393.86(b)(3).

1. Missing guard.
2. Guard is not securely attached to the trailer by bolts, welding, or other comparable means. (I am thinking they should have said motor vehicle ,not trailer?).
3. Guard horizontal member is more than 30 inches above the ground.
4. Guard horizontal member does not extend to within 18 inches of each extremity of the vehicle.
6. Guard horizontal member is more than 24 inches forward of the rear extremity of the vehicle.

Note: There is no label requirement spelled out for "Annual Inspection".

Also notice some dimension differences between trailers and motor trucks. Do not assume the dimensions are the same when you inspect the different types of vehicles.

continued on page 16

Northeast Equipment Dealers Association

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NEDA 2022 ANNUAL/ REGIONAL MEETINGS



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at the
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Can your dealership withstand whatever may come your way? How do you assess the health of each department? During this session, Sara Hey of Bob Clements International will lead through how to evaluate your dealership's balance and will give you specific strategies that you can implement as soon as you get back to your dealership.

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on the program

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Rear Impact Guards continued from page 14

Some of the states, including NY State do not automatically adopt the Federal Regulations. Consequently, you will see a lag, of this requirement in the NY State annual inspection requirements.

I will incorporate more precise information and picture and guidance's in my inspection training's.

Speaking of the "You the Inspector" training I recently did. I added a particularly important upcoming potential issue for those of you that use mobile devices for ELDs that use 3G networking. Supposedly 3G will sunset as soon as February 2022 and on, depending on your carrier to make more room for more advanced network services, including 5G.

Why would you care?

If your 3G network is no longer supported and your ELD relied on that network to meet the minimum requirements established by the ELD Technical Specifications, it will probably put your ELD into non-compliance. Basically, it will be considered a malfunction. **According to Part 395.34** (HOS requirements), the carrier has 8 days to get the malfunction resolved (in this case replacement), unless an extension is granted. If you fall into this 3G versus 5G category, you might want to contact your network carrier as to the specific sunset date.

*~ Article courtesy of: Sulev "Swede" Oun,
President, O & K Truck Repairs, Ltd.
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AFTER-HOURS LEADS

NOV 1 | ~2 MIN READ | REPUTATION MANAGEMENT

Getting and maintaining leads can be critical for dealerships during the slower months. When the weather changes, so do buying habits and dealers need to adapt.

The Lead Problem.

In the past year, customer thinking has changed. They are no longer coming into showrooms, but rather transitioning to all online shopping.

Phone calls used to be a good way to kick-start sales and service, but that mentality has changed.

Customers want a fast and convenient way to get their questions answered, and it's important for dealers to be able to respond anytime to keep the lead.

Lead Response Times.

During the pandemic, dealerships saw a huge spike in leads.

Recent data shows dealers are getting an average of 55 monthly leads since March of 2020. The lead numbers change with the season, and that's where response times become critical.

On Average, 73% of dealer leads got some sort of response. That is a good number, but it could be a lot better.

Trailer dealers were the best at responding at 82% of the

time, while Commercial truck dealers respond just 61% of the time.

However, the biggest problem continues to be after-hours leads.

When a lead comes in during business hours, dealers take an average of half an hour to respond. When a lead comes in after-hours, that time jumps to three and a half hours.

How to keep leads.

One of the best ways to keep leads is to make sure they always get a response.

You can add a widget onto your website. Kenect has added thousands of these buttons to business websites. This way, when a customer asks for information, they can just click on the widget, it goes into the Kenect system, and dealers can respond to it anywhere, at any time.

You can also set up an auto-response, so that customers feel like you want their business, and will get back to them when you can.

Bottom Line: Make sure you are keeping customers. You don't want to miss out on any business,

especially during the slow months.



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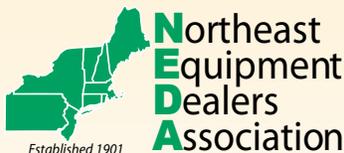
COST OF DOING BUSINESS STUDY

The 2021 Cost of Doing Business Study presents the annual financial and operational profile of independent, retail equipment dealerships.

This Study is made possible through the cooperation of participating dealers associations and their members who provided detailed financial and operational information for their individual companies. The Study assesses financial performance and presents composite income statements and balance sheets in addition to averages for key financial performance ratios. Use it to:

- Ⓞ Compare your financial performance to that of all dealers (regardless of lines or manufacturers represented);
- Ⓞ Use it to assist in the valuation process of your businesses for estate planning, buy/sell agreements, mergers/consolidation purposes;
- Ⓞ Use the benchmarks to establish future goals and budgets.

NEDA participated in this joint venture, with other Association affiliates in North America, because it is important for a trade association to generate this type of information for members to measure their own performance against industry averages. The data sets benchmarks you can use to establish financial plans to improve profitability.



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Using A Tax Minimization Analysis: How to Best Advocate for Clients Selling Their Business



BY ROMAN BASI
and
ANDREW C. ROHNE

Part 1

**...how do
you reap the
maximum return
on selling a
business you
have spent your
life building?
A Tax
Minimization
Analysis (TMA) is
the answer.**

If your business were to sell today, how much cash would you walk away with? Moreover, what is the tax impact you would incur, and what is the best structure and purchase price allocation to avoid such tax impact? Essentially, how do you reap the maximum return on selling a business you have spent your life building? **A Tax Minimization Analysis (TMA) is the answer.** A TMA analyzes a multitude of factors that play a vital role in the outcome of selling a business. When executed properly, a TMA will allow a seller to understand the financial breakdown on every level of a merger, acquisition, or business succession. Additionally, the TMA will provide an accurate calculation taking into account all transaction factors and variables that affect the cash a seller obtains at closing and post-closing. At The Center for Financial, Legal & Tax Planning, Inc., (The Center) we have found the TMA to revolutionize M&A transactions as it provides the transparency a seller deserves and the information necessary for our team to best advocate for your desired outcome.

As many know, an M&A transaction can be overwhelming with the multitude of variables that drastically influence the outcome. The variables include but are certainly not limited to the overall structure of the transaction, the asset/stock basis of the selling company, ownership configurations, real estate involvement, multiple entity involvement, liabilities paid at closing, purchase price adjustments, earn-outs, consulting fees, recaptured depreciation, and the federal, state, and local tax impact. Each variable listed can severely impact the outcome of a transaction and each must be taken into account as early in the transaction as possible. When all variables are understood early in the transaction, your counsel is best equipped with the knowledge to understand how to best combat or strategically use such variables to obtain an outcome that not only protects a seller legally but minimizes their tax burden to the fullest extent possible. After all, we did not invest our lives into a business to give thirty to fifty percent of the closing proceeds to Uncle Sam when it's sold! The example below provides some insight into the value of a TMA.

A TMA can not only pay for itself through the tax savings it will discover, but potentially pay for the merger and acquisition (M&A) team you engage for your transaction. For example, you are selling a business in an industry that deals with complex licensing or regulation (transportation, sand & gravel, chemicals, etc.), and the Buyer seeks an asset sale for the benefits of immediate depreciation. Through proper execution of a TMA, your counsel can analyze and determine the best structure of the transaction, whether it be an asset, stock, or in this case a potential 338(h)(10) sale. The TMA will calculate the tax effect of each sale type (asset, stock, and 338(h)(10)) to determine what structure best suits the seller from a tax standpoint. Under this example, the TMA may determine the 338(h)(10) will best overcome the complexities of assigning licenses or permits while also providing the paramount tax outcome for not only the seller but in this example the buyer too.

However, the example continues, and the buyer now seeks to allocate more than book value to the seller's equipment rendering the seller subject to recaptured depreciation (taxed at the rate of ordinary income). Here, the TMA would not only provide the threshold amount subject to recaptured depreciation, but it would allow the seller to determine alternative negotiation strategies to help avoid the negative tax impact caused by recaptured depreciation. Then, when the purchase price allocation is agreed upon and in place, the TMA will analyze factors outside the transaction that impact its outcome. Factors such as other income within the tax year of the transaction or loss carryforwards, both of which can play a vital role in the overall tax impact. This example, while simple, displays the value in the TMA illustrated in its transparency and ability to balance each factor and variable that plays a role in the outcome of a transaction. There's tremendous value and comfort in providing sellers with evolving transparency of their transactions.

At The Center, in our forty-plus years of M&A experience, we have come to realize the value of analyzing every factor that plays a role in the outcome of a transaction. More specifically, this value is derived from the TMA's ability to evolve such factors as the transaction progresses in order to give full insight and transparency to the seller. This insight not only provides a sense of comfort to sellers but also offers a strategic advantage in achieving the desired result. A TMA will allow open dialogue between counsel and client in regard to goals and strategy while ultimately delivering the most advantageous structure possible when selling your business. If you are thinking about selling your business or in process of selling your business, allow The Center to analyze your transaction using a TMA so we can confirm you are obtaining the greatest outlook possible in your sale.

*Article courtesy of: Basi, Basi & Associates at The Center for Financial, Legal & Tax Planning, Inc.
Phone - 618-997-3436 - Fax - 618-997-8370*

What does Luke Bryan know about farming? A lot

From input costs to family focus, here are six things that make Bryan just like any other farmer.

FARM PROGRESS MAGAZINE – Jul 30, 2021



Luke Bryan is a farmer. He is also the American Country Music Entertainer of the Year. And while he clearly has a passion for both occupations, there is also a deep devotion to his agriculture roots and the next generation of farmers and ranchers.

Bryan grew up the son of a Georgia farmer. He left home, in his words, to “tackle the music business.” “Because of my success in music, I have been able to acquire some farms,” he says.

I was one of two farm journalists in a Q&A session with the country music star that was sponsored by Fendt — we’ll get to that in a minute. The farm is where Bryan takes his boys fishing and hunting, but along the way, the country music star manages to raise corn and soybeans.

Honestly, I thought how much “farming” does he do? Seriously, what can a guy who sings in front of thousands know about everyday farm life? So, I tested him and asked, “What were the biggest obstacles you’ve had to overcome as a farmer?”

His response surprised me. It could’ve been any conversation with my farming friends and neighbors, but with a couple fresh perspectives:

He gets high costs. “Input prices are always changing. I’m out here running 12 tour buses, and if diesel prices are really, really high, it changes our bottom line,” Bryan explains. “It’s no different than a farmer out there having to operate with high diesel prices.” Interesting. Often, I’m so in my world of agriculture, I don’t think that it affects others. Unfortunately for Bryan, he sees the ramifications of high input costs on both fronts — farming and music.

He gets the ag global marketplace. “I remember my dad just, you know, as being an American farmer,” Bryan says. “Now farming is more like a global market.” He noted conversations with his father about crop conditions in Brazil and how farming practices and crops grown around the world affect prices. “It is a wider economy of farming,” Bryan says.

He gets the weather. “It’s either too wet, or it’s too dry,” he says. All of which can help or hurt a crop, and according to Bryan, ultimately affect price and the farm’s profitability. He adds that he and fellow country music star Blake Shelton often squabble about who received more rain at their farm — typical farmer banter.

He gets tractor technology. For Bryan, farming all starts with a reliable tractor. His is a Fendt 724 Gen 6. “When I left Georgia, I was pretty much driving basic tractors that you better learn how to plant a straight row in,” he says. “If you can’t plant a straight row in this tractor, then you got some issues in farming.” Bryan points to the fact that tractors, like

Fendt’s, help him farm smarter with technology that allows him to be more aware of fuel efficiency.

He gets the importance of family. Bryan asks his dad for advice. Whether it is to check in on a tropical storm or hurricane threat in South Georgia or to talk over international markets, “I’m calling my dad.”

He gets farm values. “The beauty of farm work is that it does instill a lot of values,” Bryan shares. “It teaches you how to work hard.” He says he takes his boys on the tractor to mow fields and harvest crops. And here is where I truly believe Bryan understands farming and its impact on the next generation:

“If I get my children, and there’s a 15-acre field that we need to go out there and till up and get ready for planting, when we’re done tilling up the 15 acres, my children can look back and go, ‘You know what? We just did that, and we put in a great day’s work, and it was really, really satisfying and gratifying.’ It teaches you the only way things get done is to go out there and make it get done.” Feel free to insert proverbial mic drop here.

But Bryan is not only talking to the media, but he is also reaching out to farmers and ranchers.

Connecting with farmer. This year, Bryan partnered with Fendt to produce 25 episodes of the Rise Before Sunrise video series, which has the country music singer inside the cab of his new Fendt 724 Gen 6 tractor. The videos are published on Fendt’s YouTube account Sundays and Wednesdays at 6 a.m. Eastern time in what the company calls a “a nod to up-and-at-it farmers.” The series runs all summer long.

Bryan truly has a passion for both music and farming. Still, it is those little moments when he talks about family and the future of his farm, his boys, that make him seem like just a neighbor down the road, doing what they do — building up our next generation of farmers and ranchers.

Luke Bryan simply gets rural America’s values, work ethic and passion.

~ Article courtesy of Farm Progress Magazine

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