



# TENNESSEE ASSOCIATION OF ROOFING CONTRACTORS

THE VOICE OF LICENSED PROFESSIONAL  
ROOFING CONTRACTORS

**TARC Newsletter**

**Summer Issue, 2017**

## **PRESIDENT'S CORNER**

*By Bill Kimbrough, Jr., TARC President*

I hope this newsletter finds everyone in our organization well! I'd like to begin by thanking Robert Smith, Jr. for his service as our president over this past year. We appreciate all his hard work and dedication to TARC.

We had a great turnout at our summer convention this year in Destin. The education sessions were very informative, lots of families got to play in the sun at a great beach party, and we raised money for the scholarship fund at the silent auction. Next year, we are moving to Pensacola Beach, Florida from June 13 to 16, 2018. Everyone mark their calendars for this great event.

We would like to congratulate our three scholarship recipients for this school year. Sean Koren Jr. and Elijah Henley both received the Contractor's Scholarship and both will be using them at The University of Tennessee in Knoxville (Go Vols!). Spencer Pruner received the Thomas Herbert Scholarship and this will assist him in continuing his education at East Tennessee State University in Johnson City. Congratulations to these three young men.

Last year in the fall we held a sporting clays shoot in Charleston, Tennessee in lieu of a golf outing. That event had a great turnout and positive feedback, so this fall we will have another shoot in West Tennessee. This event will be on September 28, so everyone get their guns ready!

I hope everyone has a great rest of the summer and beginning of the fall. We hope to see everyone at our upcoming events. Thank you for your support of this organization!



William "Bill" Kimbrough, Jr.  
TARC President, 2017-2018

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## Gatlinburg Fundraiser: TARC Raises \$14,000 for Mountain Tough Recovery Team

TARC members held a Golf Fundraiser in Gatlinburg recently and raised \$14,000 for charity! All funds raised by members of TARC benefited Gatlinburg's Mountain Tough Recovery Team, a foundation set up through the East Tennessee Foundation to help families who lost their homes in the fires last year.

Mountain Tough Recovery Team was created to continue to aid and support those

families who were adversely impacted by the fires on November 28, 2016. The fire in November of last year reportedly



burned 1,800 homes and caused 500 million dollars in damage to the tourism industry.

"It's important for TARC to support the businesses in Tennessee, especially in times of need." said Past-President Robert Smith, Jr, "What people don't realize is that there are still families displaced by these fires and businesses yet to be rebuilt."

In lieu of TARC's Scholarship Fund, TARC held a special silent auction after the golf tournament at the Margaritaville Island Hotel in Sevierville to raise funds for East Tennessee.

"We committed to raising ten thousand dollars toward the foundation, but in the end, we ended up raising \$14,000," said Mr. Smith. Those who attended the

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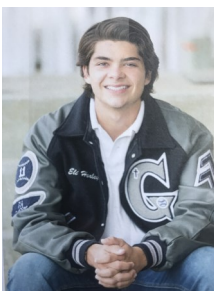
## TARC Awards \$3,000 in Scholarships

The Tennessee Association of Roofing Contractors awarded three students with scholarships in the amount of \$1,000 each this summer, including the Thomas Herbert Memorial Scholarship. Award recipients for 2017 are Sean Koren, Jr., Elijah Henley, and Spencer Pruner.



Sean Koren, Jr. of Hendersonville, TN will be attending the University of Tennessee at Knoxville and is one of the two contractor's scholarship recipients. Sean, a student of chemical engineering, plans to pursue medical school after he finishes his undergrad for neurosurgery. When

his is not at his studies or working, Sean competes at the Beta Club conventions, the Beech Swim Team, and volunteers as a Captain with Fraternus.



Elijah Henley of Powell, TN is the second contractor's scholarship recipient for 2017. Elijah is a pre-med student at the University of Tennessee at Knoxville and plans to attend medical school for orthopaedic surgery.

Aside from his studies, Elijah plays varsity football and baseball and is a scholarship athlete. He has also served his peers as class president during his sophomore year. Elijah spends his summers working for C.M. Henley Company in the roof cad drawing department.



Spencer Pruner of Bristol, TN is the recipient of the Thomas Herbert Scholarship, also known as the Associate Member's Scholarship. Spencer is a student at East Tennessee State University at Johnson City and is majoring in special education. His plans include pursuing a master's degree to work in special education and would

like to coach soccer. Spencer is a youth mentor at 1<sup>st</sup> Presbyterian church, and is a student tutor for soccer and football. He has also volunteered with the Boys and Girls Club of Tennessee.

Every year the Tennessee Association of Roofing Contractors strives to raise money and award deserving students to advance their education across Tennessee. TARC has given thousands of dollars over the years. If you would like to **learn more about how to contribute to TARC's Scholarship Fund**, email [info@tarcroof.org](mailto:info@tarcroof.org).

## TARC Members Spotlight: Curtis Sutton and Success in the Making

Getting serious about growing his business and helping others reach their dreams has been his number one goal. Curtis Sutton, president of Rackley Roofing and one of the fastest growing roofing businesses in Tennessee. But Curtis is not your typical president and executive leader.



Curtis started his roofing career when he was just 18 as a laborer making \$6.30 an hour. After graduating high school, Curtis joined his brother-in-law who worked for a large national roofing company. Curtis worked out of an office in southern Ohio, but traveled over three weeks a month. At the time, putting in 100+ hours weekly and getting paid overtime, in Curtis's own words, "I thought I

*Rackley Roof View*, a tool that allows Rackley to provide an online folder to every client that has not only the before and after pictures of the roofing job, but of the complete history of the roof. Clients can see the job progress and completion without ever having to step on a ladder.

Rackley Roofing throws frequent company picnics, special lunches, and goes out of the box to show employees a huge appreciation to their dedication in representing the company. Curtis truly believes this is key to creating one of the most successful roofing companies in TN.

"I consider myself blessed to have worked with an owner prior to acquiring Rackley who believed in my potential. In four different roofing companies that I have worked with, my boss believed in me enough to give me leadership training." Curtis said. "Traditionally in roofing, there is not much leadership training as it is more of a

### **"Employees make a great company!"**

was rich!"

So just how did a laborer start out to become the president of a multi-million-dollar roofing company? A lot of hard work. Curtis has done every roofing job there is to do, from shoveling debris to leading his own crew as a foreman, taking every opportunity available to move up the success ladder. From the start, he had a goal to one day own a roofing company, and shying away from the work was not an option.

In just span of about ten years, Curtis went from working as a foreman, to superintendent, to general manager of a local division of a large roofing company where he helped start up several satellite offices. In 2010, Curtis joined up with Rackley Roofing as a partner, taking part in growing the company to what it is now. The success comes from the understanding that all our team members drive the success and the future of the company, not just management.

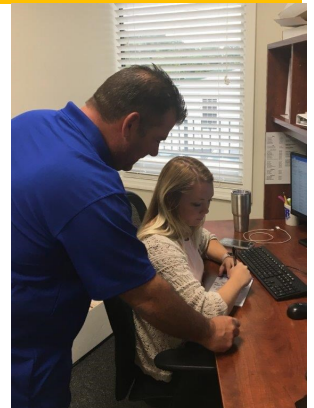
"Employees make a great company! Investment in your employees on all levels is critical if you want to grow your businesses into a million-dollar company," Sutton said in a recent interview on the *Blue Collar Proud Show*.

Changing the culture of a business entails several critical things: offering great employee benefits, opportunities for employee training, education and growth, and taking advantage of the latest technology the roofing industry has to offer. For instance, one of the things Rackley Roofing takes pride in is using the app

blue collar hands-on training. Being able to invest in people with education is a great feeling and goes a long way for both the employer and employee. Many employees are never given the opportunities I was given. I have taken the leadership skills my old boss taught me and put them into practice, **'trust your people; we all make mistakes daily, but as business owners, we tend to miss our own mistakes because no one is watching.'**"

For Curtis, leadership training is one of the most important things that TARC does as an Association. During Curtis's presidency, he started up the For Foreman Class, taught by the NRCA, for TARC companies to send their foreman for leadership training. To date, Curtis's legacy has led two Foreman Level I classes, with a Level II class scheduled for January 2018.

Rackley Roofing Company, Inc., established in 1974, has become one of the leading industrial and commercial roofing contractors serving Tennessee, including the Nashville, Knoxville, Memphis, and Chattanooga areas over the past several years. Earlier this year, Rackley merged with C.M. Henley Company



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## So What is the Big Deal with Social Media?

By Heidi Ellsworth, President of HJE Consulting



As roofing professionals, many contractors look at Facebook, LinkedIn and Google+ as something from another planet. But contractors are finding that social media will be one of the most important tools in their marketing program. Upfront, don't try to conquer all social media at once. There are some trends that are helping

contractors decide where to start. It depends on your type of business. For residential contractors, Facebook continues to grow in popularity. It is a great referral tool, letting your customers speak for you.

There are some great partners already on social media that can help jump start your efforts. One organization for residential contractors that has taken a unique and altruistic approach to social media is No Roof Left Behind. This organization was started by Jay and Dena Elie of Ridgecon Construction with the vision that by working to provide help to those in need they would be able to help their business too.

"It is really about everyone winning," stated Jay Elie, president of No Roof Left Behind. "We wanted to understand social media but we also wanted to help our community. Living in Detroit there is a lot of need. We were able to combine the two and have seen extreme success."

Now, NRLB has been sharing their success with contractors across the country teaching them how to leverage the promotional value while also helping their local communities. And for the residential roofing contractors, that is the true power of social media, creating buzz and interest in your own community. Facebook continues to drive that success.

For commercial contractors, many have found better opportunities on LinkedIn. LinkedIn is a professional, networking website that allows contractors to connect with other businesses, facility managers and property owners. It is a great way to offer educational articles from manufacturers, technology providers and distribution. Showcasing successful and difficult projects along with awards will only verify and build a strong reputation.

The site is also an amazing research tool. Take the time to look through LinkedIn locally and see who

can become a contact. Read the articles that are being posted. Join the same groups that your potential customers are a part of. It is just the type of business intelligence that can make a huge difference for that next commercial bid.

As noted, don't leap into too many social avenues at first. In all honesty, depending on your business, there are several social media platforms that you may never be involved in. But, one medium that is becoming critical for not only social media success but for website search engine optimization is Google+.

Google+ is a social networking site owned and operated by Google, Inc. Google is giving Google+ content a higher ranking than the websites that have similar content. It is indexed immediately for search. So whatever avenue you choose, Facebook or LinkedIn, take a few extra minutes and post your content in Google+. It will also register your business with Google+ Local in addition to other online directories.

"Google+ is imperative," says Vickie Sharples, owner of Roofers Coffee Shop, an online community for roofing professionals. "It is amazing for Search Engine Optimization. Basically, when you post in Google+ you are hitting the top of Google searches. Creating strong content is the key."

"You need to do a couple key things every day," continued Sharples. "A great practice is to get your sales team to take pictures with happy customers, with approval of course, and post it. It makes it personal. If the homeowner is willing to let you post to their Facebook you have instant referrals."

Sharples, who has seen great success with [www.rooferscoffeeshop.com](http://www.rooferscoffeeshop.com) and supporting the site through social media, has gathered some key items that can make a large difference when it comes to social media success.

1. You need interesting content and the best content a contractor can find is in the everyday things their company already does.
2. Among the most interesting things are photos and videos.
3. Post testimonials and encourage happy customers to give the company a nice review and then share it.

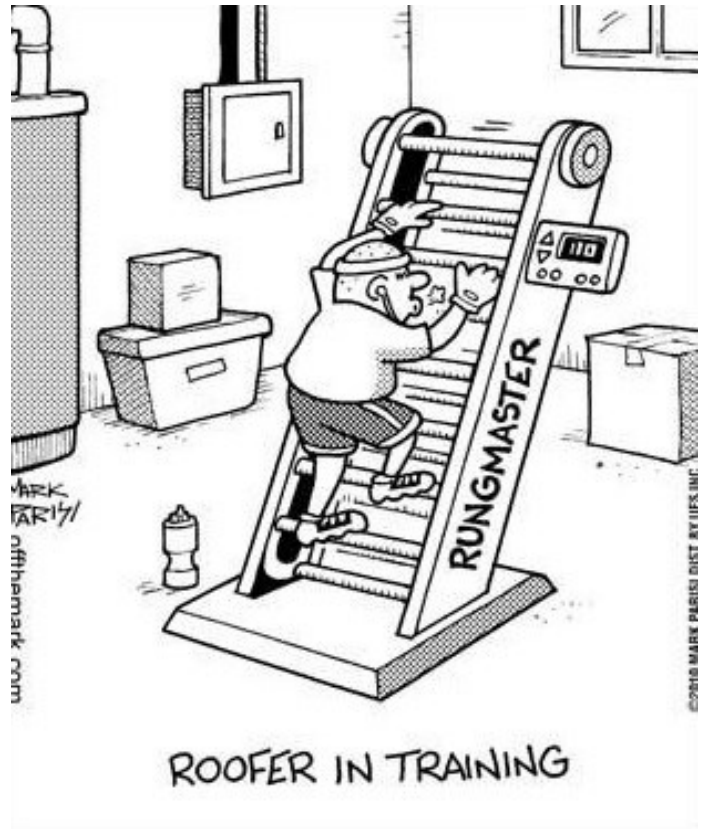
These are all good content ideas that you generate every day without realizing it. Interactive content to spur active responses is key, but it is also



important to let current and past customers know you are on social media. As they “Like” your company, word spreads that, in turn, not only makes the telephone ring but increases your social media presence.

Social media is all about sharing what you already are doing well. Traditional marketing can be expensive, but social media offers the opportunity to get your message out to the public in a new way, and for free!

**BECOME A  
TARC MEMBER  
[TARCROOF.COM](http://TARCROOF.COM)**



**Gatlinburg Fundraiser: Continued**  
reception to receive the check included Sevier County Mayor Larry Waters, Director of Emergency Management John Mathews, and MTRT Board Chair Ellen Wilhort.

“The Mountain Tough Recovery Team will utilize these funds to assist the fire survivors with various unmet needs from medical assistance such as for the replacement of glasses, dentures, medication or other health related needs the replacement of items, such as small appliances to be used for food preparation, and assistance with utility costs in rental housing until they find a permanent solution,” said Chair Ellen Wilhort.

“It was a touching experience,” said Smith.

“I had the chance to speak with the mayor of Sevier County and some of his staff who attended the reception, they were very appreciative for the effort in helping. They also shared some of the stories about people affected by the fires, some of them lost property that had been in the families for generations. To be able to be part of the rebuilding process in these people’s lives made the event worthwhile. We, as an organization,



should be honored to have been able to lend a hand to those in need. Thank you to everyone who has helped to make this event successful”

*Photo Above L to R: John Mathews, Director of Emergency Management; Mayor of Sevier County Larry Waters; Ellen Wilhort, MTRT Board Chair; Curtis Sutton, TARC Past President; Robert Smith, Jr., TARC Past President; Mitch Watson, TARC Golf Fundraiser Chair; and John McNicholas, TARC Associate President.*

## Residential Roofer Lien Rights

By Trent Cotney, PA. Construction Law Group

The rule of thumb is that in one out of every 50 customers there is going to be one problematic and may require you to explore collection options. This article will focus on residential roofer lien rights in Tennessee and talk about the three biggest things to remember when evaluating your lien options.



Many residential roofers are unaware of the different lien restrictions for prime and remote contractors on residential properties. A prime contractor has a direct contract with the owner or owner's agent for an improvement to real property. A residential property is a single residential unit consisting of up to four dwelling spaces, one of which must be the primary, or intended primary, residence of the owner of the property. Only prime contractors may lien residential properties, except when the prime contractor owns the residential property. In this situation, remote contractors, such as subcontractors and suppliers who contract with the property owner/prime contractor, are entitled to a lien.

Any residential roofer who seeks to file a Claim of Lien must follow the time requirements contained in Tennessee Code Annotated. Prime contractor liens attach automatically. Prime contractors are not required to serve or record a Notice of Lien unless a Notice of Completion is filed in the Register's office. However, it is still good practice to record a Notice of Lien Claim to protect rights and to place subsequent purchasers and/or encumbrancers on notice of the lien. In addition, this ensures priority over other liens and mortgages.

If you are a remote residential roofer claiming a lien on a prime contractor's residential property, then you must serve a Notice of Nonpayment to the property owner/prime contractor 90 days from the last day of each month where work, labor, materials, services, equipment, or machinery was furnished. In addition, you must serve a Notice of Lien, in writing, on the property owner/prime contractor within 90 days after the date of improvement is complete or abandoned.

The Notice of Lien and Notice of Nonpayment should be served by registered mail, return receipt

requested. You do not want to risk having your construction lien deemed invalid because of an avoidable mistake. Before starting any job, the contractor or supplier should make sure that they calendar the deadlines and follow the requirements contained in Tennessee Code Annotated.

### Information contained on the Notice of Lien and Notice of Nonpayment

Many contractors and suppliers fail to put accurate information on the Notice of Lien which may result in that Notice of Lien being deemed invalid. Willfully and grossly exaggerating the amount of a lien will prevent the recovery of the lien. Interest, service charges, late fees, attorney's fees, or other amounts under contract law cannot be included in a lien.

If you are a remote contractor, the Notice of Nonpayment must include your name and address, a general description of the work, labor, materials, services, equipment, or machinery provided, the amount owed, the last day work, labor, materials, services, equipment, or machinery were performed or provided, and a description of the property. Failure to provide a proper Notice of Nonpayment will result in the loss of the right to claim a lien for that month.

### Statute of limitations for filing suit on a Notice of Lien

In order to enforce the lien, a court requires the prime or remote contractor to file a verified complaint and a writ of attachment in a court of law or equity. The clerk will require the prime or remote contractor to execute a \$1,000 bond or the amount of the lien claimed, whichever is less. The prime contractor has one year after the date the improvement is either completed or abandoned to enforce a lien through suit. **The remote contractor has 90 days from the date of the service of notice to enforce the lien in court.**

By understanding these common problems, contractors and suppliers may be able to implement procedures which may help avoid missing lien deadlines or recording improper Notices of Lien and Notices of Nonpayment. Although a Notice of Lien can never guarantee payment, it does secure the amounts owed to the extent there is equity in the property and maybe useful for negotiating with a customer to obtain amounts

due. Remember to be proactive and make sure you are aware of your lien rights on residential jobs.

*Author's note: The information contained in this article is for general educational information only. This information does not constitute legal advice, is not intended to constitute legal advice, nor should it be relied upon as legal advice for your specific factual pattern or situation. Trent Cotney is a licensed Tennessee lawyer is General Counsel for National Roofing Partners, National Women in Roofing and several other regional roofing associations. Trent Cotney, P.A. Construction Law Group with an office in Nashville, TN is a member of TARC and represents the roofing industry throughout the State. For more information, contact the Trent at 615.216.6370 or go to [www.trentcotney.com](http://www.trentcotney.com).*

## Important Upcoming Dates

**\*Sept. 28, 2017: TARC's Fall Sporting Clay Event, Memphis**

**\*Jan. 12 - 13, 2018: Mid-Winter Meeting, Franklin, TN**

(Book your room today with Cool Springs Marriott at 615.261.6134)

**\*Jan. 12, 2018: For Foreman Class 2**

**\*June 13 - 16, 2018: Summer Convention, Pensacola, FL**

(Booking information coming soon with Hilton Pensacola Beach Gulf Front)

### Success in the Making Continued

out of Knoxville, and as of August of this year, Curtis has added R.D. Herbert & Sons to continue this growth.

"Rackley Roofing's success is largely due to the employee culture that we established. We do everything we can to try and take the time out of a busy schedule to train our guys in safety and leadership."

*If you have a member in mind to spotlight, contact [info@tarcroof.com](mailto:info@tarcroof.com).*



**There will be a raffle to benefit the TARC Scholarship Fund**

**Memphis Sport Shooting Association  
9428 Old Brownsville Rd. | Lakeland, TN 38002**

**\$125 TARC Member | \$175 TARC Nonmember**

Join us for this special event and help us shoot for the stars! There will be a board meeting at 9:00 AM in the clubhouse. The event will start following a lunch at 11 AM. Gun rentals will not be available, please plan to bring your own, a 12 to 20 gauge is recommended. Backpacks are also suggested to carry provisions and ammo. Ammo and earplugs will be provided.

*Visit [tarcroof.org](http://tarcroof.org) for more information and registration details.*

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