



## David Watson Honored As 2009 National Credit Executive of the Year

The National Association of Credit Management (NACM) has named **David Watson, CCE** as the 2009 National Credit Executive of the Year. Watson was honored during NACM's 113th Annual Credit Congress, held in Orlando, Florida, June 14-17.

NACM's National Credit Executive of the Year award recognizes an individual who has made significant contributions to the profession, who upholds the tenets of lifelong learning and who is highly esteemed by his or her peers. On all counts, David Watson far exceeds expectations.

Affiliated with NACM for nearly four decades, Watson, the vice president/credit manager for Olmsted-Kirk Paper Company in Dallas, is a dedicated and indefatigable volunteer leader. A native Texan, Watson previously served on the NACM-National Board of Directors from 1986 through 1997, including a stint as national chairman in 1995-1996.

In addition to his service on the national level, Watson is an active presence on the affiliate level where he currently chairs the NACM Southwest Board of Directors, his third term in this role. He previously guided the affiliate board in 1984 and in 1986-1987.

Since 1981, Watson has been involved in the Fine Paper Credit Group, an industry credit group that brings together similar companies to exchange current and historical information about shared customers. He chaired that group five times and also participated on NACM's National Paper Converters & Distributors Group from 1998-2004.

Watson explained that "the opportunity for more education and [the opportunity] to learn more about my profession" have influenced his sustained service to NACM. He added, "I firmly believe that the leadership positions that I was able to attain have helped me with promotions at my job. It's definitely one of the factors."

A proponent of continuing education, Watson rewrote the credit policy for Olmsted-Kirk, which now requires new departmental employees to complete NACM's Credit Administration Program (CAP).

His previous honors include being named the NACM Southwest Credit Executive of the Year in 1986; earning NACM's prestigious Certified Credit Executive designation in 1990; and being recognized as the NACM Southern Region Credit Executive of the Year in 1991.

While serving as chairman of the NACM-National Board of Directors in 1995-1996, Watson noted, "More and more, the credit department is finally getting its just due as a profit center in modern companies; and NACM is playing a vital role in that overdue recognition through its educational and certificate programs, conventions and conferences."

The NACM-National Honors and Awards Committee bases its awards on a scoring system that rates nominees in nearly 50 areas of professional life, including their participation in NACM activities on the local and national levels, service on local and national industry credit groups, educational attainment in the credit field, continuing education participation, professional accomplishments and dedication to the profession.

The National Association of Credit Management warmly congratulates Mr. Watson on his receipt of this distinguished award.

## Toni Drake Honored as Recipient of 2009 CCE Designation of Excellence Award



The National Association of Credit Management (NACM) has recognized **Toni D. Drake, CCE** as the CCE Designation of Excellence Award honoree for 2009. Drake received the award during NACM's 113th Annual Credit Congress, held in Orlando, Florida, June 14-17.

NACM characterizes recipients of its Designation of Excellence Awards as "unrelenting [in their] pursuit of excellence" and nowhere is this description more apt than for Toni Drake. A successful entrepreneur and small business owner, Drake brims with verve and enthusiasm as she helps fellow professionals re-envision the credit function. For Drake, the credit field is not stagnant; instead, "it is a constantly moving profession that requires forward, out-of-the-box thinking in order to thrive," she explained.

Drake has been part of the credit industry for more than 28 years and joined NACM in 1984. As the president and co-founder of T R M Financial Services, which offers multi-faceted business consulting services, she carefully evaluates and recommends improvements for a company's collections staff, and purposefully restructures credit departments in order to benefit her clients. NACM has played a key role in Drake's professional growth. She noted, "Without NACM and its educational opportunities, I would never have gained the knowledge or confidence to venture out to begin my own company...[NACM] literally transformed my life."

Drake currently serves on the NACM-National Board of Directors as a vice chair representing the southern region. She is a member of several committees, including the Executive Committee, the Audit Committee and the Nominating Committee. In addition to her responsibilities on the national level, Drake also serves as treasurer on the board of directors for the Dallas-based NACM Southwest affiliate. She chaired the affiliate board in 2001-2002 and was named the NACM Southwest Credit Executive of the Year in 2003.

A well-regarded and popular speaker and instructor, Drake can be found leading teleconferences, Credit Congress sessions and courses for NACM's Credit Administration Program (CAP) that cover topics as diverse as Texas mineral rights, the analysis of financial statements, overcoming procrastination and resolving conflict in a professional setting.

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The National Association of Credit Management warmly congratulates Ms. Drake on her receipt of this distinguished award.

## Welcome New Members

Aviation Excellence, Inc.  
Community Waste Disposal  
Lucehese, Inc.  
LeTourneau Technologies, Inc.



*David Watson, CCE*

## Message From Your Chairman

Dear Fellow Members,

Credit Congress was held this year in the beautiful Rosen Shingle Creek Resort in Orlando, Florida. Those of you that were unable to go missed a great convention. The speakers and breakout sessions were all spot on and relevant to what is happening in the credit world today. Although attendance was down somewhat due to the economy, the convention planners at NACM National outdid themselves once again. Mark your calendars for May 16-19, 2010 when Credit Congress returns to Las Vegas at the Rio Hotel and Casino.

Also mark your calendars for Friday, July 24 and come out to Las Colinas Country Club for our midyear General Membership meeting. We will be presenting our annual Theodore Roepe Scholarship, and will also have some outstanding speakers. Robin Schauseil, CAE, President of NACM National will talk to us about the new "Red Flag" rules that go into effect August 1. Then, Barry Dyson and Jack Gaulding, Senior Sergeants and Investigators with the Dallas County District Attorney's office will speak to us on "Identity Theft: Everyone's Problem".

As always, there will be a great meal, a good networking opportunity, and unless I miss my guess, a few door prizes as well. Hope to see you there!!!

Sincerely,

DAVID WATSON, CCE  
Chairman of the Board

# Breaking News: Texas Amends Fraud Lien Statute

Effective September 1, 2009, the Texas Legislature has amended certain provisions of the Civil Practice and Remedies Code dealing with the filing of fraudulent liens. As amended, a person asserting a mechanic's and materialman's lien may no longer be held liable for the filing of a fraudulent lien unless the person acts with the intent to defraud another.

## Background

In 1997, the Texas Civil Practice and Remedies Code was amended to create a cause of action against persons who filed, or attempted to file, documents purporting to create a lien on property. Section 12.002 of the Texas Civil Practice and Remedies code imposes liability in the amount of the greater of \$10,000.00 or actual damages, plus attorneys fees, court costs and exemplary damages, on persons found to have made, presented or used a fraudulent lien or claim against real or personal property. Such legislation was enacted in response to widespread problems created by groups such as the Republic of Texas and other fringe "constitutionalist" groups, who were routinely placing fraudulent liens on property owned by police officers, judges and legislators with whom the group disliked. Once the document purporting to create a lien was filed, the property owner was required to go through onerous legal proceedings to have the cloud of title removed.

## Unintended Effect

Though necessary to create legal recourse against those placing truly fraudulent liens, § 12.002 of the Texas Civil Practice and Remedies Code also created an element of risk to those placing truly legitimate liens, particularly creditors and others asserting Mechanic's and Materialman's Liens under Chapter 53 of the Texas Property Code. For example, where a lien claimant made a good faith error in the legal description of the property to be liened, or inadvertently failed to include one or more offsets and credits to the amount owed, Section 12.002 provided property owners and debtors with ammunition to claim the lien was fraudulent. Given the liability created by Section 12.002, some lien claimants declined to face possible exposure to such liability and released otherwise valid liens without much of a fight. The 2009 amendment addresses such concerns.

## The Amendment

The 2009 amendment provides that "A person claiming a lien under Chapter 53, Property Code, is not liable under this section for the making, presentation or use of a document or other record in connection with the assertion of the claim unless the person acts with intent to defraud." TEX. CIV. PRAC. & REM. CODE §12.002(c), as amended. While lien claimants should always strive for accuracy in all lien filings, the legislature has expressly stated that "intent to defraud" is a required element under this statute. Thus, a lien claimant that makes an inadvertent or good faith mistake or error in the filing of a mechanic's lien will not be subject to liability for filing a fraudulent lien.

This update was provided by Randall K. Lindley at Bell Nunnally & Martin LLP, 3232 McKinney Avenue, Dallas, Texas 75204, (214)740-1417, [randyl@bellnunnally.com](mailto:randyl@bellnunnally.com)

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**ADVANCED CREDIT ADMINISTRATION PROGRAM COURSE DATES**

ACAP I Business Law - July 11, 25, August 8, 22, September 12

Instructor: Tom Tarrant, CCE

ACAP II Credit Law - September 26, October 10, 24, November 7, 21

Instructor: Tom Tarrant, CCE

ACAP III Financial Statements: Interpretation/Credit Risk Analysis

Dec 5, 12, Jan 9, 23, 30

Course fee \$195 per person (excluding textbooks ordered from NACM National)

Call or email Katie Sartin at 972-518-0019 - [katie@nacmsw.com](mailto:katie@nacmsw.com)

**GENERAL MEMBERSHIP - IDENTITY THEFT: EVERYONE'S PROBLEM (Dallas Co. DA's office)**

**DON'T MISS THE DEADLINE! "RED FLAG" RULES (Robin Schauseil - NACM National)**

**THEODORE ROEPE MEMORIAL SCHOLARSHIP AWARDS**

Friday, July 24, 2009 - 11:00 a.m. - 3:00 p.m. - Las Colinas Country Club

\$69.00 per person (Luncheon buffet)

**ALL SOUTH CREDIT CONFERENCE**

**OCTOBER 21-23, 2009 - MARRIOTT WATERSIDE HOTEL - TAMPA, FLORIDA**

Member delegate \$379 by September 21st

Hotel \$159.00 single/double by September 23rd

Register at [nacm.org](http://nacm.org).

Tell us what you want to learn! What educational seminars would you like to attend? Contact

Catherine Parr at 972-518-0019 or [catherine@nacmsw.com](mailto:catherine@nacmsw.com)

**CERTIFICATION (CBA/CBF/CCE) EXAMINATION SCHEDULE**

Test date 11/9/09 - application deadline 9/21/09

Test date 3/8/10 - application deadline 1/11/10

Test date 5/16/10 (at Credit Congress - application deadline 3/29/10)

Test date 7/26/10 - application deadline 6/7/10

Test date 11/8/10 - application deadline 9/20/10



What could an NACM Professional Certification mean to you?

- Advantage in the workplace
- Advancement in your career
- Accolades within your profession
- Asset to yourself and your employer
- Acknowledgment of your hard work and dedication

For information on NACM's Professional Certification Program, call 800-955-8815 or visit the website at [www.nacm.org](http://www.nacm.org). *Plan NOW for 2010 - beginning classes (CAP) will start in January!*

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N A C M



National Association of Credit Management

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**STRENGTH IN NUMBERS**

# The Financial Employment Update

## from Robert Half

As a manager, you require access to the most current employment information, particularly in times of unprecedented change. *The Financial Employment Update from Robert Half* is a timely synopsis of hiring trends designed to provide you with the insight you need to successfully manage through these challenging times and prepare for potential new business and growth opportunities. The outlook is based on research conducted for the quarterly *Robert Half International Financial Hiring Index*, interviews with staffing experts from our offices throughout North America and related industry research.

For more information on financial employment trends specific to your local market, please contact the Robert Half office nearest you.

### Financial Hiring Trends

- Hiring in accounting and finance has slowed as companies wait for definitive signs of economic improvement.
- In a Robert Half survey, 85 percent of chief financial officers (CFOs) indicated they plan to maintain current staffing levels through the third quarter of 2009. Five percent of CFOs surveyed said they plan to add full-time staff during this period and 8 percent expect personnel reductions.
- Despite caution about hiring, unemployment rates in accounting and finance are significantly lower than the national average, according to the Bureau of Labor Statistics.
- Even with more job seekers on the market, 26 percent of CFOs surveyed by our company reported difficulty in filling accounting positions, and 23 percent said it was challenging to find candidates for audit roles.
- Many companies are hiring project workers until they are certain a need will be ongoing, or are electing to bring in professionals on a project basis before making an offer for full-time employment.

- When hiring, firms seek professionals who have a broad skill set, possess industry-specific experience and can make an immediate contribution to the organization.
- With a larger pool of experienced candidates on the market, some companies are looking to upgrade the skill set and expertise of their teams to better position themselves for both the current environment and when the economy improves.

### Positions in Demand

- Employers place a premium on accountants who can help identify cost-savings opportunities, enhance profitability and maximize the use of technology.

### A Good Accountant is Still Hard to Find: First-Quarter 2009 Unemployment Rates for Accounting and Finance Positions

National average 8.4%

Compliance officers 1.2%

Budget analysts 1.7%

Accountants and auditors 2.9%

Credit authorizers, checkers and clerks 3.0%

Financial managers 3.1%

Credit analysts 4.4%

Financial analysts 4.4%

Bookkeeping, accounting and auditing clerks 5.3%

Source: United States Bureau of Labor Statistics, *Current Population Survey*



Robert Half®

- Positions experiencing demand include:
  - Staff and senior accountants with a CPA and at least three years of experience who can help handle projects ranging from maintaining the general ledger system to analyzing and preparing financial statements
  - Credit and collections specialists who can help reduce inefficiencies and enhance profitability
  - Controllers with extensive experience in cash management
  - Tax professionals able to assist with increasingly complex tax laws

## Industries Driving Demand

- According to CFOs surveyed for our most recent *Financial Hiring Index*, the manufacturing sector and the retail industry will experience the most hiring activity during the third quarter of 2009.
- Within financial services, record-low interest rates have led to increased refinancing activity and demand for mortgage specialists, loan processors, loan underwriters, mortgage and operations assistants, and credit and collections specialists.
- Steady hiring also continues within the energy, government and nonprofit sectors.

## Compensation Trends

- In general, there is little movement in base compensation as a result of current economic conditions. Merit increases and bonuses have become less prevalent.
- While starting salaries have not changed dramatically, some employers have become more flexible regarding other employee programs, such as telecommuting and flexible schedules. These offerings help firms motivate employees and maintain productivity.
- Employers are reserving the highest salary offers and raises for the most highly skilled professionals.

*\*For more information on salary levels, contact your Robert Half representative to receive a copy of the 2009 Salary Guide.*

## Focus on Retention

- Even in the current economy, senior executives cited retention as their greatest staffing concern. Employers need to retain their most talented employees to maintain a competitive advantage and prepare for an eventual economic upturn.
- Many firms are operating with lean teams in which every staff member plays a key role in the business, making retaining top employees a greater concern.
- Companies that lose top performers may not only experience declines in productivity but also incur significant costs when they try to replace these professionals.

## Executive Staffing Concerns

Retention 39%  
 Recruitment 22%  
 Productivity 17%  
 Staff morale 17%  
 Other 3%  
 Don't know 2%

Source: Robert Half survey of 150 U.S. senior executives from the nation's 1,000 largest companies

## About Robert Half

Accounting and finance managers must be flexible enough to adjust quickly to changing business demands. Understanding how the workplace is evolving can give your company an edge. We invite you to contact your nearest Robert Half office for additional information, including any of our complimentary resources.

Founded in 1948, Robert Half International is the world's leader in specialized consulting and staffing services and has more than 360 offices worldwide. The company's financial staffing divisions include Accountemps, Robert Half Finance & Accounting and Robert Half Management Resources, for temporary, full-time and senior-level project professionals, respectively. For more information about the company, visit [www.rhi.com](http://www.rhi.com).



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