

The Trust Method for Successful Negotiations

Review from Part Two “Mama Said They’d Be Days Like This”

Meg Phillips and Joe Norman, Right of Way Agents for Mountain Range Telecom drive away frustrated and defeated after meeting with the Stillners. As they make the long drive back to the office, they discuss and assess ways their negotiations failed and how it could improve.

The key points from Part Two are as follows:

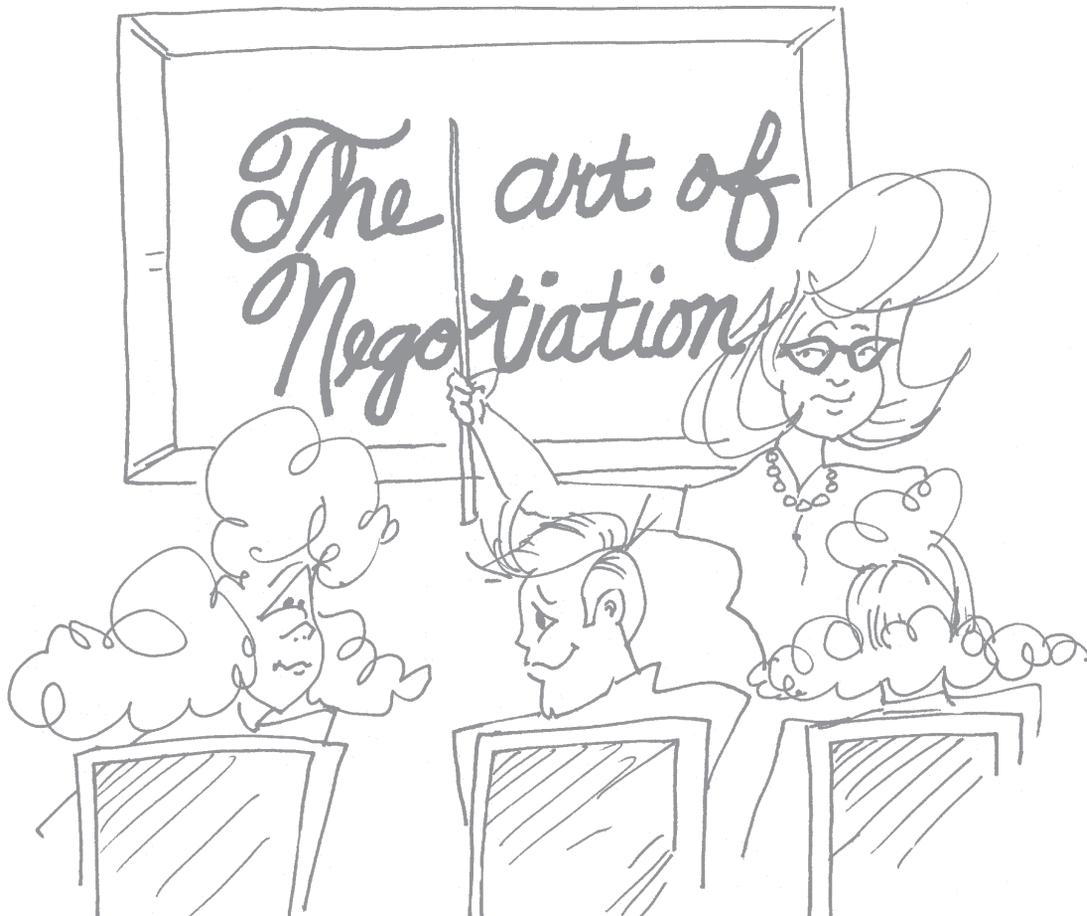
- Know your property owner. What part of town do they live in? What class of people lives there? Dress in a way that helps them to identify with you and you with them. This is the beginning of establishing rapport with the property owner that leads to TRUST.

- Know your product. When you know your product, it’s easier to explain the most complex concept.

- Do your homework before talking with the property owner. Know why engineering designed the job in a particular way. Why this route? Why this property? Is there a possible alternate design? If so what is it? If not, why?

- Good agents not only excel in negotiations; they are a marketeer and a psychologist as well. In order to accomplish successful negotiations, agents need to sell their product and its benefits, and must be able to identify the property owner’s behavior in terms of awareness in body language, change in attitude, change in communication, both verbal and nonverbal, and change in voice intonations.

Join Meg and Joe as they attend a negotiations course entitled, “The TRUST Method for Successful Negotiations.”



By Carol L. Brooks, SR/WA

“Joe, we need to go or we’ll be late for class,” Meg whispered and motioned Joe to follow her into the building.

Nodding his head, he finished his phone conversation and trailed after Meg as they walked towards the class.

“I was on the phone with the Buckmans. It’s another challenge. I’m glad you suggested we take a negotiations class,” Joe said as he hustled after her.

“I’ve heard it’s a great course!”

“Good. I need all the help I can get!”

“You can say that again!” Meg teased as they arrived at their class.

“Let’s sit in the back,” Joe suggested after they checked in with the course coordinator.

“No! I’m sitting in the front and I suggest you do the same. Remember you need all the help you can get!”

Standing before the class, Arlene Steffen introduced herself as the instructor of the course.

After a brief introduction from each student and herself, Arlene began with her power point presentation.

“The course will be covered in two parts. The first part covers negotiation skills based upon the trust method. This approach provides a convenient and easy-to-remember guideline to improve your negotiation skills. The second part covers communication skills, where we’ll be discussing the importance of communication, both verbal and non-verbal ways we communicate and its impact on the property owner. Does anyone have any questions?”

“Yes! My boss will be attending Part Two,” Joe muttered, “So, uh ... could you help her understand how sophisticated some of these property owners are—how demanding they can be? It just seems like the hotter the job, the more difficult the owner.”

“You’ve got one of them too?” A voice came from the back of the room.

“My task is to teach you how to *successfully* negotiate with property owners. Impressing your boss isn’t part of our text! The primary goal of this course is to equip you with the necessary skills that result in successful negotiations,” Arlene

responded.

“The ball is still in your court,” Meg whispered. “Remember, the buck stops here.”

“Who put you in charge?” Joe sneered.

Arlene continued her presentation.

“Successful negotiations can be summed up in one word: Trust. Trust displays itself in tangible forms. For instance, commonality is the common ground where property owner and agent can easily identify with one another. How could an agent find commonality with a property owner that results in mutual trust?”

Arlene calls upon Jonna Pierce, who works for an electric company. “One day I arrived at the home of a property owner, who had a large vegetable garden in their front yard,” Jonna said. “I also have a vegetable garden, and I love to relax by working in it. So we began talking about their garden and I learned they were very proud of it. After exchanging secret garden tips, they invited me into their home and it surprised me how a simple garden could build rapport.”

“Thanks for sharing that, Jonna,” Arlene smiled. “*Rapport* is another tangible form of trust. You can hear rapport in property owners by the ease in their conversation. You can see rapport by their gestures, their body language. Property owners who have rapport with an agent do not sit with a frown on their faces, arms folded and legs crossed.”

Joe raised his hand to make a comment. “A few weeks ago, Meg and I had a meeting with owners of a farm in Harvestville. We were but two inches into their living room when the wife acted as though she was ready to throw us out!”

“Well, I don’t think she liked the way we were dressed,” Meg offered, “I guess we looked liked we were attending an important meeting with the President. She gave us a quick look, then an icy glare and even argued with everything we said. She wouldn’t listen to our proposal and the meeting was terrible!”

“Something as simple as what an

agent wears can cause mistrust with a property owner,” said Arlene. “An agent can intimidate an owner by dressing too formally—for instance, a suit and tie agent, who meets with a farmer dressed in overalls and a faded flannel shirt. Conversely, a property owner may not take the agent seriously if she is dressed too casually.”

Arlene depressed the arrow key on the laptop, which displayed an eye-catching screen filled with patterns of intriguing designs and an overlay of the word TRUST:

T Test your attitude
R Respect
U Understanding people and yourself
S Sensitivity
T Test your hearing

Arlene proceeded with a discussion of the Trust Method and its use as a guideline to improve negotiations skills. “Let’s discuss each letter of this word to learn the foundational importance of trust and its necessary role in negotiations.”

T TEST YOUR ATTITUDE

What’s your attitude toward yourself? Do you respect yourself? Trust yourself? These are among the questions Arlene probed the class with.

“Self-trust is expressed in our attitude through self-respect. It helps us take an objective view of our strengths and weaknesses, and welcomes criticism and confidently supports our ideas. Self-trust promotes trust in others.

“What’s your attitude toward your job? Is it, ‘Take this job and shove it?’ I certainly hope not! Negotiation reveals your innermost feelings about who you are and what you are. If you have a poor attitude, then expect failure in negotiations *and* a poor job evaluation—perhaps even a zero pay raise!

“A poor attitude also stymies creativity, which is key to problem solving or working around a stalemate situation in your negotiations.”

Emphasizing the importance of creativity, Arlene reflected on a personal

experience she had a few months earlier, which involved acquiring easements from 18 property owners for an aerial telecommunication line extension in a rural community tucked away in Rainbow Mountain.

The acquisitions progressed well, but Arlene had one owner who dragged his feet. He had so many questions and none of her answers seemed to satisfy him. She

recommended that they meet in the field and thankfully, he accepted. She arrived to the site early only to find that he had arrived earlier. Moreover, she also observed that the job had been built.

“Exactly!” Arlene digresses after noticing the class’ disappointed faces. “The engineer released the job in advance of right of way. Don’t you just hate when that happens? Talk about

losing leverage!”

After a cordial handshake and an introduction with the property owner, Arlene remained silent. (There’s a known tactic that says *the first to speak is the first to lose control*).

Soon he began speaking with a strong German accent, “Looks like the job is done!”

With her tail tucked in, Arlene confidently, yet sympathetically said, ‘Yes, it is! It’s rare, but it does happen. Normally, jobs aren’t built until all easements are secured.

“If the job is built or not, my company requires an easement on private property. Now that you can actually see where the aerial line is on your property, I’d venture to say, it may be easier for you to grant the easement.”

Not quite!

The owner was very *upset* that the work had been done without his consent. He told her that he lives in the city and enjoys underground utilities. He was *not* going to have his dream home surrounded with aerial lines! It didn’t matter to him that the normal type of construction in the country was aerial. It didn’t matter that the aerial line wouldn’t interfere with his view (as they had discussed his proposed floor plan and where his view would be.) He just didn’t like aerial lines!

The aerial line was in trespass and he had every right to ask to underground and do it immediately.

“My goal was to steer him from NO and move him toward YES,” assured Arlene.“ To embark on this journey, I asked him a series of questions: What would it take for him to sign the easement document?

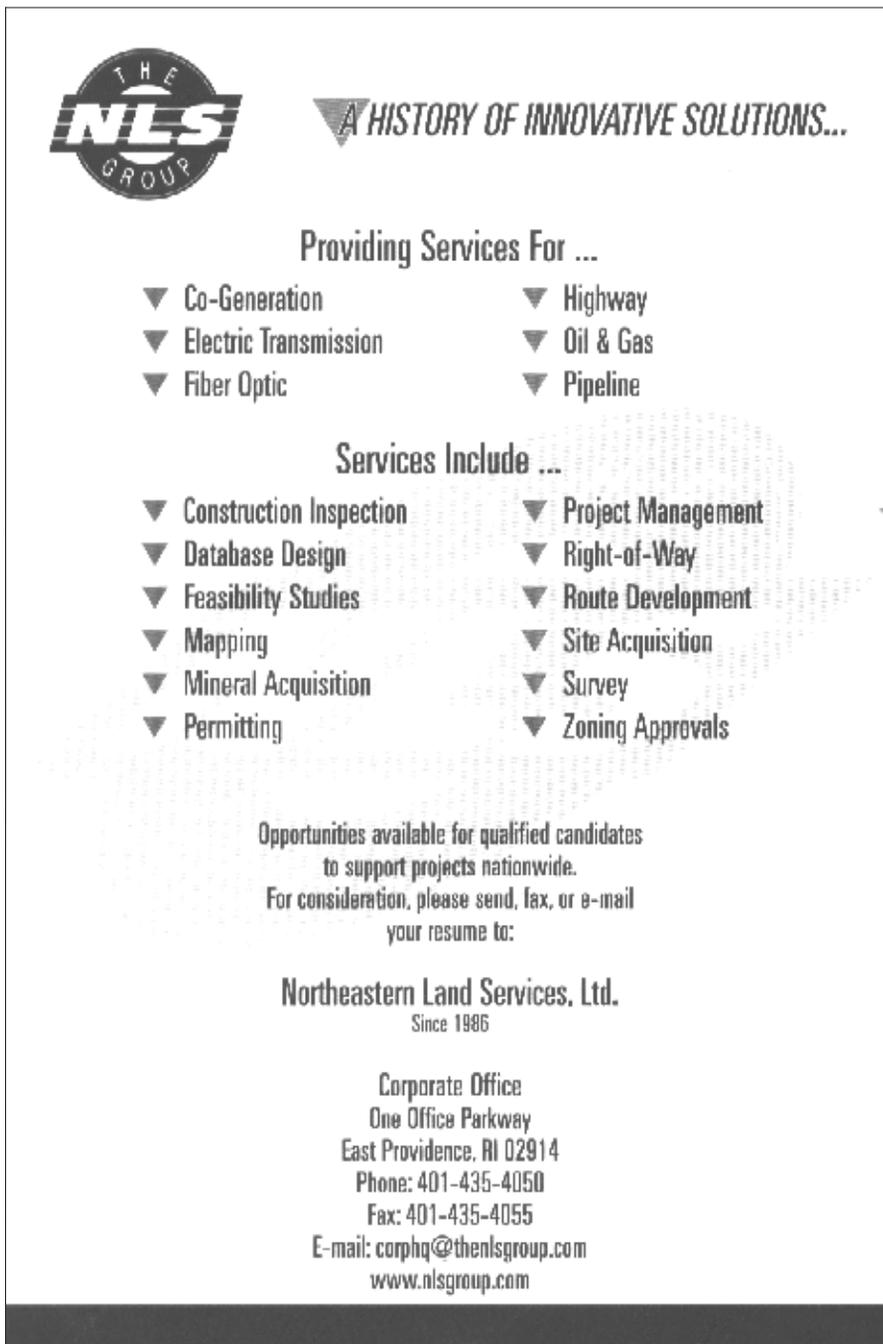
“Would you grant an easement if the line was placed underground?”

“Yes,” he replied.

“We would only underground the line that crosses your property. Is that agreeable to you?”

“Yes.”

Two out of two! We progressed in the right direction, Arlene told the class. If



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the phone company were to immediately comply and underground the section of aerial cable, then the owners whose easements Arlene hadn't received would want the same consideration. "All I saw were dollar signs for my employer. So I asked him another question.

"When do you plan to build your home?" Not for another three or four years, he said. Would he consider a statement in the easement document that said something like, *Grantee shall underground the aerial line as it affects your property only when future improvements are made upon written notice from you, the Grantor?*

While he thought, Arlene held her breath and just before turning different shades of red and a little blue, he responded with, 'Yes, I'm agreeable to this.'

"Great! I'll revise the easement document if you agree to sign it?" said Arlene, as she brought the class in complete suspense.

She leaned closer to the anxious expressions around the room, and as the class listened carefully, Arlene gives them the owner's final decision, "Yes, I will sign the easement."

"Through creativity, I was able to negotiate this situation to a win-win situation. Creativity is an important tool in your arsenal of negotiating skills. Remember the value of asking questions to reach a place of common ground, because questions help agents know what the owner wants and needs."

R RESPECT

Respect involves doing all you can do to prepare yourself for the initial contact with the property owner. Thoroughly review the engineer's job, understand their goals, and investigate possible alternatives with the least impact on the property owner.

Then arrange a meeting with engineering to learn their goals for the job and inquire why they chose this particular route or design? Are there alternate plans acceptable to engineering? Is their timeline set in concrete? What are the budgetary restraints on compensation? If necessary, would engineering be agreeable to a field



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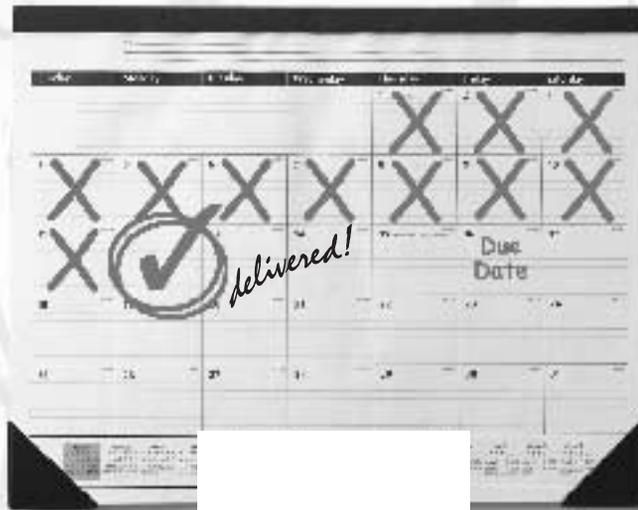
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meet with the property owner?

Respect also includes learning about the property owner's community. What are the lifestyles of its residents? Income bracket? Neighborly attitudes? For example, a community called Emerald Springs has residents that can be very protective of their land. They moved out of the hectic city to the serenity of the country with its rolling hills, scattered lakes and lots of property separating themselves from their neigh-

hors. Some of them don't want to be bothered by their neighbors.

"Another example is if you needed to acquire private road and public utility easements from several neighbors in order to serve a new customer," Arlene suggested. "You called to follow-up on a neighbor that hadn't returned the easement. His attitude was that he didn't care about his new neighbor getting telephone or electric service. He had his and

that was all that mattered."

Lesson learned: Whenever an agent has a job in a community, ask the customer to chat with his neighbors and let them know that you'll be sending them an easement. Neighbors talking to neighbors can be more successful than a utility talking to them.

U UNDERSTANDING PEOPLE AND YOURSELF

Negotiation takes place between people. A person cannot negotiate with a computer. Therefore, to negotiate successfully, agents must have knowledge of people. The ways of learning about people are as diverse as the individual.

"We learn by reading, by listening, by observing, by finding out how people act and react in certain situations. Every newspaper story, every casual conversation, every train or plane ride gives you a chance to build up your armory of information about human behavior," Arlene points out.

She then suggested that behavior is made up of habits, instincts and intelligence or learning. However, it is difficult to define these traits as they overlap and are not clear-cut. A discussion of these behaviors follows:

- **Habits:** Habits are forms of behavior that have become permanent by repetition. A property owner, who has encountered repeated run-ins with a particular utility company, may react in a hostile manner when dealing with anyone representing that company. Thus, it is important for the agent to look beyond the hostility and help the owner make the shift from their hostility to the business at hand.

- **Instinct:** Some authorities define instinct as a natural impulse or urge; they speak of the urge to preserve life, to enjoy pleasure and to avoid pain. Nature equips us with instinct as a means to protect from danger or to allow us to relax in a comfortable situation. All of us have it, we just need to practice it. For instance, an agent may encounter instinct when her intuition raises a flag of caution based upon her experience in negotiating. The successful agent should maintain a healthy sensitivity to meetings

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with property owners.

• **Intelligence:** The experts advocate a fine-line between instinctive and learned behavior. It is believed that our ancestors adjusted to their environment by functioning on their instincts. Slowly, their intelligence began to challenge the dominance of their instincts. The behavior we learn either through personal experiences or from other's mistakes fuels and expands our intuition or instincts. As humankind evolves into continuous conflict and the dynamic of change, the complexity of the various facets of behavior reaches new heights of challenge and dilemma.

"So! What's the agent to do? Each property owner is very different. Each one having his set of dynamics and complexities," Arlene challenged. "I suggest that the successful agents practice their gift of instinct and flow with opportunities for its continual growth."

Agents should also know themselves. What are your strengths, your weaknesses? Celebrate your strengths and strengthen your weaknesses. We all see the world differently, and therefore develop our own unique style. However, problems arise when we assume that people see the world the same way we do and if their style is different than ours, we assume there is something wrong with them. It is difficult to have effective relationships unless we can understand and appreciate the uniqueness of each person's style.

Four Behavior Styles

1. Controlling style. Ms. Controller is strong-willed who places importance on goals and results. She is active, independent and ambitious. Taking the initiative with others, she enjoys running things and doing so with a take-charge attitude. Her characteristics are forceful, sense of urgency, seen as competent and determined. She is task-oriented and others should not look to her for encouragement or support.

Her approach to her job comes through by her bottom-line focus. She is willing to confront others, is decisive and ultimately concerned with efficiency and is driven to achieve results, which limits

her ability to cooperate and build a team.

"Does this sound like your boss?" Arlene teased.

The room fills with soft laughter and several students are nodding and looking at each other in agreement, while others roll their eyes in disgust.

She can be offensive to others due to her eagerness to get the job done. She is known to be demanding and push too hard. She is also very impatient and

a poor listener.

2. However, there is Mr. Supporter, whose primary concern is for the feelings of others. He is loyal, likable, understanding, cooperative, patient and empathetic. His approach to his job is to build strong teams. He is an excellent partner in conflict resolution, who works on building relationship to get the job done. He strives for a win-win solution. Mr. Supportive is a good listener who takes

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time with people and helps them relax and be at ease. Some of his challenges are that he may 'give in' to more dominant personalities. He doesn't demand enough and his need for approval may get in the way of getting results.

3. Then, there is Ms. Promoter. She likes exciting and inspiring activities, and tends to get involved in active, rapidly moving situations. She is fun to be around. Others say she is dynamic, fun loving and energetic. She tends to be imaginative in getting results and willing to take risks. Her other characteristics are that she gets bored easily, therefore she enjoys new and different challenges. Her attitude towards work is to motivate and inspire others. She expresses her ideas and opinions persuasively and is a quick decision-maker. She is flexible and will easily change her decision if it isn't working. Some of her personality challenges is that she tends to exaggerate, which can come across as manipulative and egotistical. She starts more things than she can finish and settles for less than the best in order to move on to the next exciting thing. She lacks concern for detail and jumps to conclusions too rapidly. She's a poor planner and lacks follow-through.

4. Finally, we have Mr. Analyzer. He enjoys structure and order. He is thorough, accurate, detailed, rational and well organized. Highly logical, he is seen by others as a great problem solver. A few of his characteristics are as follows: good planning skills, conscientious, and good at follow-through. Some of his approaches on the job are to gather information as the first step in problem solving. He is a cautious decision-maker who rarely makes big mistakes. His decisions are based on facts. He is a non-risk taker, a procrastinator and is indecisive. He can be uncommunicative and withdrawn under stress.

The class was dismissed for a 15-minute break.

"I didn't realize that good agents need to be a psychologist!" Joe said.

"Exactly," Meg agreed. "I've been thinking about the Stillners and which

behavior style they might be."

"Can you say 'indifferent'?"

"Tell me about it!" (Sigh) "I hate to admit it," Meg continued, "but Mrs. Stillner reminds me of my grandmother. I wished I had remembered how I handled Grammy during our negotiations. I think it would have worked with Mrs. Stillner."

"Now, that's a perfect example of *learned* behavior," Joe boasted, recalling one of the key points from the class.

Arlene proceeded with the course. "Let's continue by discussing the letter S."

S SENSITIVITY

A good agent keeps his instinctive antennas on full alert while negotiating with the property owner. Keen on the slightest change in the owner's attitude, body language and mood, an agent is also flexible enough to modify his own behavior in order to adjust to the change in the owner's behavior.

"I worked with a property owner whose daughter was recently killed in an auto accident," Arlene remembers, leaning against her desk. "After learning of this tragedy, I offered to look at another property, but he wouldn't hear of it."

It was the summer of 1983. Summertime and holidays are difficult seasons to acquire easements in a timely manner. The property owner was interested in granting an easement and asked Arlene to call him the following week. When she contacted him they negotiated the size of the easement, its location and the compensation fee. She informed him that an easement document would be sent to him after she received a survey sketch and that he should expect it in four to six weeks. Just before mailing the document, Arlene called to let him know it was on its way.

"I'm not sure I want to go through with your proposal!" the owner declares.

Searching for answers, Arlene asked him what had changed since their original agreement. He began complaining about the technicians who park their big trucks, eating lunch and taking long naps along the side of his property.

"I have complained over and over to the phone company about those trucks trespassing my property. I talked to you two years ago about this problem!"

Two years ago? I can barely remember what I had for breakfast, let alone recall an incident two years ago! Arlene thought. "I did recall a property owner who confronted our techs with a gun and threatened them if they didn't get off of his property, then suddenly, I remembered him and how difficult he was."

"Please bear with me, Mr. Bentley, as two years is a long time. I do recall our techs trespassing in your area, so I immediately called the maintenance supervisor with the complaint and asked that techs honor all no trespassing signs. I would venture to say that you haven't had the problem since I took care of it," Arlene said, sitting on pins and needles as she awaited his response.

"Yes, you're right. They haven't been trespassing," Mr. Bentley admits.

She told him she was pleased that they continued to honor the no trespassing signs and directed him to the business at hand.

"Now, about the easement..."

"No! I don't think I want to do this," Mr. Bentley said hesitantly.

What would I do now? Arlene thought. She assured the engineer that all was well with this location. She lost a lot of time playing telephone tag and felt as though his unfortunate tragedy was a major part of the delay.

Reaching her deadline, Arlene couldn't start the clock with another property owner. In a panic, she remembered his tremendous loss. She imagined that he felt out-of-control, perhaps even felt his world crumbling. Nothing was right for him so why would he want to cooperate with anyone? Bewildered, Arlene turned to the only idea she could think of. "I gave *him* control of the situation," Arlene told the class.

"I asked him, 'What would you recommend, Mr. Bentley?' but he was silent."

"I'll give you an easement if you

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President's Message

Cont'd from page 3

ings, we discuss proposals by the International Professional Development Committee (IPDC). Many of the issues we address involve what needs to be done now in preparation for the future. We are constantly trying to do more with our Web Site-making it more useful to our members and more attractive to others, in order to make it more profitable (from a marketing perspective).

In my last message, I mentioned that I would be discussing some of my other goals. One of these looking ahead goals is to get some Universities/Colleges to include a curriculum that would enable and encourage college graduates to become Right of Way Agents. I am convinced that college students would become intrigued with the work that we do. Ultimately, my goal is to get recognition at the University/College level of all aspects of right-of-way work as a profession.

Another goal is to get more International Affiliates. A Japanese International Affiliate is still a possibility and other possibilities are Mexico, the Netherlands, Norway, England, New Zealand and Australia.

In order to increase our membership, we need to invite everyone involved in right-of-way work to our chapter meetings and our seminars. Once these industry people get involved, they will want to become members. Of course, it will be of great help, if each and every chapter does the best it can to have meaningful meetings with good guest speakers. We need to assume the responsibility of making sure that everyone in the right-of-way business learns all they need to know to do a good job. After all, the public will judge us based on our job performance. The public has a right to expect that we are professionals and will act like professionals. By belonging to the IRWA, we give them assurance that we are dedicated professionals who belong to an organization with a code of ethics and educational courses designed to make us proficient in our work and knowledgeable about the law. We prove this by obtaining the SR/WA designation or a Specialty Certification.

However, we need to do a better job of encouraging all of our members to earn their SR/WA designation or a Certification in a specialty of their choosing. Anyone, who has taken all of the courses and only needs to take the examination, should sign-up for one of the SR/WA Study Courses designed to prepare one for the SR/WA examination. Those who take the SR/WA examination will be glad they did.

Well, we have much to look forward to as we look ahead. Remember to ask a friend in the business to your next IRWA meeting. Perhaps a Chapter meeting with a good speaker and a chance to network with your members is all that your friend needs to persuade him or her to become a new member. ■

Art of Negotiations

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change the location!" he retorted.

"This was not about location. It wasn't about granting an easement. It was about Mr. Bentley and his sense of self-worth-his sense of control," Arlene protested to her students "The sensitivity

came in the form of realizing that his loss overwhelmed him and his world was out-of-control. When I addressed his need, then he was able to move forward in a positive way."

T TEST YOUR HEARING

A good listener can easily recognize the needs and change in behavior of the property owner. One method is listening carefully to the property owners' words, phrases, expressions, and mannerisms of speech and tone of voice. All of these give clues to their needs and or changes in their behavior.

Good listening occurs at different levels of meaning. On one level, she may seem to be trying to communicate. On a second level, her message is interrupted by her choice of words and the way she speaks. Finally, on the third level, she may convey a meaning to the agent because it is linked with her manner of approach to the subject. Therefore, listening is as much a persuasive technique as speaking.

Become aware of change in the owner's attitude not by what they say, but by how it is said.

Arlene again drifted back to another

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