

mica messenger

MIDWEST INSULATION CONTRACTORS ASSOCIATION

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DAYTON, OH 45414



**VOLUME 56 NO. 06
JUNE 2022**



WHAT'S INSIDE THIS MONTH:

- Note of Appreciation.
- President's Message.
- Pictures From the Spring Convention of MICA.
- MICA Future Meeting Dates.
- MICA Officers Elected for 2022 — 2023.
- New Board Members Elected.
- Safety Best Practices Awards.
- Sports Awards.
- Jury Awards \$650K in Damages for Massachusetts Contractor's Unlawful Retaliation Against Injured Immigrant Worker.
- Dodge Momentum Index Shows Gains in May.

NOTE OF APPRECIATION

The June 2022 MICA convention marked the end of Cindy's and my working relationship with MICA as your Executive Secretary. We have witnessed 38 years of excellence within the MICA leadership. We said this in the past, but it is worthy of repeating; from the first President we served, Dan Culberg, to our most recent President, Rudy Nigl, one trait that stands out among all 38 individuals was their devotion to the insulation industry and to MICA. Our relationship with each President has never been the same, but each President's commitment to MICA was unwavering. It was our pleasure to work with such outstanding individuals.

Our year with Rudy has been a year of the "Here and Now". His messages in the *MICA Messenger* provided us with a perspective on different aspects of our lives each month. Each month, his "message" was an easy read and thought provoking read. Over the years, we have had some Presidents who embraced the task of writing the monthly messages, some who dreaded the task, and most Presidents fell somewhere in between. I would say that Rudy embraced the task. We had Presidents who were "creative" with their messages. One Novem-

ber message was a recipe for Thanksgiving Turkey. We had messages on the solar system. Some messages were a paragraph long, on which I had to take a ghost writing approach and add some additional paragraphs to fill the page. We even developed an "insulation 101 primer" on the 12 messages from one of the Presidents. But each President looked at it as a rite of passage when they finished their 12th message.

During his time with MICA, Rudy has been mentored by his father-in-law, Peter Gauchel. Peter is a strong believer in the benefits of participating in industry associations. He instilled this belief in Rudy. Rudy's leadership skills were evident when he first was chair of the Merit Shop Committee, and then as a member of the MICA Board. It did not take him long to move through the officer positions. Now, this past year, his leadership skills were on full display as he guided MICA through the hiring process of a new Executive Secretary. This is only the second time in MICA's 65 years that a replacement for Executive Secretary was hired. Rudy has continued the legacy of providing the leadership necessary for MICA to be successful. – Thanks, Rudy!

This year has given Cindy and me time to reflect on our 38 years with MICA. There is no possible way for us to capture in words what this special relationship has meant to us and to our three daughters (Mary, Sarah, and Anna). Our daughters have been a part of MICA since they were born. They have been "spoiled" by MICA. In their younger years, they would accompany us on our convention site visits. Their introduction to staying at a hotel was that their room consisted of a two-bedroom suite with at least two TVs, a refrigerator and a basket of fruit waiting for them upon our arrival. They thought that whenever we traveled, they should get to stay in a suite and not one room with just two beds and a cot (we had to sleep 5). Our oldest daughter's "first crush" happened at a MICA meeting when a muscular, weight lifting young associate member began attending MICA's spring conventions.

Our relationships spanned both the contractor and associate members. We always promoted MICA as an "industry association". The associate member companies are an important part

(Continued on page 6)

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PRESIDENT'S MESSAGE

TO: THE MICA MEMBERSHIP

Hello fellow contractors and associates:

My name is Doug Barton, your incoming MICA President for next year. My company, Midwest Insulation Services, is located in Omaha, NE. We have been a union shop contracting company since 1938 in the Omaha/Lincoln/Western Nebraska area. We also do business in the western part of Iowa.

For a long time, the company was called Midwest Asbestos Services, a huge target on our back once all of the asbestos lawsuits occurred in the late 60's, early 70's. We had our share of lawsuits come our way, but somehow, we survived. We had a great insurance company and law firm representing us. Numerous manufacturing companies and contractors had to file bankruptcy due to the asbestos lawsuits and had to totally revamp their way of doing business.

My dad, Jerry Barton, bought out his partner, Al Wotherspoon, (a former MICA President in 1970 – 1971) in the mid 70s. Jerry was a true insulation contractor for over 50 years. He lived and breathed insulation every day except, maybe, on Sundays. On family vacations, he could not wait to get back to work after spending a week or two away from the office. It seemed like he always drove faster on the way back to Omaha than he did on our way out. But most importantly, dad was a great mentor to me and others in the industry.

Our company has been a family run business ever since my dad took over as sole owner. Currently, my brother, Brian and I run the business. Brian's son, Rob Barton, is now a third generation Barton to be involved in the busi-

ness. Yes, Rob is one of the "New Professionals", and we have him attending fall MICA meetings. As most of you know, having a family run business can have both negative and positive challenges; so far mostly positives. I have been involved with the company since 2000. During my high school and college summers, I unloaded trucks of fiberglass, calsil, ductwrap, made deliveries, and did pretty much what dad told me to do.

My theme for this year as MICA President is "Stay the Course". Because of COVID, the last couple of years have been very challenging for our industry. It has impacted both the contractors and our associates; especially the associates due to the travel restrictions placed on them by government and corporate decisions. What's the old saying, "What doesn't kill you, makes you stronger". I truly believe in that. We now need to "stay the course" with our businesses and with our participation in MICA.

I presume that those of you who attended our spring convention last week, had a great time in Florida. Diane and I were positively impressed with the resort and all of its amenities. It was an outstanding venue that matched all of our needs. The meetings, speakers, food and generally, just getting to see everyone in person after a two-year delay, was great. The exciting part of this convention is that we get to come back to the Hyatt Coconut Point Resort in 2025! We are ready to reserve our hotel room now.

Finally, "Congratulations" to Tom and Cindy Shimerda for giving MICA 38 years of dedication, service and a solid footing for the future years to come. As we say good-bye to Tom and Cindy, we say hello to Rachel, Megan and Morgan, as they will help MICA "Stay the Course" in the years ahead.

Have a great and safe 4th of July!!

Cheers,

Doug Barton
MICA President



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of the insulation industry and a part of MICA. We tried to make the associate members feel welcomed in MICA and treated them as equal partners in the association. We did have our share of "unique" associate members. Mick Van Horn was our first "mentor" in helping us understand the working relationships of the associate members with the contractor members during our early years with MICA. Mick headed up the golf outing at our spring convention and sported some colorful outfits at our farewell breakfasts! Jeff Cook now serves as the chair of the golf outing, minus the colorful outfits. Our associate members had a tendency to cause our "beverage" cost to exceed our food cost in our F & B bill at our MICA events. This has since been tempered in recent years. There used to be a "Bloody Mary and Screwdriver" bar at our farewell breakfasts! We removed this item from the breakfast menu years ago.

Cindy and I are pleased to have been a part of MICA these many years. You have provided us with opportunities and experiences that we never imagined when we began our relationship with you. We are indebted to you, the members of MICA, for allowing us and our family to be a part of your professional and personal lives. Your friendship and your support have been sincere and genuine. For that, we are most grateful and can never "thank you" enough. We are proud to be a part of the heritage that is "MICA".

Pictures on the Right

Top: Cindy, Mary, Anna, Sarah & Tom Shimerda.

Bottom: Past Presidents in Attendance at the June Convention.



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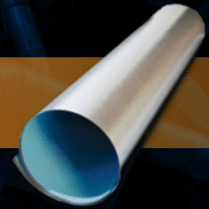
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FUTURE MICA MEETING DATES

2022 Summer Planning Meeting — August 8 & 9, 2022, Cheyenne Mountain Resort, Colorado Springs, CO.

Fall 2022 Annual Fall Business Meeting — October 13 & 14, 2022, Omaha Marriott Downtown, Omaha, NE.

2023 Winter Meetings — TBD

66th Annual Spring Convention — June 19 — 22, 2023, Cheyenne Mountain Resort, Colorado Springs, CO.

Fall 2023 Annual Fall Business Meeting — October 2023, TBD, Omaha, NE.

67th Annual Spring Convention — June 2024, In Region; Sites Under Consideration.

68th Annual Spring Convention — June 16 — 19, 2025, Hyatt Regency Coconut Point Resort, Bonita Springs, FL.

MICA MEMBER ADDRESS/INFO. UPDATES

Be sure to inform the MICA office of any changes or corrections to your listing for either the MICA Directory, e-mail correspondence or mailing address. **Even if you update your company listing on the MICA website, please inform the MICA office of the changes.** We try to be as current as possible with your help.

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MICA OFFICERS ELECTED FOR 2022-2023

During the 65th Annual Spring Convention, the Board of Directors elected officers for the association for the 2022-2023 year. The following members will be serving as officers of MICA:

- **President** Doug Barton, Midwest Insulation Services, Omaha, NE.
- **President-Elect** Lee Stuckenschmidt, Systems Undercover, Eaton, CO.
- **Vice-President** Kevin Rambo, F & H Insulation, Kechi, KS.
- **Treasurer** Peter Gauchel, L & C Insulation, LaCrosse, WI.
- **Associate President** Darrell Peil, Knauf Insulation, Rock Hill, SC.

Please congratulate these individuals for their willingness to serve our association and our industry. They are not compensated for their time. They are giving of their time and efforts solely to help improve the insulation industry and MICA. Give them your support and when asked to help, please find it in your heart to say “yes”.

NEW BOARD MEMBERS ELECTED

The membership voted on vacancies for four positions on the Board of Directors of MICA. The following members were nominated and elected to serve three-year terms on the Board:

- Doug Barton, Midwest Insulation Services, Omaha, NE.
- Ted Nickel, Mavo Systems, Inc., White Bear Lake, MN.
- Rudy Nigl, L & C Insulation, LaCrosse, WI.
- George Shimada, Gagnon, Inc., Franksville, WI.

We are most grateful to these individuals for their willingness to continue to serve MICA and the insulation industry. Their leadership and involvement at the Board level is most valuable. The Board establishes the strategic initiatives and objectives that drive MICA. We are continually looking for new member involvement at the Board and committee levels. Contact the MICA office or an officer if you are interested in taking a more active role in MICA.

SAFETY BEST PRACTICES AWARDS

The Safety and Environmental Committee of MICA has initiated a strategic objective that recognizes the importance of sound safety practices. Safety is recognized by MICA as a vital part of the insulation industry and a key success factor in any organization. The committee, in keeping with this notion, requested that the Board of Directors establish the “Safety Best Practices” Award. The Board did approve such an award to be given in conjunction with our annual spring convention.

This is the seventeenth year that we honored the recipients of this noteworthy award for our members. The participating companies were recognized at our general session on Tuesday morning. We held our “Safety Roundtable Discussion” session on Tuesday morning, at which time, the participating companies shared their “Safety Best Practices” with the general membership.

The grading process for the “Best Practices in Safety” Award Program uses a grading system that recognizes each applicant’s achievement in developing a quality safety program. There are four award levels; Platinum, Gold, Silver, and Bronze.

Achieving **platinum status** this year were APi Construction Co., Armacell, Dako Services, Iowa-Illinois Taylor Insulation,

(Continued on page 15)

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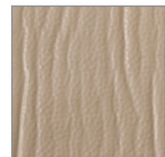
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(Continued from page 12)

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Achieving **gold status** this year were Bartelt Insulation, Cook Brothers Insulation, Inc., Cornerstone Services Group, Gagnon, Inc., KW Specialty Services, Pro Insulation, Quality Insulators, Inc. and Sprinkmann Insulation, Inc.

Achieving **silver status** this year were F & H Insulation Sales and Services, Mavo Systems, and Vimasco Corp.

Achieving **bronze status** this year was Colorado Mechanical Insulation.

Education of our members in good safety practices is a strategic initiative of MICA. The safety award is MICA's way of recognizing the efforts of our membership in implementing good safety practices. Safety is not a one year effort. Safety is not for select companies only. Safety is vital for every company, every year!

We extend a special "thank you" to Gary Auman, who so tirelessly graded the safety applications. Gary gives his expert feedback, in writing, to each participating firm.



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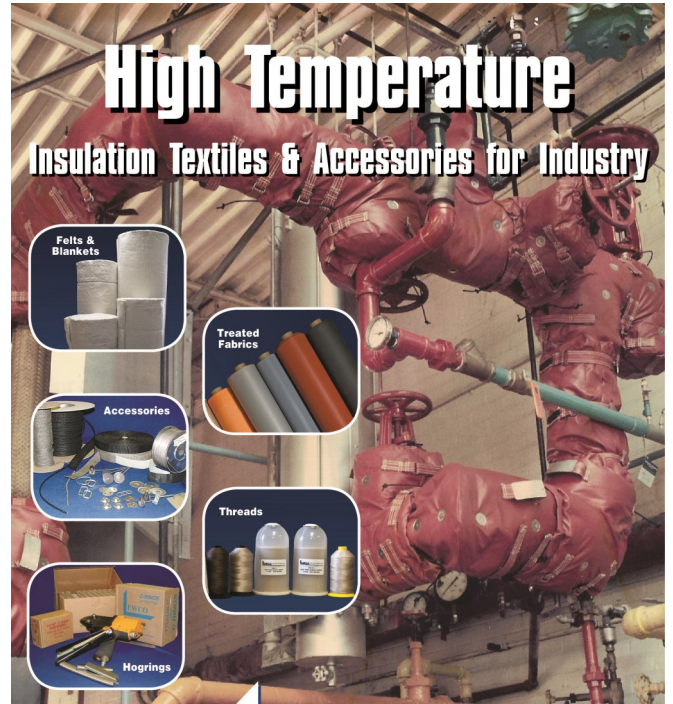


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SPORTS AWARDS

This year's golf tournament marked the twenty-fourth annual "Mick Van Horn Memorial Scramble Golf Tournament" of MICA. The golf tournament drew 40 golfers. The Raptor Bay Golf Club was the site of this year's tournament. The course is in the midst of a major renovation, but we were able to play 18 holes of golf (the same nine twice). Thirteen associate member firms sponsored holes and eight firms sponsored the special events at this year's golf outing. The sponsorship signs were placed on the appropriate holes throughout the course. We want to extend a special **thank you** to the eighteen associate member firms for their added financial support of MICA. Mick would be proud!

There was ample water and wooded areas on this year's course that added to the possibility of qualifying for the coveted "fish" award. Several associate member firms donated golf items to this year's grab bags. The extra golf balls were much appreciated! We are very thankful to the associate member firms that participated in this year's grab bags.

Due to the numerous water hazards, most of the golfers were worthy candidates for the "fish" award this year. It was reported that one golfer had lost four balls on his first three holes of play. This year the **coveted "fish" award** went to **Paul Sawatzke**, with Enervation, in Brooklyn Center, MN. It was reported that Paul mentioned that he had NEVER won the fish award. Be careful who you talk to on the golf course! The following is a list of the winners of the golf awards:

- **Prestigious "Fish" Award** Paul Sawatzke, Enervation, Brooklyn Center, MN
- **Fight Tight Covers, Closest to the Pin** Joe Guest, 4

State Supply, Omaha, NE.

- **Cook Brothers, Longest Drive (Women)** Cindy Shimerda, MICA, Omaha, NE.
- **Aerofoam USA, Longest Drive (Men)** Tim Hughey, Colorado Mechanical Insulation, Englewood, CO.
- **Distribution International, Longest Putt** Joe Miller, The Miller Group, Copley, OH,
- **RHH Foam Systems, Longest Putt** Brian Clark, Distribution International, St. Louis, MO.
- **Proto Corp., Closest to the Pin** Keith Artelt, SPI, Crossville, TN.
- **4 State Supply, Most Accurate Drive (Women)** Mary Shimerda Craig, MICA, Omaha, NE.
- **OC Foamglas, Most Accurate Drive (Men)** Doug Barton, Midwest Insulation Services, Omaha, NE.

Winning Team: Pat Nelson, Jeff-Co Sales & Marketing, Fishers, IN, Matt Lillig, Cornerstone Services Group, Omaha, NE, Brandon Larson, Armacell, Rochester, MN, and Rob English, OC Foamglas, St. Louis, MO.



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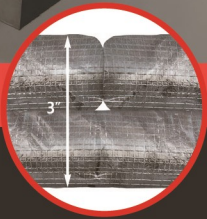
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JURY AWARDS \$650K IN DAMAGES FOR MASSACHUSETTS CONTRACTOR'S UNLAWFUL RETALIATION AGAINST INJURED IMMIGRANT WORKER

BOSTON – A federal jury in the District of Massachusetts has found that a Massachusetts employer and his company retaliated against an employee who reported an on-the-job injury. The jury awarded \$650,000 in damages – \$600,000 in punitive damages and \$50,000 in compensatory damages – as a result.

The verdict stems from the U.S. Department of Labor [lawsuit](#) filed against Tara Construction Inc. and its chief executive officer, Pedro Pirez, in February 2019 following a whistleblower investigation by the department's [Occupational Safety and Health Administration](#). The lawsuit alleged that defendants initiated a law enforcement investigation and facilitated the employee's detention by U.S. Immigration and Customs Enforcement after the employee reported a serious injury and caused OSHA to open a rapid response investigation.

“The Department of Labor will not tolerate retaliation against employees who complain of workplace abuses, including when an employer seeks to use an employee's perceived immigration status as a way to intimidate workers. Successful enforcement of worker protection laws depends on workers being empowered and feeling safe enough to speak out for themselves and their fellow workers. If workers are brave enough to come forward, we will use all legal tools we have to protect them,” said Solicitor of Labor Seema Nanda.

“The Occupational Safety and Health Act protects the rights of all workers, and – as we did here – we will pursue significant punitive damages when necessary to punish and deter those who violate workers' rights,” said Regional Solicitor of Labor Maia Fisher in Boston. “In this case, the jury assessed \$200,000 in punitive damages against defendant Tara Construction and \$400,000 in punitive damages against defendant Pedro Pirez. We seek and obtain punitive damages under the laws we enforce to ensure employers understand that it is not only unlawful, but also costly, to retaliate.”

“The Occupational Safety and Health Act prohibits employers from retaliating against employees who exercise their rights under the Act, regardless of the employees' immigration status. This includes reporting injuries and causing an investigation or any proceeding under or related to the Act. This verdict sends a strong message to employers that there will be severe consequences when they violate the law and employee rights,” said OSHA Regional Administrator Galen Blanton in Boston.

OSHA enforces the whistleblower provisions of [25 statutes](#) protecting employees who report violations of various airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, motor vehicle safety, healthcare reform, nuclear, pipeline, public transportation agency, railroad, maritime, and securities laws. For more information on whistleblower protections, visit OSHA's [Whistleblower Protection Programs webpage](#).

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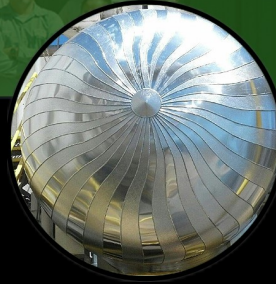
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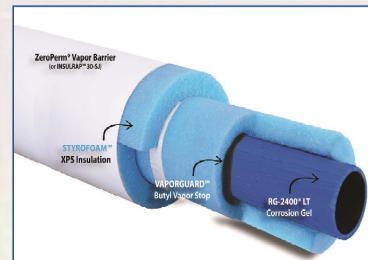
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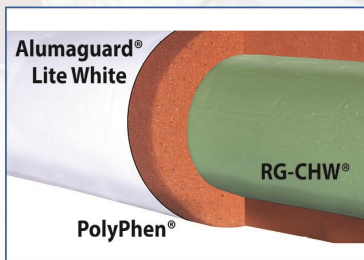
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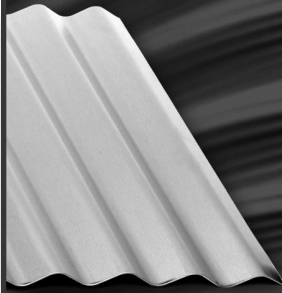
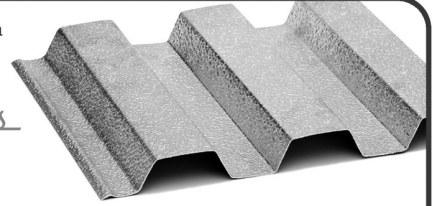
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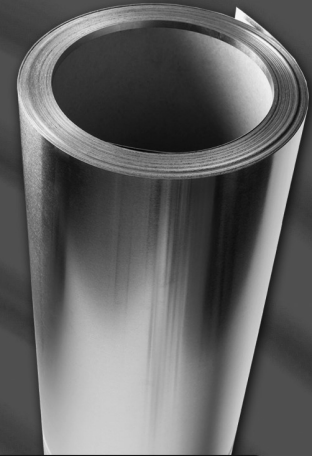


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DODGE MOMENTUM INDEX SHOWS GAINS IN MAY

HAMILTON, N.J. – June 7, 2022 — The Dodge Momentum Index (DMI) jumped 7% in May to 176.2 (2000=100), up from the revised April reading of 165.2. The Momentum Index, issued by Dodge Construction Network, is a monthly measure of the initial report for nonresidential building projects in planning shown to lead construction spending for nonresidential buildings by a full year. In May, the institutional component of the Momentum Index rose 9%, and the commercial component increased 6%.

May’s increase in the Dodge Momentum Index pushed the level of planning above the most recent cyclical high in November 2021. During the month of May, commercial planning was led higher by an increase in office and hotel projects. Institutional planning was boosted by an increase in education and healthcare projects entering planning. On a year-over-year basis, the Momentum Index was 17% higher than in May 2021. The commercial component was 24% higher, and the institutional component was 8% higher than one year ago.

A total of 19 projects with a value of \$100 million or more entered planning in May. The leading commer-

cial projects were the \$333 million Bitcoin Mining Facility (a large computing building) in Corsicana, TX, and the \$300 million Gun Lake Hotel and Resort in Wayland, MI. The leading institutional projects were a \$250 million Drexel University life sciences building in Philadelphia, PA, and the \$160 million Colorado Research Exchange life sciences campus in Broomfield, CO.

Despite higher interest rates and fear of recession, nonresidential building projects continue to steadily enter the planning cycle. While higher prices and labor shortages may result in projects reaching groundbreaking later in 2022 or early 2023, they provide hope that the construction sector will be able to withstand a potential economic slowdown fed by higher interest rates.

DODGE MOMENTUM INDEX
 (2000=100, Seasonally Adjusted)

	May-22	Apr-22	% Change
Dodge Momentum Index	176.2	165.2	6.7%
Commercial Building	199.4	188.7	5.7%
Institutional Building	147.6	136.0	8.5%

Source: Dodge Construction Network

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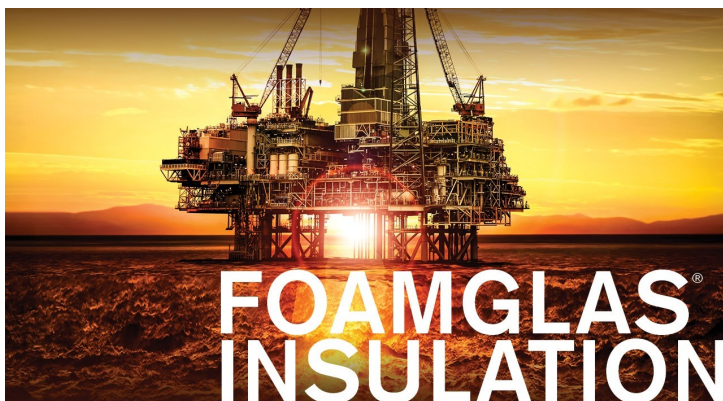
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