

Valley Business Report

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May 2012



The Creative Class

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Numbers Don't Lie

"You guys are doing something right. But, there's still a lot of work to do."

Recently, Dr. Steve Murdock of Rice University detailed Rio Grande Valley population numbers and how projected demographics will have an effect on the local, state and national economy. There's good news in the Valley. Local job growth numbers in certain areas beat the national numbers by a factor of three or more. Recent local job increases surpass the national numbers by leaps and bounds in the following sectors: finance and insurance, real estate rental & leasing, professional, scientific, management, administrative, waste management services, education services, health care, social assistance, arts, entertainment, recreation, accommodations and food services. Nationally, job growth from 2000 to 2010 in these areas was only 22 to 26 percent, while locally job growth was 67 to 101 percent! People, this is huge! We are on the right track, but there's no time to get comfortable.

While an increasing population and more dollars from Mexico coming into the Rio Grande Valley are positive economic signs, Dr. Murdock singled out a very direct message: Education must do more.

Maybe it was his delivery, maybe it was his intense eyes that caused everyone in the room to take the message to heart. The point was clear: If we're going to survive, it must start with educating our young people: Kids staying in the classroom through graduation, earning at least a bachelor's degree or certificate, learning a skill and/or trade. We have got to do a better job of equipping tomorrow's workforce with the tools to compete in the global marketplace.

We all know education creates jobs, but are we doing our best? The end product of educating our young people is that many will stay at home and contribute to the local economy. There's no quick fix, but the solution is an everybody-needs-to-sign-up process. Certainly, we need the legislature to reverse the trend of cutting education dollars, but we all need to contribute. It starts at home. Parents must create and encourage the best possible learning environment for their children to excel in and out of the classroom. The next challenge is to educators, from teachers taking the lessons to

the kids and school districts making the best use of available dollars to universities doing everything possible to make sure students earn a degree or certificate. Businesses must partner with the education community. No one is free from this responsibility. It's time we all get involved. When we do, the local economy wins.

We are in a position to create change: showing the rest of Texas and the nation we mean business. The day is coming when the Hispanic population in the U.S. will no longer be a minority. Current Valley demographics are where the country's demographics will be by 2042. It's fair to say, the Rio Grande Valley is leading the country. Now let's make sure we are leading in the right direction.



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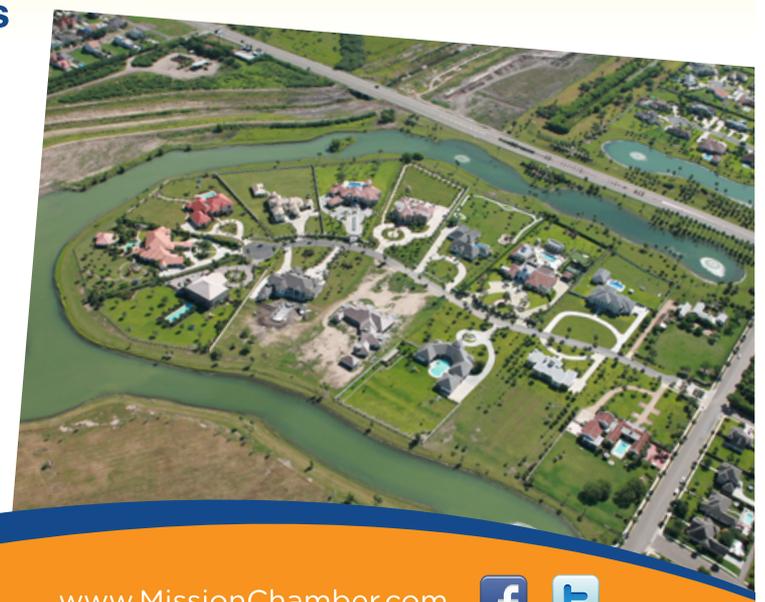
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The Creative Class - Making Art for a Living

By Eileen Mattei

Creativity is intelligence having fun, according to Albert Einstein. But can you run a business based on creativity, which is traditionally the realm of artists, musicians, and writers? The stereotype has them setting their own hours, wearing nontraditional attire, acting independently and not earning much.

In "The Rise of the Creative Class," author Richard Florida gave an entirely new definition to the term creative class, which he describes as the cadre of knowledge workers and information technologists who are vital for economic growth. Florida said those techies, who value individuality, meritocracy and diversity, seek communities that have vibrant art, music and creative outlets (the traditional creative class) and other signs of a higher quality of life. As the border region strives to attract new, high tech businesses, a climate that supports artists and musicians has become a critical factor for economic development. Already, enlightened Valley businesses sponsor arts programming such as symphonies, museum exhibitions, and performances while buying works of regional artists and writers.

The Valley, which has always had artists, is beginning to give more visibility, commissions and gigs to a wide range of artists from architectural blacksmiths and portrait painters to graphic designers and jazz musicians. In Brownsville, artist and former Smithsonian curator Mark Clark runs Gallery 409. Dozens of murals brighten the exterior of Harlingen businesses such as Antiques Emporium, Books N

Things and Shaub Art Studio. Downtown District merchants have commissioned two new murals. In McAllen, Nuevo Santander Gallery, an anchor of the Art District and a founder of the monthly Art Walk, continues to showcase regional artists along with colonial and ranch artifacts. The 2012 Texas Poet Laureate is Jan Seale of McAllen. Music, dance and art classes and the stores supplying appropriate tools and accessories operate in the region's larger communities. Artists consign their works to galleries, which charge fees between 15 and 40 percent to sell them, so they can concentrate on the creative side.

Art Village, which covers an entire McAllen block, opened three years ago to provide a central venue for art-related businesses, according to Yoli Cantu.



At Tippy Canvas, adults enroll for an evening's painting instruction. (VBR)



Texas Poet Laureate Jan Seale signs copies of her books after a reading. (VBR)



Markets fluctuate. Relationships shouldn't.



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She is the owner of McAllen Stained Glass and with her husband, builder Alonzo Cantu, designed the studios and office spaces.

Cantu, who began working in stained glass in 1986 as a hobby, soon moved on to creating custom stained glass panels for clients. After that, the onetime kindergarten teacher expanded into teaching formal glass art classes for adults. Cantu was commissioned to create the new McAllen library's murals, which measured 12.5 feet by 7.5 feet each. The stained glass panels took five months of long, long days and required the help of other artists, friends and her father, in order to meet the deadline, she said.

Cantu's walk-in traffic peaks in winter as Winter Texans taking art classes in their parks come into buy supplies. The rest of the time Cantu concentrates on commissioned work and classes. "I wish I had more studio time, and sometimes I consider cutting down on my retail time. But I love my customers. Some have been coming to me for 20 years. I also love to have young people come in and ask how something is made."

Last summer Cantu developed a two-week summer camp for kids six to 12 years old and will have it again this summer. "What's very popular right now is mosaic glass. It's an introduction to glass art which we can do without using too many Band-Aids," she laughed. "I want kids to learn, see, and appreciate, but we want to give serious art collectors a chance to see what we have, too. Art collectors are business people who don't have much freedom to shop during the day."



Musicians who tour internationally describe UTB's Arts Center as one of the best halls to play. (VBR)

Action shots

Rodrigo Rodriguez relocated his production company Rio Bravo Films from Houston to Art Village over two years ago. "We love it. We feel at home," said Rodriguez. In offices decorated with movie posters of Mexican action heroes and Addy awards, the company creates commercials, films, and websites for hospitals, banks and other ad agencies. Fifty percent of their clients are outside of the Valley and the group recently completed a film for a Houston company that will be aired in China. "At the high end, where we are, the market is very strong," he said.

The owner of Serena Pandos Gallery, the newest Art Village tenant, walked away from an arts administration job to return to her creative side. "I feel like I'm living my dream. This is a great space with a lot of light," Pandos said. "I was struggling at first keeping regular hours, but I'm the only employee. I can interact with people. Making art is such a social thing, in some ways." She is organizing a young people's studio in the summer time and teaches watercolor and drawing workshops on a weekly basis.

Susy's Dance & Fitness covers two floors of spacious studios where flamenco, ballet, jazz, tap, break dancing and other classes are held. At Buttercream Café, where parents sip coffee and snack while their children attend classes, a split screen TV broadcasts real-time images of Susy's classes. In contrast, inside Topsy Canvas on Thursday, Friday, and Saturday evenings, budding adult artists paint on canvas as an instructor guides them step by step in painting the evening's assignment, which could be a city nightscape, a landscape, or a spray of poppies. Other Art Village tenants include, web designers MPC Studios and Imagine Showroom.

Perfect pitch

In Brownsville, the superb acoustics and outstanding design of the Arts Center at UTB has prompted internationally renowned musicians to call it one the best halls they've played in. The two year old performance hall has scheduled string quartets and orchestras, jazz singers, dance

Serena Pandos works on a commissioned portrait in her studio gallery. (VBR)



troupes, the road company of "Fiddler on the Roof," the Guitar Ensemble Festival, and much more for the next season.

Gallery 409, set in Brownsville's second oldest building, has grown into a popular venue because of the frequent art shows of border region artists. The Frontera Jazz quartet performs here occasionally.

Poet and author Seale is traveling this Texas this year, reading from and selling and signing her books, which include poetry, essays, short stories and "The Nuts & Bolts Guide to Writing Your Life Story." UTB anthropologist Dr. Tony Zavaleta has just published "Medicinal Plants of the Borderland."



Yoli Cantu creates stained glass panels and teaches at her Art Village gallery, McAllen Stained Glass. (VBR)

Life's a Beach for Clayton Brashear

By Eileen Mattei

When the economy gives building contractors a lemon, some make lemonade. Clayton Brashear on the other hand has made margaritas and pina colodas and built Texas' biggest beach bar to serve them. Last June Brashear opened Clayton's Resort, a restored 1950s private beach retreat, and Clayton's Beach Bar & Grill on South Padre Island, opposite the World Birding Center. The Brownsville native and longtime island contractor positioned his beach bar to appeal to Valley residents rather than tourists.

Brashear has successfully linked the ambiance of the island 50 years ago--before the causeway existed--with 21st century beach culture. In 1958, an oil supply company had built a 10-room lodge designed for entertaining oil company officials and their families. At that time, a caliche road ran down the middle of South Padre and no high rises interrupted the horizon. Photos from the 60s and 70s show fishing parties, kids in the pool and mariachis entertaining a small group after supper at the retreat.

Brashear, who moved to the island in

1979, bought the inconspicuous property 12 years ago. Last year as his construction company felt the effects of the recession, he decided to develop the retreat and its beachfront property into a Valley family fun destination. The 1.2 million people within 90 minutes of the beach form his market, one that Brashear thought was hungry for what he could supply.

"The Valley comes to the beach all summer and I felt it needed a place right on the beach. People could just come for the day and bring their kids, sit on the beach and come into the bar, have a drink and eat lunch," he said.

In fact Brashear said the response has been exceptional. "The Valley was so eager for something new. Ninety percent of our customers are from the Valley." Tourists tend to gravitate to the center of town, not to the north end.



Clayton Brashear has discovered the big difference between running a construction company and a hospitality business. (VBR)

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Clayton's was designed to appeal to Valley families rather than tourists. (VBR)



Brashear, 50, decided to have the biggest beach bar in Texas. That required researching the beach bars on the entire Texas coast, Corpus

Christi to Galveston. Someone had to do it. Then Brashear designed the high-roofed, wood-floored, spacious dining and drinking area that has great views and a tropical, friendly ambiance. Over fish tacos or ceviche, sipping a turbo pina colada, customers relax as laughing gulls cruise past and the smell of coconut sunscreen rides on the southeast trade wind. The moose head draped in sunglasses and party beads over the bar plus the signs encouraging readers to Live a Beach Life entice people into a beach mindset. Beach volleyball courts attract the marginally athletic.

Before spring break, Clayton's Bar & Grill added an expansive deck, more than double the size of the original bar. Brashear said the 20,000 square foot space is perfect for weddings and reunions. It functioned well for the crowds who showed up for Semana Santa, too. Clayton's has 300 parking spaces to accommodate weekend visitors. The bar has bands Thursday through Sunday.

For the resort itself, Brashear wanted a small period-piece motel. His model was the vintage San Jose Motel on Congress Street in Austin. "As a builder, I wanted to keep the original design and feel of 1950s. I wasn't going to make this place into something it's not." He described resort customers as middle-aged and looking for three things: an escape from their children, an opportunity to have a good time at the beach bar, and lodging that is not a chain hotel. The 10-room motel does not take guests under 25, due to child safety codes and the building's grandfathered status.

Completely different

The shift from being a contractor to being in the hospitality business was more startling than Brashear expected. "It's 100 percent different. Construction is 8 to 5, five days a week. Clayton's is constant. It takes more time: 365 days a year, all day until two o'clock in the morning," he said. "Life makes a turn. I've adapted. I've always loved the ocean."

Clayton's is the only Valley venue for sky diving, hosting Skydive South Padre. "We've been good for each other," Brashear noted. "Skydive gets customers when people come to lunch and see they can sign up to tandem skydive. And people see the skydivers overhead and come here to watch them land and they find us."

Clayton's visitors in its first year include Jerry Jones of the Dallas Cowboys, Sandra Bullock, and, one bartender insists, Jimmy Buffet checking out the competition.

In May Clayton's will begin offering sand castle lessons led by prize-winning Sandy Feet. All year long, Clayton's offers the Valley a great day at the beach.

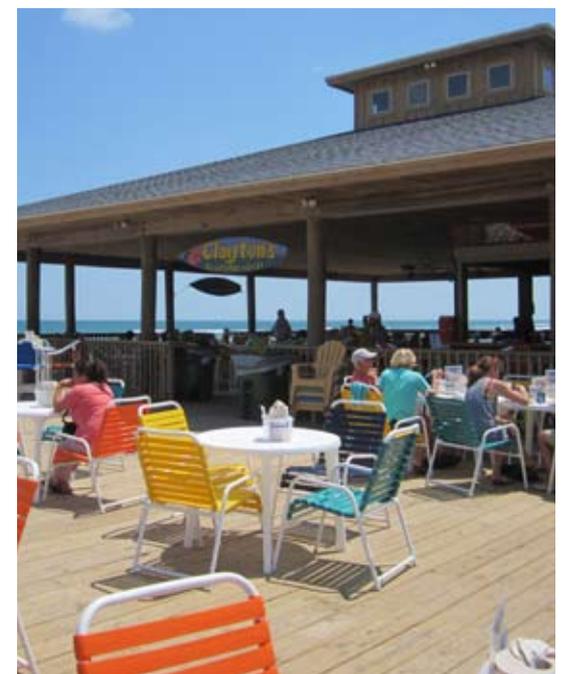
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The new deck at Clayton's Bar & Grill catches the beach breeze. (VBR)

Advice from an Entrepreneur: Rob Forbes

By Eileen Mattei

"Follow your passion. Create a competitive advantage. Fail frequently," designer Rob Forbes advised would-be entrepreneurs among UTPA business students. Dressed in a long-sleeved t-shirt and worn jeans, Forbes talked about the work involved in building his businesses. "I'd be useless working for a company producing things I didn't believe in," admitted the founder of Design Within Reach and Public Bike.

"I'm a working stiff, an entrepreneur running a small business, just working all the time. I'm a believer in figuring out how to do things your own way," said Forbes, who has a MBA from Stanford and a Master of Fine Arts degree. What he does best is build brands and differentiate them, taking risks and writing the copy that tells the stories about the stuff he sells. First and foremost, Forbes sells products he appreciates.

Forbes had started out as a potter intrigued by color and patterns. After working as a designer for major brands including Williams-Sonoma and The Nature Company, he decided to go out on his own. He gave a politically incorrect reason for that step: the need to leave good companies that grew too large and started doing stupid things.

Design Within Reach started in 1998 and had \$160 million in sales in five years. "Honestly I've done well because I've always associated with people more talented than I am," he said. His own design talents he applied to build a competitive advantage. Instead of showing 20 different products on a catalog page as most companies do, he used the same space to spotlight details that made one product exceptional. "Be dramatic, if you believe in what you're doing."

In 2008 Forbes sold the business via an IPO. Two years later he launched Public Bikes, translating his personal sports-biking passion into an elegant, affordable city bike derived from the European transportation choice in densely populated areas. The Public Bike theme became Mass Transit for One. "You can ride them with heels, skirts, bottles of wine, laptops," said Forbes of the stylish yet practical, upright ride. He's not anti-car, but thinks bikes are better for city life.

Forbes turned to experts to assist him with the bike design. "Our bikes are radical technology but they are classic and last a lifetime. The customer's biggest decision is what color to get." He has the bikes made by other experts in Taiwan.

Forbes thinks differently about retail, aiming

for an environment where people feel comfortable. "My primary mode of persuasion is seduction," said the entrepreneur. "There are 20 reasons why you should ride a bike, but the biggest obstacle is that it is scary to ride in traffic unless you are very comfortable." So Forbes made the bikes with ergonomic features that work well for women and for men. Yet, he thought it would be easier to change consumer culture than it was, and that's because cars are so convenient.

"If you want to be an entrepreneur, just get comfortable with a lot failure," said Forbes, before describing Public's initial absence of sales. After the shock, he figured out why it didn't work: "Our price was about 30 percent higher than it should be." Now, Public is expected to break even this year on sales of \$5 million, thanks to good fortune and hard work. Forbes enumerated Public's strengths: a brand and an enthusiastic staff who really care about the product. "The challenges are too numerous to list."

Forbes has surrounded himself with a supportive group and recommended that young entrepreneurs do the same. "Your partners, whether they are investors or advisors, should chal-

lenge you and be people with strong opinions. Find someone who believes in you and what you are doing." He recommended that all business students read Jonah Lehrer.

So will the Valley ever be a place where it's cool to bike? Forbes replied, maybe when gas goes up to \$6 a gallon and the population is much, much denser. In the meantime, encourage bike racks and bike lanes.



UTPA's Dr. John Sargent and George Gause join Public Bike-riding Rob Forbes and UTPA librarian Virginia Gause for a cruise around campus. (Courtesy)

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Black Iris Blooms in Mission

By Eileen Mattei

From the age of eight, Nancy Algrim was fascinated by fabrics and fibers, sewing and weaving baskets from fibers. After earning a Fine Arts degree with a focus on fibers, Algrim arrived in the Valley in 1982 with dreams of opening a boutique in Mission. Lacking the money to buy inventory for a shop, she began teaching art classes while sewing on the side.

Her Black Iris Boutique and Gallery opened soon after and became a place for contemporary apparel. Her shop carries Eileen Fisher and Flax labels, which are constructed of all natural fibers with solid colors predominating. "Eileen Fisher is high end, and Flax is well-made but more affordable," said the petite Algrim. "Eileen Fisher has a cult following. For some people who like that line, that is all they wear. More people mix them because the two lines look good with each other." In April, Algrim was already ordering fall clothing for the Boutique.

Personal service and Algrim's sense of style and taste have everything to do with Black Iris's longevity. "The idea is to wear solid colors and accessorize them. You'll wear those pieces

longer," she advised after nearly 30 years of boutique ownership. "A lot of women know what they want, but they like to get reinforcement. They like to get my opinion. Even with the economy like it is, we're still here. I've had some customers forever." The loyal customers know that Algrim reworks hems free of charge and provides the same service gratis for most alternations of items purchased at Black Iris. A customer who moved to Philadelphia makes a point of shopping at Black Iris when she returns to the Valley.

Algrim believes that clothes alone won't create a stunning outfit. Accessories make a difference.

"I decided I wanted to make my own accessories. I took classes to have truly unique pieces." She and her husband, glass artist Curtis Whatley, regularly enroll in classes in New York at the Corning Museum of Glass studio. "Anybody who's interested in glass should go there. It helps you decide if it's really what you want to do," she said. Their art glass, which include large flatwork pieces and beads by Whatley and intricate beads and earrings by Algrim, are exhibited at Black Iris.

Nancy Algrim shows off handmade accessories, which are a hallmark of Black Iris. (VBR)



But Algrim doesn't limit her handmade accessories to glass jewelry. Her senior BFA show was on felting, a fiber art which is now in vogue. Felting applies heat, moisture and friction to raw wool fleece in a way that makes the fibers interweave and form a fabric, Algrim explained, showing some of the felted scarves and jewelry on display at Black Iris. This year she's taught several felting classes, including felting over fabric and wire, at Black Iris and on South Padre Island. "Through the years, I've always tried to offer a few classes," Algrim said. She has taught at IMAS and its predecessor museum, instructing in tapestry weaving, rag basket making, and related arts.

The combination of running a boutique and teaching has immersed Algrim in the Hidalgo County community. "You get to know everybody," she said. And they in turn see Algrim as a resource. "I get calls from people asking how to wash a white cotton suit or how to restring pearls."

At Black Iris, surrounded by a rainbow of colored threads, Algrim's sewing machine sits in an alcove, ready to hem a pair of Eileen Fisher pants. "I used to sew a lot for myself. Now I try to do more glasswork when I have free time, when Black Iris is closed."

Algrim and Whatley participate in one art show annually, the Beachcombers Show on South Padre Island in July, organized by the Harlingen Art Forum. "It's a great show for those wanting to decorate," Algrim said.

For more information, see www.irstex.com or visit Black Iris at 14000 N. Bryan Rd., Mission.

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Would You Hire This Guy?

By Susan LeMiles Holmes

What does talk show host Jay Leno have in common with scientist-mathematician Albert Einstein? They both suffered with dyslexia, a learning disability that had nothing to do with the gifts each of these men gave to society. Leno's limitations were so bad his mother was told he should not try to go to college, and Einstein's symptoms were so acute he was known as "the village idiot." Would you have hired either of these men?

Cases abound documenting lives of people with serious disabilities who have excelled far beyond predictions of their very normal families and pious physicians. One of my favorite stories is of an autistic woman, Dr. Temple Grandin, (yes, she has a PhD) who almost singlehandedly revolutionized the livestock handling industry across America.

She believes her ability to change an entire industry is based on the fact that her brain is wired like an animal's rather than a human's. There is an award-winning movie about her life that everyone should see; it will make you laugh; open your eyes and your heart. Temple proves what she claims, "The world needs all kinds of minds." Would you have hired her?

How is it that Stephen Hawking, a man stricken with Lou Gehrig's disease, who can't speak or hold his head up is the most brilliant scientist alive? What would the world have missed without the perspective of a deaf musical composer named Beethoven, or the thrill provided by golfer Ben Hogan winning five major titles in a single year after a crippling car wreck?

There are some not-so-famous, disabled people among us too - the veteran coming back from war in Afghanistan, physically changed and seeking a place in the work world at home; the geeky kid that can't spell "cat" but can fix anything in your shop, the shy person who is as reliable as the sun coming up, but who takes longer to learn and adjust to a routine. Do you hire any of them?

The positive impact the differently-abled can have on your business may be hidden by prejudices, but it is revealed in statistics on issues HR people face every day like available labor pool, turnover and retention, employee motivation and work group morale.

As the economy recovers and the workforce ages, the labor pool is going to shrink, making it harder than ever for companies to fill their vacancies. Companies can't afford to ignore any source of qualified reliable workers.

According to a study of 8,500 persons with disabilities in competitive employment -

this group has a nearly 85% job retention rate after one year as measured by companies like DuPont and Sears. Pizza Hut stated that their turnover rate for people with disabilities was 20% compared to a 150% annual turnover rate among non-disabled employees. Talk about relieving a headache!

Employers report that differently-abled workers are motivated by the desire to give something back, opportunities for personal growth and social inclusion, and that they have positive influences on the morale of other workers.

Your marketing department will love the fact that the Society for Human Resource Management (SHRM) reports that 92% of Americans favor companies that hire the disabled and 87% prefer to do business with companies that hire the disabled.

Technology makes it easier than ever to provide reasonable accommodations and some of the simplest alterations to a work station or application process are all that is needed. The Texas Department of Assistive and Rehabilitative Services (DARS) can assist your company with evaluating positions, creating job descriptions and choosing the right employee.

Bruce Bell, Unit Program Specialist in the

DARS Harlingen Field Office, says, "We work with people with an amazing variety of challenges and we have success stories everywhere. Disabled persons contribute in allied health positions, service industry jobs and trade occupations. Oil and gas development in The Eagle Ford Shale project has boosted hiring of disabled workers too, and some of these are tough jobs. All it takes is good planning and the right match."

DARS will visit your company's site to help with work station design, training and employment transition. Your organization might qualify for a tax credit or financial assistance with workplace modifications. And, maybe the next Ben Hogan can play on your company golf team. Bell can be reached at 956-389-8950 or at bruce.bell@dars.state.tx.us.

Susan LeMiles Holmes is Director of Career Services at TSTC and a published novelist. You can inquire about hiring TSTC graduates by emailing susan.holmes@harlingen.tstc.edu or learn about Susan's novel set in The Valley, Touch the Mayan Moon at www.susanlemiles.com.

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Wedgie Breads are Fresh from the Oven

By Eileen Mattei

Wedgie Cookie Company started as a joke, according to owner and chief baker Martha McLemore. She had fallen in love with baking when she managed a French pastry shop on Bainbridge Island near Seattle. Relocated to the Valley, McLemore started making cookies again, sending them to her oldest son at the U.S. Naval Academy. At the time, she was managing the Iwo Jima Memorial Museum on the Marine Military Academy campus and got the go-ahead to launch a business delivering fresh cookies to MMA cadets, with part of the profit going to the museum. When an acquaintance questioned the viability of the business, McLemore described her triangular cookies and brownies as “the wedgies everyone enjoys.”

Since 2010, Wedgie Cookie Company has operated from a commercial kitchen and bakery shop in a 1920s wood frame house near the corner of Expressway frontage and Altas Palmas. The business grew to supply the customers who sought her out. Rivers Bend Nursery began taking weekly deliveries of 100 mini-loaves of breads made from the nursery's tropical fruits, such as mango and other baked goods for the annual Mango Festival. That was

followed by requests for exotic jams and jellies, items now available in the shop.

“I love working with bread dough. I like experimenting with different herbs, things you won't find in the typical Valley bakery,” said McLemore. In her white baker's cap, she popped up like a piece of toast when oven timers buzzed in her kitchen. From one of her Vulcan ovens, she pulled eight fragrant loaves of bread. McLemore, who delights in working with different grains, makes her breads and cookies in small batches for freshness. Each day she makes a specialty bread, such as whole wheat walnut or multi-grain extraordinary, plus standards such as pesto bread along with dessert breads like apple bread with praline glaze, banana foster banana bread and lime coconut.

In the shop, open Tuesday to Friday, the long loaves sit in baskets next to glass jars of cookies labeled as rose geranium crisps, cheesecake brownies, mango pico drops and assorted chocolate treats. Originally, McLemore sold the cookies in three ounce packages, but her customers wanted to pick two of that kind and six of another.

“We've changed over to cookie jars and that's worked. And we've gone from wedgies to dots and dashes (shapes),” McLemore said. The wedgies got her into the market place, but she wanted to handle cookies with less crumbs.

Martha McLemore removes another batch of fragrant sweet bread from the Wedgie ovens. (VBR)



The old wood-floored house which holds the bakery adds to the appeal. Duncan Phyfe furniture, china cabinets filled with her Rio Grande Gourmet jams, a long dining table and old fashioned couches that came with the rented house create a friendly atmosphere. The backyard is quirky: a 70-pound African spurred

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tortoise lives there and eats mango skins and carrot scrapings.

“We started off selling off the dining room table and had handwritten receipts. Now we actually have a cash register. I can look and see what I’ve sold the most of each day: breads, cookies, pesto, jams,” McLemore said.

McLemore admits being surprised about the demands of running a full time business. “You’re married to it. But I enjoy coming to work,” she said. “When it’s something you’re passionate about, you always want the best for your customers, the best ingredients. I have a customer who comes in often to buy cheesecake brownies. He just told me he’s lactose intolerant but can’t resist the brownies.”

For help starting her business from scratch, McLemore turned to Facebook. “It’s the greatest free marketing tool,” she said. She also emails a weekly newsletter about the week’s special and seasonal items. McLemore and her husband have an urban aquaponic farm where they grow many of the herbs used in the breads and vine-ripened tomatoes.

On Saturdays, all the cookies in the shop are taken to the Harlingen Farmer’s market. McLemore sells at a single market because she wants to develop traffic for the store from local residents. The plan has been to take unsold cookies to the Ronald McDonald House after the market, but to date there have not been leftovers.

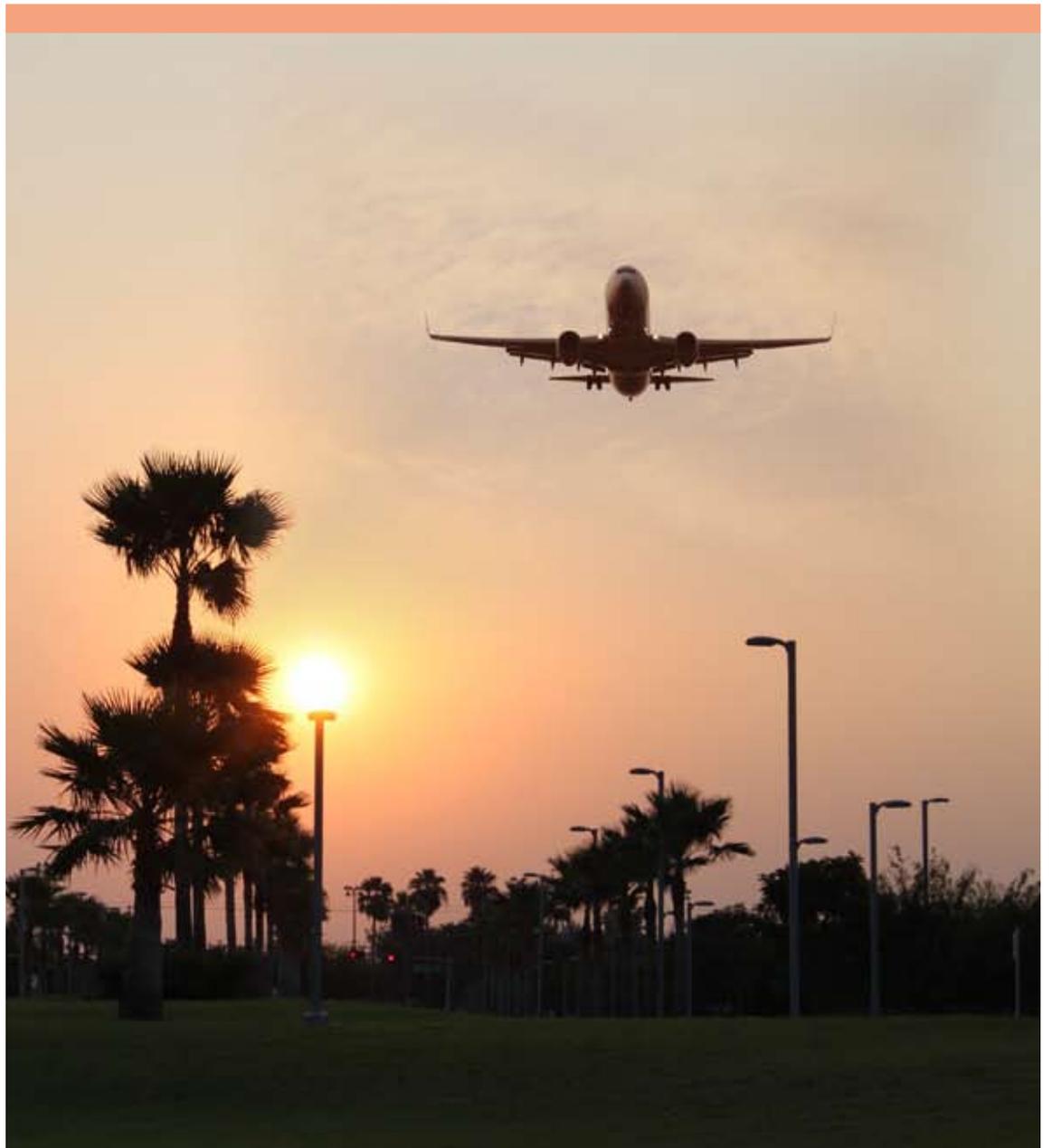
Recently a nut company asked McLemore to develop some pecan recipes. “I like it when someone gives me a challenge.” McLemore will soon be milling the wheat used in her breads. “It makes a big difference in the flavor of the bread. We already mill our flax.”

The bakery on Altas Palmas is planning to expand to include a café or sandwich shop. “I’d like to move into making sandwiches with the breads. This area of town is expanding and it needs places to eat.”



Customers select their Wedgie cookies from glass jars. (VBR)

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Feeling Really Good on the Island

By Chuck Swanberg

Imagine this: a morning or afternoon drive to South Padre Island on a warm, sunny day. Maybe you walk the beach, sit on the sand and watch the waves, have lunch or dinner at one of the many eateries. Now, throw in this - a luxurious session with a highly experienced and well-trained massage therapist. Sound good? Well, it does to the many clients of Dolores Ferrentino at The Massage & Healing Arts Center and Day Spa.

Ferrentino, a long-time Island resident, migrated to SPI in the mid-80s from Queens, NY. "I came for a visit and never left," she said. She brought her youth and enthusiasm, her training from the Swedish Institute in New York, her experience as a massage therapist and a willingness to work hard to grow a business in her new home.

After a two-year stint as a massage therapist and manager at the Sunset Health Club on the Island, Ferrentino founded her own business, the Massage & Healing Arts Center, at 2600 Padre Blvd. For the next five years she remained there, building her clientele and her business. She began hiring other

massage therapists as independent contractors, each with their own specialty. As part of the interview procedure, she would request a massage from the prospective therapist and if she saw potential, began the process of training the new therapist to her own high standards of excellence and customer care.

One of Ferrentino's secrets for success has been to become acquainted with each client and she has demonstrated a prodigious memory for her clients' names and massage therapy needs from previous appointments. "I love running my business and will eagerly jump in to help out with a client's nutritional and detoxification needs," she said. She encourages parental participation in their children's massage therapy as an avenue to family cohesion and togetherness. Ferrentino believes in consistency and unconditional giving.

Ferrentino is health-conscious and happily shares her formula for good health and wellbeing with her clients as part of a holistic approach to one's overall health. Her mantra of healthy food and healthy attitude are but a part of the therapy provided at her center. She is passionate about her work and is eager to discuss healthy living through a healthy life style and massage therapy with anyone.

The Massage & Healing Arts Center offers

a wide array of healing sessions including Hot Stones, Pregnancy Massage, Deep Tissue, Acupressure, Swedish Massage as well as Energy Balance sessions. The Center also offers manicures, pedicures and facial appointments. After a consultation, Ferrentino and her associates tailor and design each massage to the individual's needs. They all agree that every client is very special and deserves the greatest care.

A Chair Massage is performed in a specially-made chair and the client remains fully clothed. The massage focuses on the upper body, head, neck, shoulders, back and arms. Each session lasts between 10 and 30 minutes and addresses many common problems of today's stresses. Chair massages are mobile and can be given at the Center or special events.

Ferrentino also offers colon hydrotherapy or irrigation of the colon, with a doctor's prescription. "This therapy helps restore the natural digestive balance in one's colon. Each therapy session is designed," Ferrentino said, "for each person in order to maximize the benefits of the therapy. Three key points of colon hydrotherapy are hydration, peristalsis and sanitation."

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Dolores Ferrentino. (Doyle Wells)



Another of Ferrentino's passions is the Friends of Animal Rescue Group on South Padre Island. She tirelessly promotes the rescue of lost and abandoned dogs and cats and occasionally, horses. She has, on numerous occasions, taken rescued animals to her own home and place of business to help socialize the animal in a loving and caring environment. One only needs to see Ferrentino around these hapless creatures to understand her appreciation for life in its fullest.

"My participation is really very small, but I love helping keep the Rescue group viable along with other members of my community," Ferrentino said. She donates the proceeds of chair massages at conventions and Sandcastle Days to Friends of Animal Rescue Group. "I have been blessed to have found my calling, especially in the midst of the beauty of South Padre Island. I have found my home and cannot imagine living anywhere else," said Ferrentino. Ferrentino's dedication to her clientele, her husband, Doyle, the rescue animals and her home all stand as examples of a great business model.

For more information, see www.spi-message.com, or call (956) 761-1814. The Massage & Healing Arts Center address is 2100 Padre Blvd, Suites 2 & 3.

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Q&A The Valley Rental Market

Jeannie Swindle is a Valley investment manager for Pinnacle, American Management Services. The national firm owns or manages five Valley apartment complexes with a total of 940 units in both conventional and affordable properties. She talked with the VBR editor about her views on the current rental climate.

Q What is happening in the local rental property market?

A Within the past year, the occupancy has increased from the lower 90s to the mid-90s. A lot of people who had lost their jobs went home to stay with family. They are coming back to apartments now, especially into the affordable (voucher-supported) units. Existing properties are being added onto and going forward with their second phase. Affordable housing units are now in the bidding process with construction possibly starting in July.

Q How does the Valley rental market compare to the rest of Texas?

A We are comparable with San Antonio and Dallas in occupancy. All over, due to uncertainty about the economy and the way banks

are limiting lending, fewer people are buying homes. That leads to the rising demand for rentals. Particularly in McAllen, Mission and Brownsville, the combination of population growth and the influx of Mexican nationals is accelerating the demand.

Q What factors make the Valley different from other areas?

A Three major and growing factors in the Valley rental market are the presence of Homeland Security and Border Patrol staff, Mexican nationals and corporate housing for maquila personnel. About 25 percent of our mid-level units are occupied by people who are connected to Homeland Security. Many know they will be in the area for only six or seven months, and a rental is their best option. Corporate renters account for up to 15 percent of our market. Corporate generally pays for their expenses in furnished units and sometimes supplies housekeeping. Instead of being a transient, the employee feels like they are part of the community. The Killer Bees hockey team, who stay at San Pedro apartments during the season, are non-maquila examples. Renting lets people come to test waters and then choose on their own.

Q Has the market adapted to changing demographics?

A A lot of Valley properties are doing more Mexican

advertising, going after that business through shopping magazines that are distributed in Monterrey and on billboards. For years we didn't do any of that. Now we are marketing to Mexicans who want a second home here or a place for their families. Of course, many Mexican nationals transition to a house. More medical field employees are coming to the area, too, and they stay in apartments while looking for a neighborhood and a house that suits them.

Q What's the average rent now?

A The rent has stayed pretty much the same with maybe a slight increase. A Class A, high-end one-bedroom unit rents for \$750-\$800 per month. Affordable units, where the rent is based on income, run between \$500 and \$650, with the older properties at \$450.

Q What do you see in the future?

A Some new properties have come into area recently, and existing ones are expanding to meet demand. The region is not overbuilt.

For more information contact, jswindle@pinnaclefamily.com



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Retention Helps Grow Therapy Clinics

By Eileen Mattei

Brett Tice's 2001 business plan for Back to Action projected 15 of his physical therapy clinics in south Texas. "We've expanded faster than I imagined," said Tice who now has four PT clinics. "I've always been business oriented. I like therapy, but I like the business side better." Tice's Doctorate in Physical Therapy is in executive practice management.

Tice became intrigued by physical therapy after his sister-in-law was hit by a drunk driver, and he spent time with her as she went through long hours of rehabilitation. He enrolled at Oklahoma University and graduated from their top-10-ranked Physical Therapy program in 1996.

Six months after starting his first job at Brownsville Medical Center, Tice was named director of rehabilitation. He went on to manage several large physical therapy practices. So when Harlingen doctors asked Tice to open his own PT clinic, he had both the experience and the motivation—as well as waiting customers—to open the first Back to Action clinic.

"What we've done best is to get and hold good therapists," Tice said. "Because I'm

a therapist, I understand and care about therapists' issues." He has found that happy employees make happy patients. Tice has given the Clinical Directors at Back to Action's four locations a high degree of independence. Three of the directors have doctorates in physical therapy and the other has a master's. "They run their clinics as they want. We have taken the hard parts away," Tice said, by handling the administrative and marketing chores at Harlingen headquarters. "But if they want to be more involved in marketing and management, they are welcome to do so."

The independence seems to keep the therapists content in their work which is reflected in the positive response from their customers. "Patients tell us over and over how their wonderful therapy has been," Tice said. BTA emphasizes hands-on techniques through therapeutic exercise and training which lead to pain relief and functional recovery. To keep patients motivated during long weeks and even months of recovery, BTA has incorporated programs such as Gamercising (think Dance Dance Revolution.) "We try to do things out of the box in all aspects of the business."

Back to Action is a proponent of aquatic therapy, which allows 'weightless' exercise with the joints protected during movements in warm, supportive water. The clinics also provide vestibular therapy

Bret Tice works with a physical therapy patient. (Alan Hollander)



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for inner ear problems, commonly known as fall prevention. "We offer a lot of services not provided at other clinics. As far as I know we are the only ones in Harlingen and McAllen doing fall prevention."

Several years ago, Tice was invited to take over failing physical therapy clinics in Del Rio and Eagle Pass. "They were having a hard time staffing their clinics. The business owners weren't therapists," Tice said. Even with his management duties, Tice remains an active physical therapist, pitching in to help cover increases in patient load. When the clinical directors go on vacation, he steps in as well. Yet the challenge of managing a complex business is what interests him the most.

The traveling required to oversee the far-flung clinics prompted Tice to take flying lessons. The business determined it wasn't cost effective for him to have a plane, yet. "But if we get a few more clinics..." he noted. "Our forte is small towns in south Texas. We've talked about small communities. Now we are looking for opportunities and looking at practices for sale. Once you are our size, people start following what you do." Tice briefly had a partner from the Coastal Bend area, and Back to Action jumped to nine locations for a time.

Tice, who is active in the state and national physical therapy associations, is working to change a state law relating to physical therapists: allowing patients to see a therapist without being referred by a gatekeeper. "Texas is one of the few states in the U.S. where you can't go directly to a physical therapist," he said. "It's smart thing to do because it is cheaper for the patients." People tend to have more positive response from therapy than from medication. "Now all therapists coming out of school are trained in differential diagnosis to rule out other

medical problems. They can refer patients back to their doctor if they see a medical issue that is not therapy related."

Given Back to Action's steady progress to date, Tice foresees no difficulties in achieving his long term goal of 15 clinics.



At Back to Action, physical therapist Brett Tice assists patients in regaining their normal gait after a stroke. (Alan Hollander)

The Fight Against Workers Comp Fraud

By Eileen Mattei

"We do not have the attitude that all workers comp claimants are frauds. We know the majority are legitimate, and that they want to get back to work full time," said Eileen Cook, supervisor of the Texas Mutual Insurance claimant fraud unit and an experienced investigator. "We find that folks don't really like light duty. They want to get back to a full paycheck." Formed by the State of Texas in 1991 to get the workers comp system and premiums under control, Texas Mutual is mandated to investigate and prosecute fraud, including criminal activity through ineligible claims. The company now provides workers comp for 30 to 35 percent of Texas businesses.

Cook said there is a small percentage of employees who are determined to get something for nothing from the workmen's comp system. They continue to claim a disability after they have recovered from an injury, which means the employer is still paying medical costs and wages.

Cook encourages policyholders to call her office when they have a gut feeling something is not right. "You are our eyes and ears," she told TMI members attending a workshop on fraud prevention. "However you come by the information or suspicions, let us look at them. You are not required to determine if a fraud is occurring. Your responsibility is giving us the information and the opportunity to look at what is going on. We build a case, make it strong and turn it over to the prosecutor's office." Workshop participants represented Valley retail stores and medical offices, welding and machine shops, staffing and insurance agencies, non-profits and home health businesses.

Fraud arises when a person receives benefits they are not entitled to, acts deceptively to retain those benefits and is aware their actions are wrong. Feigning injury after healing is fraudulent. Each claimant is informed about fraud initially and with each weekly check. Being noncompliant (not going to the doctor) is not fraud, Cook said. "But to us, that's like a little red flag as is activity inconsistent with the injury. Let us see if there's something we should investigate and make a determination about it."

In 2011, Texas Mutual's claimant fraud office got 1,600 referrals, which were divided between seven investigators. "When you make a referral, you will get a call from an investigator," Cook promised. "We spend a lot of time in the claim file. We can't make a case if we don't know the claim, know what they can or cannot do, and what they tell the doctor. The Grand

Jury wants evidence that the person knows what they are doing is wrong." So the investigative unit researcher, talks to witnesses and does surveillance. "We try not to go on fishing expeditions. They are a waste of money."

Cook said she has never ceased to be amazed at what people come up with. "We've caught more than one person because of videos they put on YouTube that show people supposedly incapable of working who are jumping, running, lifting weights, even bull riding. They are not the sharpest knife in the drawer." Some claimants have started their own business, while numerous others have found other employment while still receiving workers comp benefits. Texas Mutual doesn't wait for 'stolen' benefits to reach the \$1,500 felony level to prosecute. A win for Cook is when Texas Mutual can get all benefits stopped and get enough data to prosecute. "When someone is committing fraud of this nature, they don't get any treatment after that. When we are able to stop indemnity benefits, medical costs stop as well."

On the other hand, the policyholder has the responsibility to notify the carrier when an employee returns to work, Cook added. "Do whatever you can to make sure the adjuster knows the employee has returned. Otherwise it costs you money on your

Fraud investigator Eileen Cook. (Courtesy)

policy."

Perry
Vaughan, executive director of the RGV Chapter of Associated General Contractors

Vaughan sits on the state workers comp steering committee. He said AGC members buy their workers comp through Texas Mutual, and the group's buying powers helps members save between 10 and 11 percent on their premiums.

Texas Mutual, the state's leading provider of workers comp, serves about 50,000 businesses and pays dividends to policyholders. "What I find more and more is that fraud investigation has become secondary area with other carriers," Cook said. "With us it's about service. You want everyone to abide by the same rules."



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Top Ten Ways to Prevent A Lawsuit: Part 3

By Michael Pruneda

In last month's article, which is part of the series, "Top Ten Ways to Prevent a Lawsuit," we showed why a business without privacy policies might be vulnerable to a lawsuit. Those help safeguard your company by preventing the release of internal and client information. Here is another way of protecting your business from litigation and the costly repercussions of a lawsuit.

Step # 8 – Authorizations

John was a small business owner who charged his customers monthly for his extermination service. When customers sign the service contract, they also sign a debit authorization for monthly extermination services.

One day, a customer became upset that her debit card was charged for a certain amount. John told this customer that she signed a consent form and he provided her with a copy. The customer hired a lawyer who filed a civil case in small claims court. During the court proceedings, the contract and debit consent form were admitted as evidence. The contract only stated that the customer agreed to hire the company

for extermination services, and it included a box for the customer to check consenting to a monthly debit charge along with a space for credit card account information. The Court ruled that the documents signed by the customer were not enough to create a contract between them. The alleged contract did not include a description of all the services that were to be provided, an amount for each service, the length of the term the services were to be provided and other legal language most valid agreements contain. The company was ordered to reimburse the customer for debited charges and attorney's fees.

Authorizations are important for many reasons. Most obviously, an authorization establishes what a person agrees and consents to. The more specific the language, then the more difficult to prove it is invalid. Authorizations differ depending on the commercial industry involved and the profession. For example, in the medical field, authorizations protect patients from outside sources that can use their information beyond a reasonable scope of service. HIPPA laws require each doctor or specialist to have written authorization to access a patient's medical record or file for the benefit and treatment of a patient. In an employment context, an employee has to give written authorization for an employer to deduct money from

their paychecks. Many times, employees cause property damage to equipment, vehicles or lose cash. For an employer to recover from the responsible employee directly from wages, written authorization is required by law from the employee. Otherwise, the only means for recovery is through a legal claim. In the financial and lending industry, it is often required that prospective employees provide written authorization for credit history review. Employees in this industry are more closely scrutinized as poor credit would cause concern as the likelihood of fraud, mismanagement or misappropriation increases.

There are core requirements an authorization must have to be valid. According to the Privacy Rules, an authorization must be written in plain terms and signed by the individual as well as a representative of the entity. It must have the name or class of persons authorized to make the request, and it must identify the person authorized to request the information. Among the other elements that are required, but not mentioned, the authorization must also state the purpose of the request and include a description for it to be valid.

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The required statements that must be included involve the individual's right to revoke the authorization and how the individual may revoke it. It should outline the treatment, payment, enrollment, or eligibility for benefits on the authorization and the consequences if they do not sign it, if applicable. The inclusion of the other statements not mentioned should follow the rules according to the Notice of Privacy Practices, especially if it involves medical or research purposes.

It is more often recommended by legal practitioners to require authorizations as a condition of employment. These may include background checks, random drug testing, credit checks and wage deduction authorizations. If you are unsure if you have the proper elements and statements for a valid authorization, consult an attorney. While there are some businesses that take advantage of their clients and act unscrupulously, there are others who don't have the legal guidance at the onset of their business transactions.

If you have questions about preparing a valid authorization, or need legal counsel, contact Michael Pruneda from The Pruneda Law Firm at 956-702-9675, or via web at: www.michael-pruneda.com or www.themcallenbusinesslawyer.com.

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Seeing a Business to the Next Stage

By Eileen Mattei

Happy endings may be a dime a dozen, but the parties involved don't complain. Ralph Nieto started his first business, built it into a leader in the field, and sold it 13 years later in a win-win arrangement.

A certified X-ray technologist, Nieto launched Mobile Imaging in 1997, bringing X-ray equipment and licensed technologists to nursing homes and doctors' offices round the clock from a Harlingen office. Mobile Imaging's equipment could be rolled to a patient's bedside or into a doctor's exam room. The service let patients avoid costly trips to hospitals or imaging centers, sometimes in an ambulance. It also reduced costs by eliminating the need for nursing home staff to take the time to accompany patients to the hospital.

Responding to requests from nursing homes and other clients, Mobile Imaging soon added EKGs, Ultrasound, and Modified Barium Swallows. Nieto built a solid business, investing in high tech machinery and a fleet of specially equipped mobile vans that could securely transport the sensitive equipment. He won contracts with nursing homes, government agencies, home health agencies, and medical

practices.

In the early days, X-ray films were developed in the vans. But five years ago, Nieto upgraded. "We converted everything to digital with the Picture Archiving and Communications System (PACS.) The program sends X-rays and other images wirelessly from the mobile vans to Wichita, Kansas, where a radiologist group read them." The secure system cut costs and processing time and sped up the transfer of information to doctors. That enabled the physicians to make more rapid diagnoses and start treatments sooner.

Around that time, Nieto put Mobile Imaging on the market. "We had a lot of suitors, but everyone wanted me to finance the purchase. Since I was a service company, I felt that wouldn't work," Nieto explained. "What am I getting back if someone defaults? Would they have damaged our reputation because they gave poor service?" Meanwhile Nieto continued to invest in new technology and provide a level of service that brought more customers from referrals.

Then Nieto got a call from a former employee who had moved to Comfort, Texas. The Hill Country area was underserved when it came to mobile imaging services, she said, and the Valley-based company should expand there. Research showed a San Antonio

Ralph Nieto. (VBR)



firm supplied x-ray services weekdays from 8 to 5 only.

"I went in there and offered services 24/7, matching the price of the competition," Nieto said. "The nursing homes were thrilled we were going to do this. Doctors called me directly to sign up," particularly orthopedists. The former employee became manager of Mobile Imaging's new Comfort operation.

Nieto attributed the next expansion into Laredo to the foresight of his wife Teresa. The border town had no mobile x-ray units. Only the hospitals provided x-rays. Nieto pointed out that while Laredo has only three nursing homes, it has 60 home health agencies. "It's a good business location for us."

In 2010 Steve Nelson, who owns mobile imaging operations in San Antonio, Austin and Houston, approached Nieto about buying Mobile Imaging. "He had looked at other companies, but he chose us because we were more progressive. I was the only one in the Valley with all the services: modified barium swallows, x-ray, and EKGs and ultrasound. When he saw we did modified barium swallows, he realized he wanted to be able to offer that in his other locations."

Nelson had gone to school in Weslaco and wanted to re-connect to his roots in the Valley, Nieto added. After due diligence, Nelson's company got an SBA loan and bought Nieto's corporate name and the Valley business, lock, stock, and barrel. Nieto held onto the Expressway frontage building and the operations outside the Valley.

Nieto's Laredo and Comfort operations now operate under the name Medical X-ray on Wheels and provide only x-rays. Nieto is still a licensed tech, but he is not out in the field. "I've slowed down a lot. It's hands-off management for me. It has worked out perfectly."



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Growth and Stability Through Exporting

By Adriana Rincon

Nearly 96 percent of consumers live outside the United States! This amazing fact is a clear indicator of opportunities for business growth - small businesses can increase their market share just by exporting their products.

Now exporting does not apply to all businesses. Some businesses are not operationally or financially ready to expand. On the other hand, if an export-ready business is looking to boost sales and profits, reduce dependence on the domestic market and increase stability against seasonal fluctuations, exporting is a great option.

According to U.S. President Barack Obama, the more we export abroad, the more jobs we create in America. Every \$1 billion dollars in exports supports more than 5,000 jobs in the United States! President Obama set a goal of doubling America's exports in the next five years due to this reality. To do so, small businesses need to find new customers in new markets for American-made goods.

Exporting is highly suitable for a small manufacturer that is willing to do a self-assessment of its export readiness, including an

in-depth analysis of its product(s), company strategy, capacity, financial resources, commitment to serve foreign clients and willingness to meet foreign import regulations and navigate through cultural differences.

Is this impossible? The Rio Grande Valley has many amazing success stories of such export-ready companies; one example is America's Bat Company in Roma, Texas. This company manufactures, engraves and distributes wooden baseball bats for professional and amateur teams. Although the company has only been in business a little over two years, it has already surpassed expectations from its initial startup phase. America's Bat Company now exports to Mexico, Latin America, Europe and Asia.

For those interested in similar success through exporting and finding themselves in the right position to enter new, foreign markets, there are organizations ready to assist in locating prospective buyers, agents or distributors. Assistance with identifying international market opportunities, research resources for export financing, logistic support and market research are also available.

The University of Texas-Pan American Small Business Development Center (SBDC) has a Certified Global Business Professional (CGBP) and International Trade Specialists ready to assist businesses

with the exporting process. In addition, the U.S. Commercial Service, through the U.S. Export Assistance Center, offers a variety of services that can help you achieve your international marketing objectives.



Adriana Rincon is a Business Advisor with the SBDC. Mrs. Rincon has worked with Fortune 50 companies in the service and manufacturing industries. Mrs. Rincon holds a Master in Business Administration as well as an MBA specializing in International Trade from Texas A&M International University. She has a Bachelor of Business Administration with a Major in Marketing from the Universidad Regiomontana. For further information on SBDC services including trade, please call (956) 665-7535.

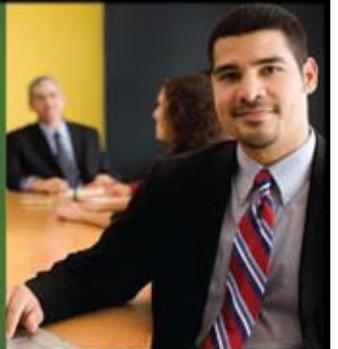
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Lawsuit Reform Revisited

By Eileen Mattei

The recent "Create Jobs, Not Lawsuits" tour recalled regional business history and celebrated the success of a Valley-spawned grassroots organization.

For Rio Grande Valley businesses, the 1980s marked a bleak period. Junk lawsuits clogged the courts. Personal injury trial lawyers boasted about the ease of winning huge judgments in courts along the border. Lumber yards, retail stores, nursing homes and auto mechanics were among the small businesses that had difficulty obtaining liability insurance because of the size of awards being given for non-economic damages. By 1990, 65 percent of jury awards were for non-economic damages. Local juries were led to believe that the 'deep pockets' of insurance companies should be mined to compensate the parties who sued. In the meantime, doctors' and hospitals' malpractice liability rates were going through roof. Some medical offices closed; other refused to take new patients.

In 1990, Bill Summers, CEO of the Valley Chamber of Commerce (now the Valley Partnership), proposed a public education

campaign about the devastating effect that lawsuit abuse was having on local businesses. With his board, he founded Citizens Against Lawsuit Abuse (CALA.) The non-profit publicized that frivolous lawsuits were creating climate where businesses could not afford to hire new employees. Equally damaging, other companies moved away to avoid the threat of spending their resources battling lawsuits with no merit, according to Jon Opelt, the former Harlingen resident who led CALA's growth into a national organization.

Checks for \$25 to \$1,000 poured into CALA from individuals and small businesses. Newsletter and bumper stickers went out. CALA spread across the state. In 1995, seven lawsuit abuse reforms were passed by the Texas Legislature. Landmark medical tort reform was passed in 2003,

"The changes have helped create and retain jobs and improve access to healthcare," said Opelt who now heads the Texas Alliance for Patient Access. The predictability and common sense underlying the medical malpractice caps have become a model of reform.

Opelt noted that before reform, 86 percent of all claims against Texas physicians resulted in no payment to the patient, but nevertheless incurred monstrous defense costs. Before reform 20 percent of

John Opelt. (VBR)



the state's doctors could not secure a malpractice insurance policy. "The purpose of reform was to stop the exodus of doctors from Texas, and, secondarily to stabilize insurance costs and reduce claims for medical liability insurance."

In 2001, a Texas surgeon paid on average \$49,000 for malpractice insurance coverage. In 2011, the average had dropped to \$27,000, Opelt said. In contrast, since 2003, the average New York physician has seen insurance premiums increase by 60 percent while the Texas doctor's premiums have dropped by 46 percent.

Adjusted for population growth, about 5,000 more doctors are practicing in Texas than would be had reforms not been instituted. The Valley alone has added 288 new doctors in that period.

"It's no accident that Texas is a job creation machine. We have a competitive advantage, but we have to guard against its loss," said Opelt. "There is no such thing as a free lunch. When you sue someone, it results in someone not being hired or expanding." Because frivolous lawsuits are prevented from coming to trial, the lawsuits that make it before a judge have greater merit and can result in large awards.

Since passage of reform no nursing homes have gone bankrupt, Opelt pointed out. Hospitals have been able to apply their liability savings to equipment and charity care. "The good news is that the reforms are performing. But they are far from secure." Opponents are trying to dislodge the non-economic cap, the unspecified pain and suffering. Opelt noted that tort reform does not cap medical costs or loss of income.

"The Affordable Care Act can and will be used against doctors and hospitals in the courtroom," warned Opelt. "My message is to stay vigilant."

"Just because you can sue doesn't mean that you should sue," Opelt said. "People shouldn't think of the civil justice system as the lottery."

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Internet Tips

By Edward Lugo

With today's smart devices, we take internet connectivity for granted. Now that we've untethered ourselves from large, immobile computers, we're used to accessing websites, social media and emails no matter where we are. So how is "mobile computing" impacted if we travel? Can we expect the same connectivity overseas that we have at home? This varies from country to country and may be expensive if you want to use your own mobile phone. Here's what to keep in mind when accessing the internet abroad:

Before you go - Set your "out of office" email message before you leave, change your phone's voicemail greeting and leave an alternative contact person. Check with your phone provider in case you need to enable "international roaming" so your phone will work overseas. Ask them if they have any arrangements with providers in other countries for preferential rates. Remember that the governments of countries like Mainland China, Syria, Iran, Vietnam and the United Arab Emirates block access to some internet sites, so additional research prior to travel will be helpful.

When you arrive - Your phone may automatically connect to an available network upon your arrival in a new country. You should manually choose the provider you prefer to use, as the automatically chosen one may not be the most cost effective and might actually charge eye-popping fees. Confirm the call and data costs of the network you are now using. If the data charges are high, you might want to turn off "mobile data" on your phone and instead rely on WiFi access when it's available. This should help guard you from large unexpected bills when you return home. Remember that incoming calls and SMS/MMS messages will be charged to your account at international rates and therefore it may be cheaper to buy a local SIM card for calls and other messages. The local tourist information center will be a helpful resource and will offer SIM cards in most countries.

Be wary of free internet - Watch out for free internet access offers and instead opt to use known, trusted organizations. Internet connections can be monitored to capture login names, passwords and credit card details, particularly if you use their computers instead of your own device. Be careful about websites you visit on shared connections, especially when accessing your personal information and always take caution to sign out.

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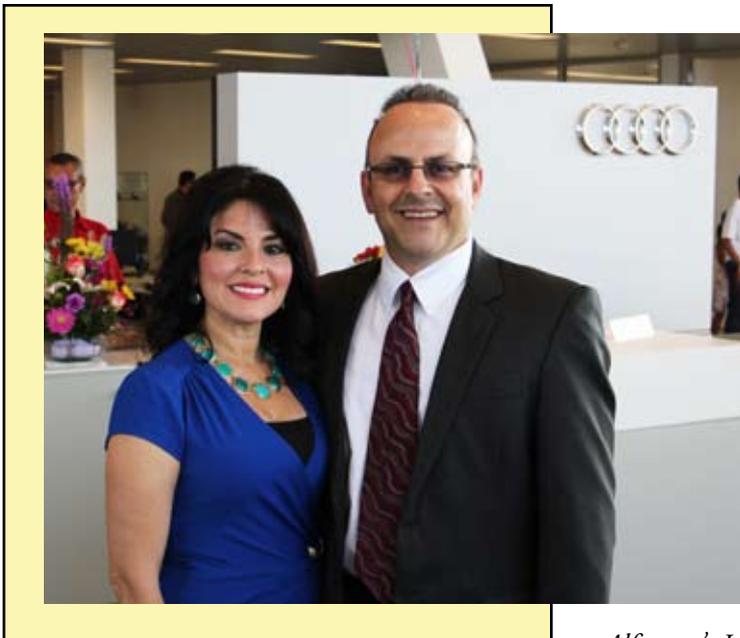
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In the Spotlight



Alfonso & Janet Cavazos of Audi San Juan. Chambers of Commerce across the Valley, the San Juan EDC, local and regional officials, friends and members of the media were present to celebrate the dealership's grand opening and ribbon cutting on April 2nd. (VBR)

McAllen Medical Center celebrated the opening of its new Pediatric Unit, which complements the hospital's Newborn ICU and Birthing Center. (Courtesy)



Dr. Steve Murdock, Renowned Economist & Rice University Professor, shared data with business executives at an event on April 20th hosted by Lone Star National Bank the local demographics' effect on the Rio Grande Valley economy. (VBR)



Harlingen Chamber CEO Crisanne Zamponi, who resigned to become Boerne Chamber CEO, was honored by Harlingen Mayor Chris Boswell with the proclamation of Crisanne Zamponi Day. (Jacque Wright)

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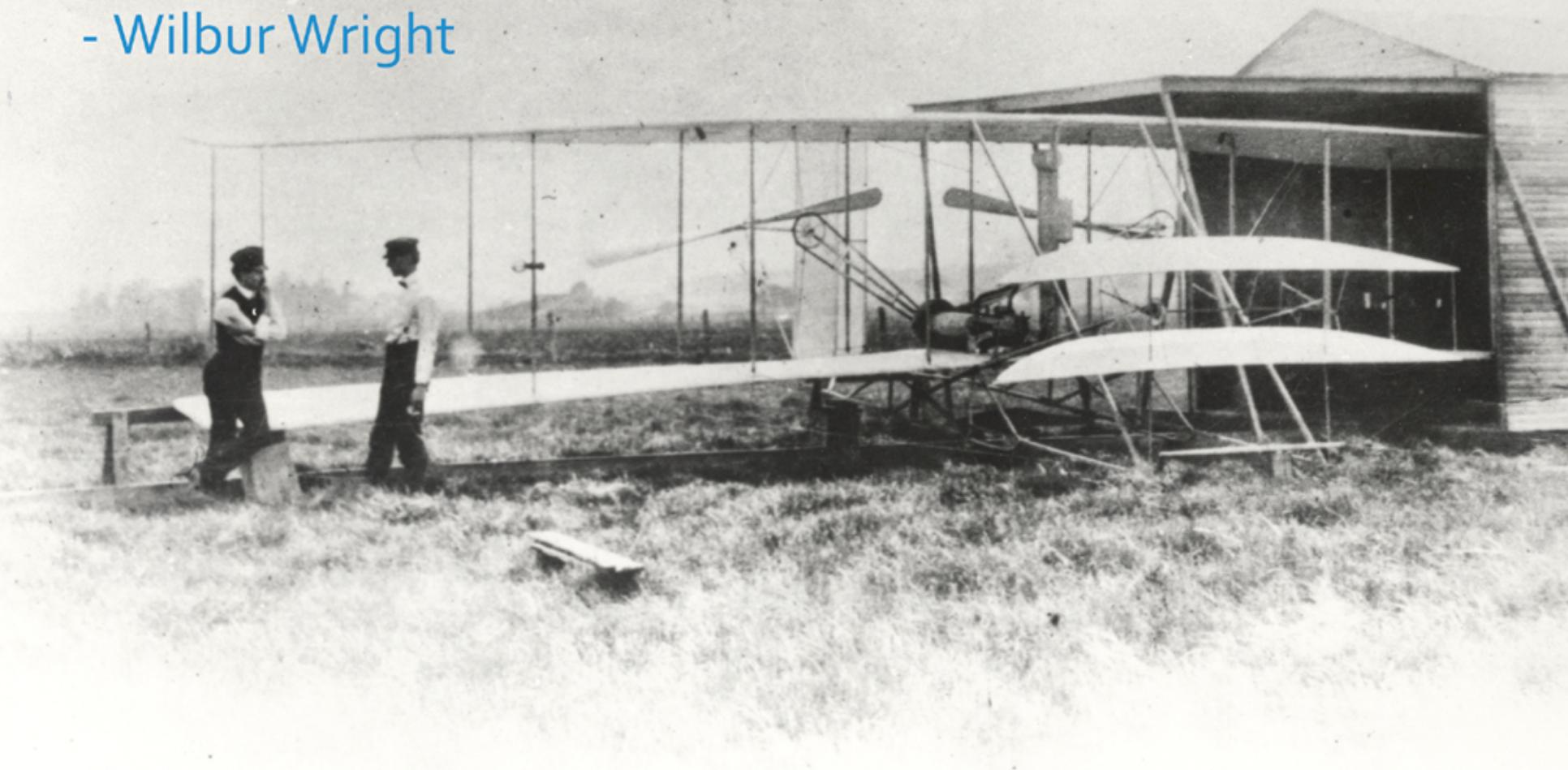
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