57TH ANNUAL SPRING CONVENTION OF MICA

President Ben Pfister and his wife, Mandy, wish to extend a warm MICA invitation to you to join them as our association engages in “Growth Through Participation”. One of the key benefits of belonging to MICA is your ability to work with fellow members to improve your business acumen and to better your industry. Come and participate as we share ideas at our annual convention this June 16 – 19, 2014, at one of the Midwest’s most unique full-service golf and spa resorts, Eagle Ridge Resort & Spa. The resort offers an array of exciting experiences, as well as the perfect destination to take advantage of its pristine beauty and relaxing getaway opportunities. Eagle Ridge is a natural backdrop to the picturesque setting in the 6,800-acre Galena Territory, close to the historic town of Galena, with abundant wildlife and rolling hills that stand out from the normally flat Illinois landscape. Accommodations range from 80 beautifully appointed rooms in the main Inn to over 200 spacious one- to-eight bedroom villas and distinctive homes, enhanced by modern amenities and luxurious features. The unique lodging arrangement not only offers guests the traditional luxury hotel room experience, but it also presents an alternative with an inventory of free standing homes that lend themselves beautifully to families, group getaways, executive retreats and even group meeting venues.

Our 57th Annual Spring Convention will be a special event, and one that you do not want to miss! The convention will follow the new format with a Monday to Thursday pattern. Based on feedback from our members, we have moved the arrival date from Sunday of Father’s Day to Monday. This will allow our members to possibly spend Father’s Day at home with family and friends.

Come prepared for some soothing relaxation during your stay. Our block of rooms at the resort has been released but the resort is still taking reservations on a room availability basis. If you have not yet reserved your room, you need to call the resort directly at 800-892-2269 and ask for the Midwest Insulation Contractors Block.

The Board of Directors is most excited about the technical topics and speakers for the spring convention. The topics and speakers were selected to help educate and inform you on a variety of industry topics pertinent to our current business climate. We are going to have presentations that cover a wide array of topics that will help you grow your knowledge as a business professional. Mr. Aaron Mog, with the FishNet Security Group in Chicago, Illinois, will provide the keynote address on Identity Theft and Social Media Security. He will follow up the breakfast session with a more focused discussion of e-security and its potential impact on your business.

Aaron has over 17 years of experience in the IT industry and over 13 years of experience in Information Security. Including experience as CEO of Goliath Security and ThirdPartyTrust, Chief Information Security Officer and Director of Strategic Services who can lead, drive and continue to develop both corporate information security programs and professional services in the areas of Information Security Architecture, Security Infrastructure, Application/Infrastructure Security, Information Security Compliance, and Security Policy and Strategy development. He has developed the information security management programs for a large number of Fortune 500 companies. Aaron is also a PCI QSA and Certified ISO 27001 Lead Auditor.

Paul Routh, with Dunlevey, Mahan and Furry, will update us on the ongoing saga of the Affordable Care Act and its impact in 2014. Paul is a nationally recognized benefits attorney.

(Continued on page 4)
PRESIDENT’S MESSAGE

TO: THE MICA MEMBERSHIP

Hello MICA family!

Well, this is it, the time you've all been waiting for. My final "official" President's Message. In a few short weeks my term will be up, and it's almost scary how incredibly fast the time went. I have been surprised by all the support you all have shown during this last year. It has been humbling and appreciated! Well, I take that back, I'm not surprised at all. There is a reason why I begin every President's Message with "Hello MICA family!" It's because that's what it feels like to be a part of MICA; you're loved, supported and encouraged to do better just like in a family. People come to your side when you're in need and celebrate with you during victories. As I've mentioned in previous newsletters, I've grown up in MICA; I tell people I've been going to meetings for 36 years (I was one year old when I went to my first meeting). MICA meetings to me are like large family reunions where you get to learn something new every time.

Even though I originally said “NO” about 14 times to Rich, Jeff and Tom, I finally said yes. I became the fourth in my family to be asked to be President and I value MICA even more now than 12 months ago. I was egged on by certain members to break the record of the "Three Page President's Message", however, I just don't have that much useful information to share! I'll keep my speeches equally brief in Galena as well. Again, thank you for asking me to serve as your President; it's been a great year!

I hope you feel that I and the Board moved MICA along in the right direction this year!

“You can’t control the waves, but you can learn how to surf”. -Swami Satchidananda

Thank you for reading,

Ben Pfister

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providing advice and counsel on health plans and other non-retirement benefits, such as group life insurance, disability plans, cafeteria plans and premium only plans. He has devoted over 27 years to counseling employers on such things as the design and drafting of health and welfare plans, advising employers on the requirements of the Healthcare Reform laws, assisting in ERISA annual filing requirements, and representing plans and plan sponsors in litigation and governmental audits.

Paul has written numerous articles and is a frequent speaker on employee benefit topics. He is the author of Welfare Benefits Guide (West, 1989 to Present).

Paul graduated from Pennsylvania State University with a degree in accounting, the University of Toledo College of Law (Order of the Coif) and New York University School of Law (Masters of Taxation, LLM). He is also a certified public accountant. Paul heads up the firm’s Employee Benefits Group and is a Director.

Gary Auman will update us on OSHA requirements and the need for a formal safety policy on employee heat stress. Gary is a shareholder and director in the law firm of Dunlevy, Mahan & Furry in Dayton, Ohio. He graduated with an electrical engineering degree from the University of Louisville in 1969 and a law degree from The Ohio State University in 1976. He served four years in the U.S. Air Force at Wright Patterson from 1969 – 1973. He has defended employers in workers’ comp and OSHA cases since 1976. He defends OSHA cases nationally. He is a frequent speaker and is much in demand across the country, especially on OSHA topics. He has presented papers at the International Roofing Exposition and regularly presents papers at the Iowa-Illinois Annual Safety Conference. In 2002 he was awarded the Distinguished Service to Safety Award by the National Safety Council. This is the highest volunteer award bestowed by that organization. In 2013 he was awarded the Berton G. Perkins Award by the NFBA for his service to the post frame industry. He has worked with OSHA in its development of safety and health standards and he has defended OSHA cases in several federal appellate courts. He represents four national and regional trade associations in the construction industry.

In addition to his reputation and experience in OSHA, Gary has defended workers’ comp cases in Ohio up to and including the Ohio Supreme Court. He is very knowledgeable, not only in defending the substantive aspects of workers’ comp claims, but also of working with third-party administrators and employers to control employees’ workers’ comp costs. He speaks to employer groups across the state on a myriad of workers’ compensation issues. Gary always looks at the cost benefit to his employer client in defending any workers’ comp or OSHA case.

Paul Stebbins, Executive Chairman of World Fuel Services Corporation, will share his insights on the national debt and our dysfunctional political system. Paul, a graduate of Georgetown University, served as Chairman and Chief Execu-

(Continued from page 1)

(Continued on page 7)
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tive Officer of World Fuel Services Corporation (NYSE:INT) since July, 2002 and became Executive Chairman in January of 2012. Mr. Stebbins also serves as a director of Phoenix, Arizona-based, First Solar, Inc. (NASDAQ:FSLR), the world’s leading manufacturer of thin film solar panels. He served for many years as a member of the Business Round Table, and currently serves on the Energy Security Leadership Council of S.A.F.E. (Securing America’s Future Energy) and the Leadership Council of the Committee for a Responsible Federal Budget’s “Fix the Debt” campaign. Paul has authored numerous industry articles and lectured frequently around the world on fuel procurement strategy, derivatives, fuel quality, entrepreneurship and general business. More recently, he has given numerous talks around the country on the national debt and the challenges of political dysfunction.

You will also be updated by Peter Gauchel, Technical Committee Chairman, on the new MICA plates that have been added to the 7th edition of the National Commercial & Industrial Insulation Standards manual in 2014. Mr. David Dzina, NIA President for 2014 – 2015, will give us an update on our industry activities at the national level.

We will have a union contractor forum, an open shop contractor forum, and an associate member forum all running simultaneously. This approach allows more of the members to participate in craft issues without being part of a formal committee. This spring, neither the labor committee nor the merit shop committee will formally meet during the convention. This format will give each of you the opportunity to interact with other MICA members with similar business concerns. The associate member forum will discuss several issues of interest to our associate members regarding their membership status in MICA.

In June, we will recognize those companies that participated in our ninth annual “Best Practices in Safety” Award. This award was established to formally recognize our member firms’ efforts in safety and safety practices. This year, we again use the changes that we made to the “Best Practices in Safety” Award program. We will use the grading system that recognizes each applicant’s achievement in developing a quality safety program. With this system, companies are not competing against each other for awards. Instead each applicant will try to achieve the highest award level where multiple applicants can receive the same award level. On our second day of meetings, representatives of the participating firms will meet in a roundtable discussion on safety. They will share with us their efforts in promoting safety and establishing best practices in safety.

The program also affords you ample time for fun and relaxation and to interact with your fellow contractors and distributors. We have the traditional opening evening Welcome Reception. This year’s reception is sponsored in part by the contributing associate members. We will feast on hors d’oeuvres, libations, and renew friendships. Our gala dinner and dance will be (Continued on page 9)
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on Wednesday evening. This year’s gala is semi-formal dress. We will honor Gary Auman, partner with Dunlevey, Mahan & Furry, with the “William R. Heaston Outstanding Member” award. Even though Gary is not an official member of MICA, he truly exemplifies the virtues reflected in Bill Heaston of selfless service to MICA and the insulation industry. The recognition ceremony will take place during our Wednesday evening gala.

Registration packets have been sent to the general membership. Your cooperation in completing the registration material early and making your hotel reservations early is most appreciated. Your promptness helps us to plan a better, more efficient and effective convention for you. Make plans to bring your family to the MICA convention and extend your business to include some quality family time. Now is the time to plan for your participation at MICA’s 57th annual spring convention. Make your hotel reservations today by calling the Eagle Ridge reservation line at 800-892-2269. Please join Ben, Mandy, the entire Board of Directors and fellow MICA members in Galena, June 16 – 19, 2014, for our annual spring convention and be a part of “Building Better Businesses”.

(Continued from page 7)

NATIONAL COMMERCIAL & INDUSTRIAL INSULATION STANDARDS, 7TH EDITION

Remember, as a MICA member, you are entitled to the member discount when purchasing the electronic version or hard copy of the manual. Just go to the “members only” portion of the MICA website (www.micainsulation.org) to get your discount code. Using the code, you will get a $25 savings off the hard copy (regular price $125) and $40 off on the electronic version (regular price $195). The annual subscription renewal fee on the electronic version is $50.

HELP MICA SOLICIT NEW MEMBER FIRMS

With the new year comes new opportunities to help grow your association. Do you have a prospective member firm that you think would be interested in joining MICA? If so, let us know! Send the contact information to us at mica@micainsulation.org. (Note: This is the new MICA e-mail address. If you have not updated your records to reflect this change, please do so today).
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Spring Convention 2014 Schedule of Events

SUNDAY, JUNE 15, 2014

1:00 p.m. Executive Committee Meeting.
4:00 p.m. Past Presidents’ Committee Meeting.
6:00 p.m. Past Presidents’ and BOD Dinner.

MONDAY, JUNE 16, 2014

8:00 a.m. - 12:30 p.m. Committee Meetings – Membership, Technical, and Board of Directors.
12:30 p.m. - 5:00 p.m. General Registration.
12:30 p.m. - 5:00 p.m. MICA Hospitality Room.
5:00 p.m. First Time Attendee Orientation.
6:00 p.m. Associate-Sponsored Opening Night Welcome Reception.
7:00 p.m. Evening Open (Dinner on Your Own).

TUESDAY, JUNE 17, 2014

MICA Business Meeting – Election of Board of Directors.
10:00 a.m. Spouses Program.
12:00 Noon Scramble Golf Tournament – Eagle Ridge North Golf Course. Buffet Lunch at 12:00 p.m., Shotgun Start at 1:00 p.m.
Noon Lunch (On Your Own).
Afternoon Open to Enjoy the Sites of Galena and the Surrounding Area.
7:00 p.m. Evening Open (Dinner on Your Own).

WEDNESDAY, JUNE 18, 2014

7:00 a.m. Safety & Environmental Committee

THURSDAY, JUNE 19, 2014

7:30 a.m. Board of Directors Meeting.
9:00 - 10:30 a.m. Farewell Breakfast Buffet.
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FUTURE MICA MEETING DATES

57th Annual Spring Convention — June 16 — 19, 2014, Eagle Ridge Resort, Galena, Illinois. [Please note that the convention will begin on the Monday after Father’s Day. This slight change in the schedule is the direct result of member feedback to the Board].

Fall 2014 Annual Fall Business Meeting — October 22 & 23, 2014, Embassy Suites Downtown, Omaha, NE.


Fall 2015 Annual Fall Business Meeting — October 21 & 22, 2015, Embassy Suites Downtown, Omaha, NE.

59th Annual Spring Convention — June 2016, Under Consideration. Send your suggestions to the MICA office.

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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ANNUAL SUMMER CAMPAIGN TO PREVENT HEAT-RELATED ILLNESSES LAUNCHED BY US LABOR DEPARTMENT

Gary Auman, MICA’s legal counsel, provided the MICA office with a “heads up” notice that on May 22nd, OSHA issued a news release that it was kicking off its 2014 Campaign to Prevent Heat Illness in Outdoor Workers. Gary noted, “As I have reported before, OSHA is taking heat illness issues very seriously. In its news release, OSHA reported that in 2012 there were 31 heat-related deaths and 4,120 heat-related illnesses”.

The complete news release from OSHA is reprinted below:

WASHINGTON – The U.S. Department of Labor’s Occupational Safety and Health Administration has announced the launch of its annual Campaign to Prevent Heat Illness in Outdoor Workers. For the fourth consecutive year, OSHA’s campaign aims to raise awareness and educate workers and employers about the dangers of working in hot weather and provide resources and guidance to address these hazards. Workers at particular risk are those in outdoor industries, such as agriculture, construction, landscaping and transportation.

"Heat-related illnesses can be fatal, and employers are responsible for keeping workers safe," said U.S. Secretary of Labor Thomas E. Perez. "Employers can take a few easy steps to save lives, including scheduling frequent water breaks, providing shade and allowing ample time to rest."

Thousands of employees become sick each year and many die from working in the heat. In 2012, there were 31 heat-related worker deaths and 4,120 heat-related worker illnesses. Labor-intensive activities in hot weather can raise body temperatures beyond the level that normally can be cooled by sweating. Heat illness initially may manifest as heat rash or heat cramps, but can quickly escalate to heat exhaustion and then heat stroke if simple preventative measures are not followed. Heat illness disproportionately affects those who have not built up a tolerance to heat (acclimatization), and it is especially dangerous for new and temporary workers.

"Acclimatization is a physical change that the body undergoes to build tolerance to heat, and it is a critical part of preventing heat illnesses and fatalities," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. "Over the past three years, lack of acclimatization was the cause in 74 percent of heat-related citations issued. Employers have a responsibility to provide workplaces that are safe from recognized hazards, including outdoor heat."

(Continued on page 19)
OSHA also has released a free application for mobile devices that enables workers and supervisors to monitor the heat index at their work sites. The app displays a risk level for workers based on the heat index, as well as reminders about protective measures that should be taken at that risk level. Since its 2011 launch, more than 130,000 users have downloaded the app. Available for Android-based platforms and the iPhone, the app can be downloaded in English and Spanish by visiting: http://www.osha.gov/SLTC/heatillness/heat_index/heat_app.html.

In developing its inaugural national campaign in 2011, federal OSHA worked closely with the California Occupational Safety and Health Administration and adapted materials from that state's successful campaign. Additionally, OSHA is partnering with the National Oceanic and Atmospheric Administration to incorporate worker safety precautions when heat alerts are issued across the nation. NOAA also will include pertinent worker safety information on its heat watch Web page at http://www.noaawatch.gov/themes/heat.php.

MICA SAFETY SUB-COMMITTEE SEeks MEMBER INPUT

In an effort to serve MICA’s entire membership, the MICA Safety Sub-committee would like to offer everyone an opportunity to contribute their ideas on industry Safety Topics which would then be considered as potential Tool Box Talks. MICA’s Safety sub-committee will be meeting at the upcoming Spring Meeting and would welcome topic suggestions to further expand its list of relevant Tool Box Talks. Chaired by Mike Hill, the Tool Box Talk initiative has submitted for review and received ap-

(Continued on page 23)
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proval for an additional twelve Tool Box Talks to be added to the existing 24 Tool Box Talks already available on MICA’s website.

The following Tool Box Talk topics are available online: Fall Protection Systems, Fall Protection Definitions, Personal Fall Arrest Devices, Fall Protection Guardrails, Fall Protection Training Requirements, Fall Protection Harness Inspections, Hazards of Asbestos, PPE General Requirements, Hazard Recognition, Forklift intro, Forklift Center of Gravity, Forklift Operations, PPE-Foot, Head, Hearing, Eye and Face, Respiratory Protection, Procedures for Proper Respiratory Protection, Choosing the Right Respirator, Making Sure Respirators Fit, Inspection and Care of Respirators, Fire Protection, Fire Prevention, Bloodborne Pathogen Awareness, Heat Hazards, Cold Hazards, Manual Lifting and Back Safety, Ladders, Scissor Lifts, Confined Space Basic Overview, Vehicle Inspection, Vehicle Operation, Distracted Driving, Housekeeping, Fire Extinguishers, Foot Protection, and Extension Cords. The text of the Talks are formatted to allow for 5-8 minute presentations and the topics are intended to encourage discussion and participation by employees.

It is the goal of the Safety Subcommittee to expand its efforts and include several more new topics that are appli-

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cable to our member’s business operations. The Safety Committee invites everyone to attend and participate at their Committee Meetings held at both the MICA Spring and Fall Meetings. For those with ideas to share but unable to attend the Spring Meeting, please contact Safety Co-Chair Mike Hill at Mike.Hill@pcg.com.

IIG DEVELOPS INSULTHIN™ HT

Industrial Insulation Group (IIG), the leading manufacturer of insulation for industrial, commercial and fireproofing applications and a wholly owned subsidiary of Johns Manville (JM), announced that they will be releasing InsulThin™ HT, a new product in its industrial insulation materials portfolio.

InsulThin HT is a flexible, hydrophobic, microporous, fumed silica, blanket insulation. This thin, high-temperature insulation material has an extremely low k-factor, reducing the space required for effectively insulating pipe and equipment. InsulThin HT can easily wrap both large and small diameter piping without sacrificing its exceptional insulating properties, superior corrosion performance, and high standard for ease-of-installation.

“InsulThin HT is a unique offering to the market segment that desires superior thermal performance and resistance to corrosion under insulation (CUI) in areas that have limited space,” said Fred Stephan, senior vice president and general manager of JM’s Insulation Systems business. He explained that Johns Manville first developed this technology in 1990. Since then, the market needs have evolved, creating an excellent opportunity for IIG to bring InsulThin HT to the industrial market. Stephan observed that IIG’s existing products continue to be the trusted solutions for the industry, with Thermo-12® Gold calcium silicate insulation providing the added benefit of resistance to mechanical abuse with equal or improved resistance to CUI, a unique characteristic resulting from the XOX additives in the product’s formulation.

“In launching InsulThin HT,” Stephan added, “our strategy is to continue to expand our portfolio of industrial insulation products to provide solutions for the wide array of industry requirements. We are also building a team of trusted consultants to help customers choose the best solution to meet the unique demands of each project and application.”

InsulThin HT will be offered in 36in. and 60in. wide rolls and in thicknesses of 5mm. and 10mm. It will be marketed through select distribution and available for mixed shipments from the IIG Mesa, CO and Ruston, LA plants beginning on August 1, 2014.


IT’S TIME TO UPDATE YOUR EMPLOYEE HANDBOOK

No organization should operate without consistent, clear employer-employee communication, which is a key element for productive and profitable employee relations. The employee handbook is the basic internal written document that provides employees with two major pieces of information in response to the questions:

- What can employees and their families expect from the organization?
- What does the organization expect from employees?

A well-written employee handbook answers these questions clearly, persuasively, and honestly. Indeed, an employee handbook is the cornerstone of the employer-employee relationship.

Changes in state and federal employment laws require that employee handbooks be revised and updated. Internal policy changes should also be reflected in the organization’s handbook. Consider some of these issues:

- Does your handbook have a valid employment-at-will statement?
- Does your handbook allow for “concerted activity”? Are there clear procedures regarding overtime and prohibitions against working off the clock?
- Is it clear that the organization reserves the right to change or eliminate benefits?
- If you are subject to FMLA, does the handbook address military family leave?
- Is your organization required to provide breaks for nursing mothers?
- Do you have a policy regarding employees’ use of social media?
ALEXANDRIA, Va. — Using the doctrine of “equitable subrogation” to establish lender priority over mechanic’s liens would “completely defeat” the legislative intent behind mechanic’s liens statutes and “improperly shift the known and assumed risks” from construction project owners and lenders to contractors and subcontractors, the American Subcontractors Association and ASA of Arizona told the Supreme Court of Arizona.

In the associations’ amicus brief, filed on May 22, 2014, in The Weitz Company, LLC, Plaintiff-Appellee, v. Nicholas Heth, et al., Defendants-Appellants, ASA and ASA of Arizona urged the state Supreme Court to affirm a court of appeals decision, saying, “The mechanic’s lien statutes are one part of the intricate statutory framework adopted by the Legislature to protect subcontractors and ensure that laborers and materialmen are paid for their work.” “All 50 states have some form of mechanic’s lien statutes,” ASA and ASA of Arizona continued. “The language and details of the statutes vary widely, as does the jurisprudence. However, the basic premise of all is that those whose labor or materials go into improving real estate should be permitted, in fairness, to satisfy their unpaid bills out of that real estate.”

“Those involved in construction depend on their mechanic’s lien rights as security for payment for the work they perform,” said Matthew B. Meaker, attorney, Sacks Tierney P.A., Scottsdale, Ariz. Sacks Tierney prepared the ASA brief in this case. “Affirming the Court of Appeals decision regarding equitable subrogation results in a bright line rule that all stakeholders can rely upon.”

General contractors, subcontractors and material suppliers share certain common risks on a construction contract. Among others, they must estimate their costs of labor and materials in advance and bid construction projects accurately enough to cover those costs and make a reasonable profit. If they bid too high, they will not get the job. If they bid too low, they will lose money. In either situation, they cannot remain in business and keep their workers employed. Subcontractors are creditors, but not traditional ones. They provide labor and/or materials on a construction project on the “credit” of the promise of future payment. Subcontractors, who often must pay their laborers weekly, their suppliers monthly, and their home and field office overhead (rent, electricity, gas, etc.) monthly, routinely wait 30 days or longer to be paid for their labor and materials, while the owners/developers pay no interest for that credit. Because subcontractors extend these large blocks of credit and have a large number of workers dependent on them for payment, they are vulnerable.

In the underlying case, the construction project owner, Summit at Copper Square, LLC, obtained construction loans to build a high-rise condominium on an empty lot in Phoenix. The owner hired the Weitz Company as the general contractor. Weitz and its subcontractors spent 30 months and $59 million building the 23-story tower containing 165 units of mixed-use commercial and residential condominiums.

Either before construction was finished, or shortly after, the developer sold 91 of the condominiums, and the proceeds were used to pay down the construction loan, solely for the benefit of the developer and lender. Most of the condominium purchases were financed by purchase money loans, but 15 buyers paid cash. The borrower and construction lender received nearly $40 million from these 91 sales, without paying Weitz the full amount owed on the construction contract despite their earlier agreement to pay Weitz the balance due as the condominiums were sold. Weitz was not paid the final $3.8 million owed on the project. The parties stipulated that Weitz’s mechanic’s lien was $2.125 million.

“Equitable subrogation” is a doctrine, based on principles of fairness, where the one who pays the obligation of another is treated as the beneficial owner of the original obligation. In this case, the lenders argued that by financing the purchase of certain individual units, they were paying off the outstanding obligations of the construction loan and thus had the right to the priority of the bank, which had — by recording its deed of trust in a timely manner — priority over the mechanic’s lien claimants.

ASA and ASA of Arizona wrote in their brief that the appeals court correctly held that the state’s mechanic’s lien statutes’ “plain and express language precludes application of the equitable subrogation doctrine.” “Equitable subrogation is designed to prevent injustice, and will not be applied when there is no injustice to prevent,” ASA and ASA of Arizona wrote. “Here, the decision of the Court of Appeals served justice, and should be affirmed. In contrast, Appellants’ demands would effectively rewrite the statutory mechanic’s lien provisions and in the process create a great injustice not only to Weitz and its unpaid subcontractors, but to all subsequent subcontractors on future projects who would lose the certainty of the plain statutory language, and have their statutory remedies imperiled and rendered ineffective under the guise of an ‘equitable’ doctrine. The Court should not allow property improved by subcontractors to be sold without involving those trades in the process and protecting their right to payment.”

ASA and ASA of Arizona added that a decision to apply equitable subrogation in this situation would be even more inappropriate because, “in addition to ignoring the plain statutory language and intent, it would also conflict with an entire line of Arizona precedent dating back at least 80 years. As early as 1932, this Court stated that a purchaser of a mortgage takes subject to the claims of laborers and materialmen. A sale or transfer would be subject to the mechanic’s lien.”
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