



# RIMS A I L

RISK & INSURANCE MANAGEMENT SOCIETY • SAN DIEGO CHAPTER

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March 2006

## INSIDE

- February Meeting Recap ..... 1
- 2006 Board of Directors ..... 2
- President's Message ..... 2
- Mission Statement ..... 2
- 2006 Calendar ..... 3
- March Meeting Notice .... 4
- Work Comp Article ..... 5
- February Board Meeting Recap ..... 5
- Member Spotlight ..... 6
- Photo page – February Meeting and Past Presidents ..... 7

# February Meeting Recap

## A Legal & Legislative Review

*By Cindy Titgen*

The February Luncheon was hosted by the Legal/Legislative Committee. Maria Roberts Esq. and Ron Guisso, Esq. of Shea Stokes & Carter, ALC provided an informative presentation.

Just prior to the presentation Pat Greene took a few minutes to say thank you to our immediate past president Cheryl Berman. Cheryl has been the San Diego Chapter President for the past three years and has done a fabulous job of keeping our chapter on target and heading in the right direction. While Cheryl prefers no mention of her tenure, there was a great big smile coming from her direction! We believe it was because she so enjoys our chapter – so much so, she volunteered to be the Membership Director for the upcoming year! Cheryl, we so appreciate you and all of you have done to make our San Diego Chapter a success.

Shortly thereafter, Maria Roberts and Ron Guisso covered the Property Owner Liability for Criminal Acts of others and the general principles of premises liability. During the discussion it was emphasized that the general rule was that business owners must use reasonable care to protect patrons, customers, guests and invitees (including non-paying invitees) from a third party's harmful conduct. She covered several cases that highlighted this important general rule.

Discussion also surrounded general tort law and the recovery for economic damages for negligent infliction of emotional distress. Of particular interest was the vexatious litigant statute – several amusing stories. In addition an overview of the employment wage and hour laws was also highlighted.

### A Monthly Publication:

Send Articles to:  
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Picture: Maria Roberts and Ron Guisso, attorneys from Shea Stoker Carter, presented a Legal Legislative update for our February Meeting.

**More great photos on page 7**

# President's Message

Where does the time go? It is already the beginning of March, and if you're working on any April 1<sup>st</sup> policy renewals, I'm sure you feel like me that time has been flying by trying to respond to the underwriters' request for additional information and clarification about your exposures! I don't know about you – but it seems like underwriters are demanding more and more information in order to provide a quote. Some of the questions seem like they are missing the big picture as they try to underwrite your exposures, and some of the questions are apparently being asked due to new and stricter underwriting guidelines and state regulations. Whatever the case, I wish you a successful renewal!

Speaking of regulations and changes, we're now a year and in some cases two years into the new California workers' compensation reforms. Have you seen any significant savings in your company's workers' compensation premium and claim costs? I keep reading that rates in California (as well as in other states that have recently enacted reforms) should be declining and that improvements to the system should be evident. Of course, there's always the other side of the coin saying the reforms went way too far! What do you think? I hope you will be able to attend our March 23<sup>rd</sup> Meeting in which the Workers' Compensation Committee will host a panel of distinguished speakers representing the occupational medicine side, the worker's compensation defense attorney side, and the workers' compensation consultant specializing in RTW Programs, that will discuss case laws and pending case laws affecting the interpretation of the reform act laws. Come see what they have to say, and let us hear about your experiences these last couple of years!

Also at our March Meeting, Liz Zepeda, last year's honoree, will announce this year's Heart of the Chapter recipient! This award was established by the Chapter in 1997 to recognize the individual's achievement at the Chapter level as well as their diligent efforts throughout their career to further the Risk Management profession. Because of these qualities, they are true risk management role models and they have helped to keep both the Chapter and professional vibrant and resilient. I hope you will be present to congratulate this year's deserving recipient!

Respectfully,

*Patrick Greene*

Chapter President



## Mission Statement

The mission of the San Diego Chapter of the Risk and Insurance Management Society, Inc. is to promote and improve Risk Management through education, networking, peer review and community service, in a dynamic environment, which furthers the growth and development of our members.

**RIMS  
San Diego  
2006**

## BOARD OF DIRECTORS

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(858) 826-3577

#### Vice President

Cindy Titgen  
(760) 839-4588

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Kim Pinkerton  
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#### Secretary

Elizabeth Zepeda  
(858) 481-8500

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#### Past President & Membership Director

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(619) 224-4120

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Linda Wikstrom  
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#### Director

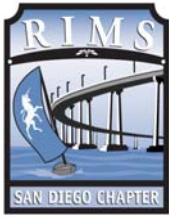
Cathy Aquilar  
(858) 571-7221

#### Director

Rich Johanson  
(760) 918-4589

#### Past President & RIMS Delegate

David Dolnick  
(619) 589-7575



# 2006 Year at a Glance

## San Diego Chapter Risk and Insurance Management Society (RIMS)

DATE	LOCATION	TOPIC & SPEAKER(S)	NOTES
3/23/2006	Handlery Hotel & Resort	Life After Workers' Compensation Reform With Speakers Dr. Fung, Nicole Demakis and Judy Lemm	Heart of the Chapter Award and Joint Meeting with PARMA & CPCU
4/20/2006	Handlery Hotel & Resort	Building a Metrics and Reporting Showcase for Risk Management - Sponsored by the Workers' Compensation Committee	
5/25/2006	Handlery Hotel & Resort	Risk Managers Roundtable Meeting-Closed Meeting for Deputy Members Only	Best of the Best from the RIMS Society Conference
6/22/2006	TBD	Hosted by the Insurance Committee	
7/27/2006		Site Tour	
TBD	Del Mar Thoroughbred Club	Associate Appreciation Day at Del Mar Race Track	A great afternoon at the track!
8/24/2006		Annual Professional Development Seminar	Continuing Education Credits Available!!
9/15/2006	Carlton Oaks Country Club	RIMS Golf Classic	Guaranteed to be one of the best times you'll have all year!
9/28/2006		Site Tour	
10/26/2006	TBD	Risk Managers Roundtable Meeting – Closed Meeting for Deputy Members Only	Election of 2007 Officers & Directors
11/16/2006	TBD	TBD	ARM Recipient Recognitions
12/14/2006	TBD	RIMS Holiday Luncheon	Register Early – You Don't Want to Miss This Party!

# March 2006 Meeting Notice

This month's Meeting will be a joint meeting with PARMA and CPCU.  
Also hear who the "Heart of the San Diego RIMS Chapter" is and help congratulate him or her!!!!

**TOPIC:**

**Life After Workers' Compensation Reform**  
*Presented by the Workers' Compensation Committee*

The Workers' Compensation Committee presents a panel discussion on changes that have occurred and results of the numerous reforms over the last two years. The panel consists of: an Occupational Medicine Specialist, Dr. Fung, a Workers' Compensation Defense attorney, Nicole Demakis and Judy Lemm who is a consultant and specialist in Occupational Medicine, specializing in Return-to Work Programs. The panel will discuss case laws and pending case laws that are affecting the interpretation of the laws that came out of the reform acts and your local courthouse.

**WHEN: Thursday, March 23, 2006**

11:15 – 11:45 Registration, Check-In, and Networking  
11:45 – 1:30 Meeting

**WHERE:**

The Handlery Resort & Hotel  
950 Hotel Circle North  
San Diego, CA 92108  
Hotel Phone: (619) 298-0511  
**Note: Parking will be hosted by the Chapter**

**MENU:**

**A Wrap!**  
Flour Tortilla with Chicken Caesar Salad, Sliced Roast Turkey Breast, Lettuce and condiments  
Dessert: Apple and Berry Crisps  
Brewed Coffee, Decaffeinated Coffee, Tea, and Iced Tea

**COST:**

\$25 for Members / \$30 for Guests of a Member  
\$10 Additional for Late RSVP and walk-ins

**RSVP TO:**

San Diego Chapter of RIMS – Please use online RSVP if possible

**E-mail:** [sandiegorims@gmail.com](mailto:sandiegorims@gmail.com) **(PLS NOTE NEW ADDRESS)**

**On-Line:** Go to the San Diego Chapter's website at <http://www.sandiegorims.org>, click on Meeting Notice, scroll to the bottom of the page, click on "RSVP" button and complete the online form.

**Call:** (760) 839-4588 (Cindy Titgen)

**RSVP BY NOON on MONDAY, March 20, 2006**  
**or be subject to an additional \$10 late fee – really!**

*Remember: no shows may be billed for meals.*

# **We can't let workers' comp reforms slip.**

*This story appeared in the Antelope Valley Press on Tuesday, February 28, 2006.*

TODAY'S EDITORIAL – The effort by Gov. Arnold Schwarzenegger and the Legislature to reduce workers' compensation insurance premiums actually is paying off for some employers.

The state Department of Industrial Relations issued in February estimated that changes have saved employers as much as \$8.1 billion since the high mark for premiums in July 2003.

A chart based on data from the Workers' Compensation Insurance Rating Bureau of California shows the average workers' comp rate dropped from a peak \$6.46 per \$100 in payroll in the second half of 2003 down to \$4.42 in the July through September period in 2005.

That means that the rate is back nearly at the level it was in the first half of 2002 when rates began their outrageous upward climb, adding about \$2 per \$100 of payroll by 2003.

An analysis from the state Commission on Health and Safety and Workers' Compensation found the regulations adopted in 2004 have reduced the average cash award given to permanently disabled workers by 50%.

The California Chamber of Commerce led the fight to get the premium rates reduced, but opponents of the chamber's campaign are preparing three versions of an initiative to reverse the beneficial changes.

The proposed initiatives could:

Eliminate the use of medical provider networks;

Reinstate the ability of injured workers and/or their advocates to select doctors who would be granted a presumption of correctness; and

Undermine the ability to utilize pharmaceutical benefit managers to help contain prescription drug costs.

In addition, versions 1 and 2 include provisions to eliminate workers' compensation as the exclusive remedy for injured workers and grant injured workers the ability to pursue action at law.

Version 3 proposes a benefits increase for injured workers that could be inflated greatly by any prospective minimum wage increase.

So the battle goes on.

The badly needed premium reductions again may return toward an upward curve. Those escalating raises were a terrific drag on the businesses in California, causing some of them to leave for states where premiums were lower.

The governor, the Legislature and the voters must not allow history to repeat itself now that the gains have been won.

The rising workers' compensation rates in the early part of the new century were a painful thorn in the side of all businesses and have done considerable harm to the state's overall economy.

*Submitted by Cathy Aguilar, WC Committee*

## **Board of Directors Meeting Summary – March 2006**

*Submitted by Liz Zepeda, Secretary*

The following are a few highlights from the March 2nd Board of Directors meeting:

- The Board reviewed and unanimously approved the 2006 Budget as well as 2005 Final Financials and the Monthly Account Balances report.
- The new crescent table set-up for monthly meetings was met with positive feedback creating a better viewing configuration for attendees.
- The period for Associate member renewals without a late charge will end on March 10<sup>th</sup>. Board Members to contact recalcitrant Associate Members.
- President Pat Greene announced that he had received a call from the Society and the San Diego Chapter has won the Chapter Recognition award for Overall Chapter Excellence – to be presented at the upcoming RIMS 2006 Honolulu Conference in April, "Expanding the Power of Risk Management".
- The Western Regional Conference for Risk Managers has been slated for October 1-4, 2006 in Park City, Utah.
- The March monthly meeting on March 23<sup>rd</sup> will be joint with PARMA and the San Diego "Heart of the Chapter" award will be presented.
- Board Member Dave Dolnick discussed his participation in a panel discussion on Risk Management on February 27<sup>th</sup> at the Department of Real Estate Studies at the University of San Diego. Over 100 students attended and the program was met with such success that plans are in the works to promote a full day Risk Seminar each year.

# Member Spotlight

## ANNE KOVAL

Business Development Leader  
Carl Warren & Company

*By Liz Zepeda*

I first met Anne when she volunteered for the Golf Committee last year. Little did I know at that time what a talent we were getting by her participation. Always eager to assist in whatever needs to be done, she jumped in at the last minute and organized the volunteers and check-in process the day of the tournament, contributing her time and know-how to the event's success.

After this brief Member Spotlight interview, I got the real scoop as to why we have such a great asset in our chapter – her passion is event planning!! – WHO KNEW?? She organizes a yearly “Girls’ Getaway” for a group of gal friends. Her expertise ranges from corporate events for Carl Warren, school functions, Girl Scouts, children’s theme parties, and friends’ formal affairs to non-profit charity bashes.

Anne is a San Diego native. She moved to Seattle for a year in her 20’s but realized San Diego is her true home. A graduate of San Diego State, she has two children, Morgan 8 and Jackson 4 and with her husband working at Sea World, they enjoy many fun outings.

For the last 13 years, Anne has been employed by third party administrator, Carl Warren & Company, an employee-owned company. She oversaw 55 national accounts and handled everything except adjusting claims, traveling primarily on the West Coast. In 2004 Carl Warren hired a new CEO/President and reorganized the company. She describes the change as “refreshing and exciting”. She was promoted to a leadership team handling new business development in the SIR national area, assisting with the Public Entity Group, making sure everyone’s needs are met. She has the flexibility of working out of the local office or from home which helps her stay connected with the family.

Besides juggling travel, a demanding job and family life, she finds time to study for her AIC (Associate in Claims) and then will pursue her ARM. She is also an external liaison to the web-based online access system – mycarlwarren.com. Somehow she also finds time to visit other RIMS chapters (San Diego being her favorite, of course).



When I asked Anne to tell me something about herself that would surprise me, she thought for a while about her early years and shared that just after graduating high school at 17, she took off in a Volkswagen Van trailing a sailboat and toured the Eastern Seaboard racing every weekend. She also raced “Thistle’s” for many years out of the Mission Bay Yacht Club and crewed many National Competitions!

I invite you to take the time to get to know this fun-loving, energetic member of our chapter!



## Attendance Raffle

*By Cheryl Berman*

The pot was at \$45 at our February meeting when the name Bud Stahler of the San Diego Unified Port District was drawn for the attendance raffle. Bud was not in attendance, in fact the last time I saw Bud was on the golf course. The pot will go to \$55 at the March meeting. Bud, your chances are just good in March, it pays on many levels to attend, you could put your winnings toward a round of golf or a deposit on a tuxedo for your daughter’s wedding or.....

# Photo Page



2003-2005 Past President Cheryl Berman receiving the RIMS Past President award from 2006 President Pat Greene.



A special thank you to Sherry Atkinson of the San Diego Padres for her years of dedicated service to the Chapter as she prepares to retire in March!



## Past Presidents

It was with great pleasure that we were able to recognize and honor seven of our Chapter's Past Presidents at our February Meeting! Through their efforts, the Chapter has grown and flourished over the past years! Again, our sincere thank you to these outstanding individuals!



Past President Recognition at our February Meeting: left to right: Ed Miller, Cheryl Berman, Dave Dolnick, Jeff McEntee, Laura Seiler, Steve Grebenstein, and Lucy Freeman.



# 2006 Dates to Remember

\* **March 23, 2006** Life After Workers' Compensation Reform PLUS Heart of the Chapter Award PLUS Joint Meeting with PARMA & CPCU.

*All additional monthly meetings are listed inside on page 3.*

\* **August 24, 2006** Annual Professional Development Seminar

\* **September 15, 2006** Mark your calendar for the RIMS Golf Classic

**Address Changes - Please send all changes to the attention of:**

**Membership Director  
San Diego RIMS  
P. O. Box 81244  
San Diego, CA 92138-1244**

(Or submit it via the website: [www.sandiegorims.org](http://www.sandiegorims.org) Click on "Update Your Info" on the Home Page)

**RIMSAIL  
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