

SCAA

March 2011

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Seattle Claims Adjusters Association

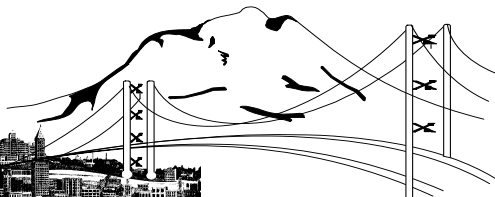
Celebrating over 75 years of service to the claims community — Founded in 1930

“A professional organization dedicated to the ongoing education of the claims community.

Providing an arena for member interaction and the sharing of resources.”

SCAA

Friday, March 18, 2011



2011

SPRING SYMPOSIUM

& VENDOR FAIR

TCAA

Bell Harbor Int'l Conference Center
Pier 66 ~ 2211 Alaskan Way, Seattle, WA

~ For highlights & registration see our websites ~

Next Meeting of the SCAA

April 15, 2011

The Swedish Club, 1920 Dexter Ave North, Seattle, WA

Program

**Advanced Drying Case Studies with Steve Morgan of Bales Restoration
Vendor Appreciation Day!**

Cost

\$15 Members \$20 Non-Members

Time

11:30am to 1:00pm

It is important for you to RSVP if you are going to attend our luncheon meetings. Please do so through our website or contact Todd Clirehugh at toddc@grange.com. Thank you!



DON'T FORGET TO RSVP!

Please let us know you will be attending our next meeting by submitting an RSVP at our website! www.seattleadjuster.org



Advertising Opportunities Available in our 28-page newsletter!

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ON THE DOCKET FOR 2011

Date	Speaker/Topic
March 18	SCAA-TCAA Spring Symposium & Vendor Fair See pages 14-15 for more details!
April 15	SCAA Meeting & Vendor Appreciation Day Steve Morgan of Bales Restoration "Advanced Drying Case Studies"
May 20	SCAA Meeting & Past President's Luncheon Topic/Speaker TBA



Now accepting credit cards!

Meeting Information

Please keep in mind that we'd like to start and end promptly during our monthly meetings. Here is the timeline for each meeting:

11:30 a.m. Registration
 11:45 a.m. Buffet
 12:00 p.m. Meeting Called to Order
 1:00 p.m. End of Meeting

Please arrive on time and have your cash or check (payable to SCAA) ready. We appreciate your cooperation and assistance.




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Stuff

By Jim Peterson, SCLA, SCAA President

Hello everybody, I hope you all are continuing to have a great year. As I write this, thousands of Seatleites are panicking because of a little bit of snow. Of course, I sit here at home and am not out on the streets with all the other crazy people. I do have two snowpeople (being the PC person that I am) in my yard. Of course they are made with snowballs.....but I digress.

This is the month of our annual Symposium and I hope many of you are able to attend. A lot of hours and hard work go into putting on one of these events and it would be a shame to miss it and have the efforts of so many people only benefit a few. There are several great presentations and classes and we have been cleared for 8-hrs of CE credits for adjusters and 6-hrs of CE for vendors. Just let someone on the board know that you need the credits and we will make sure you get the correct paperwork.

The combined SCAA/TCAA bowling tournament was a fantastic success! To bad Slade Spiller wasn't there, he would have been \$300 richer. I want to thank all the vendors who sponsored the bowling event. Without your support we'd just stand around starving and prizeless. But I really do appreciate all you do to sponsor our events and keep the organization going.

I look forward to seeing everyone at the Symposium! ❖

*"Rice is really good if you're hungry
and want 3000 of something"*

April Meeting Presentation

Advanced Drying Case Studies: Restoration Approaches and Alternatives for Reducing Claims Costs — with Steve Morgan of Bales Restoration

A native of Seattle, with 22 years of experience in the construction and restoration industry, Steve is the General Manager of Bales Restoration and oversees all field work, inspections, and proposals.

Steve holds multiple certifications to serve the water damage and mold remediation market place. He frequently speaks at training events and industry seminars.

His expertise in drying complex structures and materials is nationally recognized. He and his crews provide field R&D for specialized drying equipment manufacturers.

Join us for this presentation on our regular day at our regular meeting place — Friday, April 15, at The Swedish Club. We will also be acknowledging our Vendors at this meeting and showering them with SCAA Appreciation! ❖



Case Study

SMITH FREED & EBERHARD P.C.

Your Litigation Partner

Respondent Superior: Vicarious Liability for Unauthorized Passengers

by Jeffrey D. Eberhard

Claims Pointer: When an employee is driving a company-owned vehicle and, against company rules, brings his wife along for the ride, the company will be held vicariously liable for any injury sustained by the wife during the trip as a result of the employee's negligence.

The doctrine of Respondent Superior (literally meaning "let the master answer") is a well-established legal doctrine which holds an employer vicariously liable for the actions of its employees occurring within the scope of employment. The doctrine originated in the 1800s and was based on the master/servant theory of liability. Back then, it was generally understood that a master who carried

Employment Listings



Career Opportunities

Crowley Maritime, Association of WA Cities, and Mutual of Enumclaw have job openings. See our website for details.

Check our website for the latest offerings:
www.SeattleAdjuster.org

Case Study... *(Continued from page 3)*

out his business activities through the use of servants should be held liable if the servants acted tortiously in carrying out his tasks. Today, the doctrine is most commonly applied in the context of employees and employers. Courts have limited employers' liability, however, to torts occurring within the scope of employment. That is, an employer can only be liable for its employee's acts which occur while the employee is acting in furtherance of the employer's business, and arise within the time and geographical limits of the requisite task. Recently, in Rahman v. Washington, 2011 WL 172763 (January 20, 2011), the Supreme Court of Washington considered how the doctrine of Respondeat Superior applies when an employee injures an unauthorized passenger while driving a vehicle in furtherance of his employer's business.

Mohammad Rahman was employed by the State of Washington Department of Ecology as an intern during the summer of 2005. That summer, he was asked by his employer to drive from Olympia to Spokane in a state-owned vehicle to assist in inspecting a construction site. Unbeknownst to his employer, Mohammad brought his wife, Rizwana, along for the trip. The department's policy regarding state vehicles maintained that they weren't to be used for personal trips, or to transport passengers that were not on state business. While driving to Spokane, Mohammad missed a turn, struck a tree, and rolled the vehicle several times, causing severe injury to Rizwana. She brought a negligence action against both Mohammad and the State, and later amended the complaint to name the State as the sole defendant.

Rizwana moved for partial summary judgment, arguing that the State was vicariously liable under the doctrine of Respondeat Superior for her husband's negligence. The State filed a cross-motion, arguing that the transport of an unauthorized passenger fell outside the course of Mohammad's employment. The trial court agreed with the State, and Rizwana appealed. The Court of Appeals reversed the lower court's opinion, and the State petitioned for Supreme Court review, which was granted.

On review, Rizwana argued that Mohammad was acting within the scope of his employment because he was driving at his employer's direction. The State argued that bringing his wife along, against company policy, was for Mohammad's own personal interests and took his trip outside the scope of his employment. The Supreme Court noted that both arguments were essentially correct.

In making its determination, the Court looked to previous Washington cases discussing the doctrine of Respondeat Superior. In most cases where the employer was not found to be vicariously liable, it was because the employee engaged in an unauthorized act which contributed to the accident or injury, such as driving while intoxicated. Here, however, the Court held, there was no evidence that Rizwana's presence in the vehicle in any way contributed to Mohammad's accident. Further, the Court noted, though bringing Rizwana with him on his trip certainly served Mohammad's interest, his conduct at the time – driving to Spokane – was still in service of the State's interest. Thus, the Supreme Court upheld the Court of Appeal's finding that the doctrine of Respondeat Superior applied under these circumstances, and the State was held vicariously liable for Rizwana's injuries. ❖

NOTE: This opinion has not been published. It is provided to demonstrate how the court approaches the issues involved in the case. It cannot be cited as authority to a court of law.

— If you would like to be notified of these new cases, please send an email to caseupdate@smithfreed.com.

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