

SCAA

October 2010

Vol. 38 No. 2

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.”

Stuff

By Jim Peterson, SCLA, SCAA President

Hello and welcome to October! We had a great first meeting and my heartfelt thanks again to Don Easton of Unified Investigations for a fun and well received presentation.

This month will be the joint SCAA/TCAA meeting and bowling tournament at ACME bowl in Tukwila. At last check there were only two lanes left for this fun event. So get your registration in as soon as possible if you are interested in participating. See page 15 or visit our website for the registration form. The date

is Friday, October 15, the meeting begins at 10:00am, with lunch and bowling starting at 11:30am.

Our guest speaker at the joint meeting is famed Attorney Anne Bremner, she will undoubtedly put on a great presentation. Many thanks to Anne for taking time out of her busy schedule to talk to us! Be sure to read Roger Howson’s Claims Conversation article starting on page 13, which ties in to our October speaker.

I am always open to ideas for speakers or suggestions on what SCAA can do to improve or perfect.

Please see page 3 for a coupon to Street Bean, my charity for the year. Help support this charity and at the same time enjoy a great cup of coffee or a latte! SCAA will reimburse Street Bean for every \$1 redeemed. ❖

“Today I saw a stationary store move.”

Next Meeting of the SCAA

October 15, 2010

Program

**Joint meeting with TCAA
Speaker Attorney Anne Bremner
plus an afternoon of bowling!**

[See our website for more info](#)



**Advertising
Opportunities
Available in our
28-page
newsletter!**

For rates and sizes contact
Barb Tyler / Alquemie Publishing
541/937-2611 or npassist@msn.com



ON THE DOCKET FOR 2010

SCAA OFFICERS

Jim Peterson..... President
Grange Insurance Office: 800/826-3197 x2448
 Email: jim.peterson@grange.com

Lynn Perry..... Vice President
Grange Insurance Office: 206/448-4911 x2458
 Email: lynn.perry@grange.com

Deborah Jette..... Secretary
Grange Insurance Office: 206/448-4911 x2282
 Email: deborah.jette@grange.com

Tanya Padur..... Treasurer
SAFECO Office: 253/307-8365
 Email: tanya.padur@safeco.com

Dean West..... Immediate Past President
West Adjusters Office: 425/522-4625
 Email: deanwest@pacnorthwest.net

SCAA Liaisons

Deborah Jette..... Membership Liaison
Grange Insurance Office: 206/448-4911 x2282
 Email: deborah.jette@grange.com

Barb Tyler..... Membership List
Alquemie Publishing Publisher/Advertising
 Website Coordinator
 Office: 541/937-2611
 Fax: 541/937-4286
 Email: npassist@msn.com

Lizzy Adkins..... Bowling Tournament Chair
Alliance Restoration Office: 866/882-7930
 Email: lizzya@alliancerestoration.com

Timothy Reid..... Case Review
Attorney at Law Office: 425/313-9414

Roger Howson..... Education Chair
Claims Dispute Resolution Office: 206/676-3851
 Email: rogerhowson@claimsdispute.com

Carol Seepersad-Green.... Golf Tournament Chair
Liberty Mutual Office: 206/459-2345
 Email: carol.seepersadgreen@libertymutual.com

Deborah Jette..... Holiday Event Chair
Grange Insurance Office: 206/448-4911 x2282
 Email: deborah.jette@grange.com

Lizzy Adkins..... Job Finder
Alliance Restoration Office: 866/882-7930
 Email: lizzya@alliancerestoration.com

Lynn Perry..... Spring Seminar Chair
Grange Insurance Office: 206/448-4911 x2458
 Email: lynn.perry@grange.com

Bob Jeans..... Tennis Tournament Chair
JMW Settlements Inc. Office: 425/396-4344
 Email: bob.jeans@jmwsettlements.com

Date	Speaker/Topic
Oct 15	SCAA / TCAA Joint Meeting & Bowling Tournament See website for more info Read about our speaker in the Claims Conversation article by Roger Howson
Nov 19	SCAA Meeting
Dec 3	SCAA/TCAA Joint Holiday Party See website for more info



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.




Tailored services for nonprofit organizations
"The next best thing to a volunteer!"

BUSINESS EMPOWERMENT NETWORK

Barb Tyler
 (541) 937-2611
 Fax: (541) 937-4286
 npassist@msn.com

PO Box 87, Dexter, Oregon 97431
 WWW.ALQUEMIEPUBLISHING.COM

Newsletter Publishing • Executive Assistance • Event Planning
 Website Development & Maintenance ...and more!



**Advertising Opportunities
Always Available!**
 For rates and sizes contact
Barb Tyler / Alquemie Publishing
 541/937-2611 or npassist@msn.com

The Seattle Adjuster

*Published monthly September—June for the
 Seattle Claims Adjusters Association
 By **Alquemie Publishing Ink**
 541/937-2611 Fax: 541/937-4286
 Email: npassist@msn.com*



In Memory Of...

**Justin Andrew
(ANDY) Hutchinson**



Andy Hutchinson with Halo Construction, Inc. passed away peacefully on September 26, 2010. He will forever be remembered for his contagious energy, generosity and charitable contributions in the community.

Andy got started in the construction business working summers with his Grandfather building houses in Oklahoma. He moved onto Houston working with his Dad (Stan Hutchinson) at his remodeling company. He then became a fireman and EMT first responder and later worked for the Texas Forest Service.

Andy moved to Seattle in 1999 working with various construction companies in the industry and married his lovely wife Carrie in 2001. They have two children together, Hailey 7 and Dylan 4. Andy also has two older children Colby 19 and Logan 17.

Together, Andy and Carrie formed Halo Construction, Inc. in 2005. Carrie and employees at Halo plan to keep his legacy alive by continuing his vision to be a successful company in the industry.

All of us at Halo Construction, Inc., would like to thank you for your kind words of condolence and your continued support. Please keep him in your memory and his family in your prayers.

You will be missed Andy Hutchinson

A memorial service celebrating the man Andy was and the accomplishments he had in his short life, was held on October 7 at Northshore Christian Church in Everett.

In lieu of flowers, you can make a contribution to "Relay for Life". Go to www.relayforlife.org/lakestevenswa. Our team name is "In memory of Andy". All proceeds go to American cancer society.



**Advertising
Opportunities
Always Available!**

For rates and sizes contact
Barb Tyler / Alquemie Publishing
541/937-2611 or npassist@msn.com

"What has two legs and can be seen running fast every third Friday of the month? An adjuster on their way to an SCAA meeting!"

October 15 — Be there!



President's Charity

Enjoy a cup-a-jo on SCAA while supporting this charity!

~ Cut out coupon below ~



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

**THIS IS A
\$1.00 OFF
COUPON.**

Street Bean Espresso is a Belltown café working toward sustainability from seed to cup by serving excellent, locally roasted, direct-relationship coffee and employing young adults working to exit street life.

2702 Third Ave. Seattle, WA 98121 - www.streetbeanspresso.org - 206.708.6803



Case Study
SMITH FREED & EBERHARD P.C.
Your Litigation Partner

Insurance Policies: Does “Fair Market Value” Include Sales Tax?

By Jeffrey D. Eberhard

Claims Pointer: Washington Supreme Court holds that insurer must account for Washington sales tax in calculating the FMV of property damaged in fire under a renter’s insurance policy.

For most American consumers (unless you live in Alaska, Delaware, Montana, New Hampshire or Oregon), paying the additional cost of sales tax on goods and services is an indisputable – albeit unpleasant – fact of life. But does sales tax add “value” to a product? And should an insurance company consider the added cost of sales tax when calculating how much a policyholder should be reimbursed for covered loss to property? These questions were recently addressed by the Washington Supreme Court in Holden v. Farmers Insurance Co. (Case No. 81487-2, September 9, 2010).

When a fire broke out in the kitchen of her rented house, and her personal property was damaged and

destroyed, Plaintiff Laura Holden (“Holden”) sought coverage under her renter’s insurance policy – a “Broad Form Renters Package Policy” – from Farmers Insurance Company of Washington (“Farmers”).

The policy included coverage for the “actual cash value” (ACV) of damaged property in the event of a fire. In the policy, ACV is defined as “the fair market value (FMV) at the time of loss.” FMV is not defined in the policy, and the policy does not specify what method Farmers uses to calculate ACV or FMV.

Holden submitted a claim to Farmers under the ACV provision, and Farmers sent Holden a check for \$1,174.41. This amount did not include Washington sales tax. Holden requested that sales tax be included in the reimbursement, and, when Farmers refused, Holden brought a class action against Farmers seeking a declaration that sales tax should be accounted for in the ACV calculation for her claim and all similarly situated insureds.



Now accepting credit cards!

Membership Application for 2010-2011



SCAA Annual Membership Application

Membership Dues for the year September 1, 2010 to August 31, 2011

DUES ARE NOT PRO-RATED

Please print neatly, one application per person

Industry Vendors
 Please do not fill out this application. You do not qualify for this type of membership.

Applicant _____ Company _____

Mailing Address _____ City _____ State _____ Zip+4 (Required) _____

Phone _____ Email _____

Check the appropriate boxes: Renewal, year first joined _____ Change of Address New

Active Member — Adjusters & Claims Persons **\$25** Life Member — Past President or Retired **No Money Due**

Associate Member — Member of Defense Bar or Former Claims Person **\$25** Corporate Sponsor — Legal Firms ONLY **\$125**

Send payment and completed application to: **The Seattle Claims Adjusters Association**
 Barb Tyler—Alquemie Publishing
 PO Box 87
 Dexter, OR 97431

If you have any questions on type of membership or membership status, contact Barb Tyler at 541/937-2611, or by email: npassist@msn.com

The trial court granted Holden's motion for summary judgment, reasoning that since the term FMV was subject to more than one interpretation, and therefore ambiguous, it should be construed in favor of the insured with sales tax being part of FMV. Farmers filed an appeal and the Court of Appeals reversed the trial court's decision, holding that the ACV provision does not include sales tax because replacement cost considerations apply only when the property is actually replaced.

Holden filed a petition for review, which was granted by the Supreme Court. Farmers argued that sales tax should not be included in calculating FMV unless the policyholder actually replaces the damaged property. However, the Court looked to the policy language and noted that where, as here, a policy term is undefined, it must be given its "plain, ordinary and popular" meaning, and any remaining ambiguity "must be construed against the insurer and in favor of the insured."

The language of the ACV provision policy reads as follows:

"Covered loss to property will be settled at actual cash value. Payments will not exceed the amount necessary to repair or replace the damaged the property, or the limit of insurance applying to the property, whichever is less."

The Court held that the provision "the amount necessary to repair or replace the damaged property," being construed most favorably to the insured, would include applicable sales tax. Furthermore, the Court held that whether a claimant actually replaces damaged property has no logical bearing on the property's FMV – the loss is the same regardless of whether or not the property is replaced. Therefore, the Court reversed the appellate court's decision and held that Plaintiff was entitled to compensation for sales tax. ❖

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

This article is intended to inform our clients and others about legal matters of current interest. It is not intended as legal advice. Readers should not act upon the information contained in this article without seeking professional counsel.



Claims Conversation

with Roger Howson, Claims Dispute Resolution, TCAA President, SCAA/ TCAA Education Coordinator

To achieve responsibility and freedom we must be aware of our actions. Awareness of our actions opens us to an awareness of our liking or disliking of the consequences of our actions.

Responsibility is our awareness of our liking or disliking of the consequences of our actions.

Freedom is our awareness of our liking or disliking of the consequences of our liking or disliking of the consequences of our actions.

We always do what we do because we want the consequences of our actions, even when we say we do not want those consequences.

Of this we can now be aware.

My paraphrasing of the definition of "Responsibility and Freedom" by Chilean anthropologist Humberto Maturana illustrates one of the key components of our profession: awareness. If you were allowed only one word for an adjuster's job description "awareness" might be that word.

Adjusters are the first responders for the insurance company. They are assigned new claims with only the most rudimentary information, so they must be aware that things aren't always what they seem. Adjusters are inundated with information that must be taken in, processed, analyzed, distilled into a report, and communicated to their company in a way that provides an accurate snapshot of the claim situation.

Unfortunately for the adjuster, information is just noise. Information can be accurate or inaccurate,

(See Claims Conversation... continued on page 8)



Tacoma Claims Adjusters Association

— Upcoming Meeting —

November 12, 2010

11:30 am - 1:00 pm

LaQuinta Inn

1425 East 27th Street, Tacoma, WA

For more information visit:

www.tacomaadjusters.org

SCAA AND TCAA PRESENTS FALL BOWLING EVENT

At

ACME Bowling, Billiards & Events



100 Andover Park West
Tukwila, WA 98188

Friday ~ October 15, 2010

VENDORS! Contact ~ Lizzy Adkins @ 425-766-7444 for **Sponsorship Opportunities**

AGENDA

9:30 a.m.	Registration
10 to 11:00 a.m.	Main Speaker and Association Meeting
11:30 a.m. to 2:30 p.m.	Lunch and Bowling Tourney

\$15 for Lunch Only \$20 for Bowling Only \$25 for Lunch/Bowling \$150 per Team
--

SPACE IS LIMITED! SIGN UP TODAY!

6 Bowlers per Lane ~ Must have 2 ADJUSTERS per Team

TEAM CAPTAIN:	_____	\$
Bowler #1	_____	Amount
EMAIL:	_____	
 Bowler #2:	_____	\$
Company/Phone:	_____	
 Bowler #3:	_____	\$
Company/Phone:	_____	
 Bowler #4:	_____	\$
Company/Phone:	_____	
 Bowler #5:	_____	\$
Company/Phone:	_____	
 Bowler #6:	_____	\$
Company/Phone:	_____	

Make checks Payable to SCAA
PO Box 9517, Tacoma, WA 98409

SCAA/TCAA
FALL
BOWLING
EVENT

SCAA AND TCAA PRESENTS FALL BOWLING EVENT

At

ACME Bowling, Billiards & Events



100 Andover Park West
Tukwila, WA 98188

Friday ~ October 15, 2010

Sponsorship Opportunities

LUNCH SPONSOR: \$300 (shared between multiple sponsors). Sponsorship will help cover cost of lunch for guests throughout event. Sponsorship will provide multiple table tent signage on lunch buffet table AND recognition on main sponsor board. Vendor may also distribute and/or lay out marketing materials, etc.

BOTTOMLESS BEVERAGE SPONSOR: \$300 Sponsorship will provide cost of bottomless soda, ice tea & coffee to all guests throughout event. Sponsorship will provide multiple table tent signage on beverage table AND recognition on main sponsor board. Vendor may also distribute and/or lay out marketing materials AND display 6-8 foot banner above beverage table (banner to be provided by vendor).

DESSERT SPONSOR: Contact ACME directly. Sponsorship will provide multiple table tent signage on dessert table AND recognition on main sponsor board. Vendor may also distribute and/or lay out marketing materials AND display 6-8 foot banner above dessert table (banner to be provided by vendor).

TROPHIES: Cost of 6 trophies for 1st, 2nd, 3rd and Worst Bowlers Teams (24 trophies). Sponsor will choose and order trophies of their choice and may have company name on trophies, as well recognizing their sponsorship. Sponsor will also be recognized on main sponsor board.

DOOR PRIZES: We are looking for donated door prizes to be raffled off to adjusters during and throughout the day. Sponsors will also be recognized on main sponsor board.

CONTACT/QUESTIONS: Lizzy Adkins @ lizzya@alliancerestoration.com OR
425-766-7444

Make checks Payable to SCAA
PO Box 9517, Tacoma, WA 98409

SCAA / TCAA
FALL
BOWLING
EVENT

Claims Conversation... *(Continued from page 5)*

comprehensive or incomprehensible, objective or subjective, relevant or superfluous.

Suppose this claim was assigned to you...

One recent evening in Vancouver, Washington an attractive 28 year old woman is celebrating her new job by purchasing a pair of designer sunglasses when a tall slender good looking young black woman walks up to her, says “Hey pretty girl, do you want to drink this?” and then throws acid in her face. The assailant runs off before anyone sees her.

The young woman falls to the ground screaming in agony. She is immediately and excruciatingly disfigured, but luckily her new sunglasses miraculously save her from certain blindness.

The public is terrified and outraged by this random, senseless attack. Days later in other cities two more acid attacks are reported. Police have no leads in this case or the two subsequent incidents.

The public rallies to the aid of this poor victim. The medical community donates their facilities, equipment, and surgical teams. The local police department mobilizes their entire force to mount an intense, thorough investigation. The media broadcasts a description of the attacker as a black woman, possibly African, slender and six feet tall, wearing dangling earrings, with her hair pulled back in a ponytail — an artist’s sketch accompanies the description.

Now segue to another claim situation from many years ago.

In Tacoma a young gay couple returns home to find their house and contents brutally vandalized and burglarized. Profane homophobic slurs are painted on the walls.

Police are called, neighbors reach out in support, the gay community coalesces in a show of solidarity with the victims, and the media descends on this outrageous act of violent intolerance.

In both of these instances the white hot glare of media scrutiny enflames emotions. Answers are demanded. Everyone wants someone (else) to take action. Something **MUST** be done about this terri-

ble situation! A kind of “do SOMETHING, even if it’s wrong...” hysteria takes over. There is no tolerance for caution, patience, or perspective.

These are the kind of situations where we adjusters feel the most stress, tension, and pressure. Caution looks like tentativeness which is ridiculed as cowardice. Patience is a bottleneck which is vilified as stonewalling. Perspective includes doubt which mimics prejudice. At the outset of a dramatic and/or catastrophic situation we are urged to act quickly and decisively, but our experience and training tells us that things are not always as they seem.

The virtue of our intentional awareness informs our reluctance to act **TOO** quickly. But to outsiders we seem at least indifferent and at worst maliciously slow to act.

In the end, we find out that neither of these occurrences is as they initially seem. The young Vancouver woman’s wounds are self-inflicted. The Tacoma gay couple vandalizes their own house, and the “stolen” contents are hidden away in an off-site storage unit where they can recover them after their insurance claim is settled. In both instances, it is the awareness of investigators who are sorting through the deluge of information that finally separates fact from fiction to formulate the final (more accurate) narrative.

Think about the “information” that is provided in each of these true stories:

- It is important to know that the Vancouver victim is a young, attractive female. It is understood and accepted that an older, unattractive male similarly assaulted would not have elicited the same sympathy or attention.
- The “assailant” is black. Almost every fictitious assailant is black. Black is synonymous with criminal. There should be severe criminal consequences (as well as a special place in Hell) for anyone who exacerbates racial prejudices by inventing black criminals.
- Notice that “black” suffices as a distinguishing characteristic. The Green River serial murderer is my race and gender (white male), my height, weight, age, general physical characteristics, and frequents the same areas as I work... but I was never once stopped or ques-

tioned by police during that entire decades-long investigation.

- The couple is gay and the vandalism is homophobic. These two men should also be convicted of exacerbating prejudices by capitalizing on these prejudices for personal, criminal gain. Their self-serving hoax diminishes the legitimacy of sadly still rampant mainstream prejudices against gays and lesbians.
- Conversely, the gay couple's eventual arrest, conviction, and sentence received very little press because the investigation was initiated by the insurance company AND it is an incon-

venient narrative that some members of a sexual minority are bad people.

Anyway, this is all just my long-winded lead-in to our October SCAA/TCAA Meeting speaker, superstar celebrity attorney, **Anne Bremner**. Her topic(s) will be "*Guilty Until Proven Innocent*" and/or "*Trial by Camera*" wherein she shares her secrets about how she successfully defends seemingly indefensible clients in the white hot glare of media scrutiny and/or police and other high profile clients already condemned by the media and community activists. Don't miss it — we're lucky to get a speaker of this caliber! ❖

Benefits of SCAA Membership Join or Renew Today!

We can't say enough about the advantages of membership in the Seattle Claims Adjusters Association. The benefits are numerous, for example:

- **Newsletter** — Receive a copy of the SCAA newsletter September through June, packed full of educational articles and other information of interest to adjusters. It is also a resource guide to goods and services provided by our industry vendors — who also support our Association.
- **Monthly Meetings** — Attend these meetings to hear local presenters on topics that are pertinent to today's adjuster — always educational and sometimes entertaining!
- **Spring Seminar & Vendor Fair** — An entire year's worth of work goes into planning and hosting this annual educational event held in the spring — touching on all the hot topics and providing you an opportunity to meet with industry vendors face-to-face outside of your office. A joint venture with TCAA.
- **Golf** — Not much educational about golf, but what adjuster today doesn't need a little relaxation and fun — held in the summer each year.
- **Website** — Stay in touch with local happenings and other claims associations in the Pacific Northwest. Open a web version of our newsletter. Find contact information for SCAA board and committee members. Or find a new job from the employment listings. And there's more.....

Membership in SCAA is open to all claims adjusters, and should be a priority on your list of things to do! Print the application from our website, or see inside this issue.

JOIN or RENEW TODAY!

www.seattleadjuster.org

H
A
P
P
Y

H
O
L
I
D
A
Y

2010 SCAA/TCAA HOLIDAY PARTY

Vendors
\$75.00

Adjusters,
Spouses or
Guests
\$50.00

Retired Past
Presidents
\$25.00

Champagne & Cheers

Friday, December 3, 2010
Noon to 5:00 p.m.

Maritime Event Center
(Bell Harbor Int'l Conference Center)
2211 Alaskan Way
Seattle, WA 98121

Karaoke ~ Door Prizes ~ Holiday Buffet ~ Money Tree

Questions? Email Erin Montgomery or Lizzy Adkins

emontgomery@servproofrenton.com and lizzya@alliancerestoration.com

Adjuster: _____

Company: _____

Email: _____

Guest: _____



Holiday Coat Drive

Please bring a brand new coat for an infant, child, teen or adult!
SCAA/TCAA will donate these items to a local charity.

Total Enclosed:
\$ _____

Vendor: _____

Company: _____

Email: _____

AGENDA

Noon – Registration/Appetizers	2:30 to 4:30 pm - Karaoke
1:00 pm – Champagne Toast	4:40 to 5:00 pm – Money Tree Drawing
Past-President Welcome/Speech	Raffles
1:30 pm - Buffet	

Checks Payable to SCAA C/O Lizzy Adkins ~ 3508 66th Ave W, University Place, WA 98466