

SCAA

September 2010

Vol. 38 No. 1

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.”



In Memory Of...

Gordon Everett

*SCAA Past President
1977-78*



It is our sad duty to report the passing of SCAA's Past President and friend, Gordon

Everett. The following is Gordon's obituary followed by special comments from SCAA members who knew him...

Gordon Everett, 75, of Marysville, WA, born September 8, 1934, passed away on the evening of July 27, 2010. His son, daughter and wife of 50 years were at his side.

Gordon was born and raised in Tacoma, Washington. He graduated from Lincoln High School and then went on to attend University of Puget Sound and the University of Washington. He was with Grange Insurance as a claims examiner and well respected among his peers in the insurance industry. He was past president of Seattle Claims Adjuster Association (SCAA) and stayed active in that organization even after retirement.

Gordon retired in 1998. After retirement, he devoted his time to serving his community. He was very active as a volunteer in the Marysville Police Department and later, the Snohomish County Sheriffs Department. He took a

(See Gordon Everett Memorial... continued on page 3)

Next Meeting of the SCAA

September 17, 2010

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

Program

**Don Easton of Unified Investigations
Go Behind the Scenes: Fascinating Stories of
Forensic Investigations**

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 Tanya Padur at tanya.padur@safeco.com. Thank you!



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ON THE DOCKET FOR 2010

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Date	Speaker/Topic
Sept 17	SCAA Meeting with Don Easton of Unified Investigations Go Behind the Scenes: Fascinating Stories of Forensic Investigations
Oct 15	SCAA / TCAA Joint Meeting & Bowling Tournament See page 15 for more info!
Nov 19	SCAA Meeting



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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Gordon Everett Memorial...

(Continued from front page)

special interest in the Kid Care program, which helps law enforcement find missing or exploited children.

Gordon is survived by his wife of 50 years, Marianne, daughter, Karen Everett, son, Edward Everett, and grandsons Andrew and Eric Everett, sister Joanne Hawn (Jack), Gayle Cammarano (Jim), sister-in-law Janet Adams (Kenneth), along with several cherished nieces, nephews, and beloved friends. He was preceded in death by his brother, Edward (Nip) Everett in 2009.

In addition to his community service, Gordon enjoyed golfing, fishing and poker. He and Marianne enjoyed many RV trips all over the United States. He had a sharp wit and was well known for his clever sense of humor.

Memorial services were held Sunday, August 15, 2010 at Legion Memorial in Everett, WA. ☽

Fond Remembrances

I had a nice conversation with Gordon about his terminal illness and other reminiscent discussion. We both agreed that it was a unique opportunity to cover all those usual personal comments in person, rather than after the fact. It was a nice good-bye.

— Larry Garlinghouse, SCAA PP 1988-89

I had a chance to say good-bye to Gordon and to say thanks for all he did for the SCAA over these many years. Gordon's presence will be missed from his constant vigil to keep the association in line with his vast amount of knowledge regarding our bylaws to the many stories [jokes] he often shared. Gordon was a caring person. I'll always remember the times at our golf outing he would take the time to bring Art Cambell along as he was not able to drive at his advanced age. That type of kindness I told him was something I will always remember Gordon for. This was a difficult call to make to say my good-byes, but felt it was something I owed him and to say thank you. In parting I asked Gordon to save a place for me in Adjusters Heaven as we know that's where he is now watching out for us.

— Tom Ewing, SCAA PP 1986-87

(See Gordon Everett... continued on page 5)

Stuff

By Jim Peterson, SCLA, SCAA President

Hello and welcome to the 2010-2011 year of SCAA! I would like to welcome the board members: **Lynn Perry**, Vice President; **Deborah Jette**, Secretary; and **Tanya Padur** as Treasurer. This should be a fantastic year!

Our first meeting on September 17 should be a lively one. Roger Howson has invited Don Easton of Unified Investigations to give a presentation on their most interesting and humorous cases, including outrageous arsons, frauds, drug dealings, fire-arms violations, gang misbehavior, and dog sniffing investigations. Don will show us the crazy things that happen before we adjusters get the claim. And he should know! He has a life time of law enforcement, fire and fraud investigation, and insurance claims experience to draw from. You won't want to miss this presentation!

We will once again have a joint SCAA/TCAA meeting and bowling tournament on October 15. See page 15 for more information and to sign up. Vendors see page 16 for sponsorship opportunities for this event.

Also during the year we will have another joint Holiday Party with TCAA; that will be on December 3 at the Bell Harbor. Our Spring Symposium will also be at the Bell Harbor on March 18. We are actively searching for venues for the Golf Tournament that will be in June.

I have chosen **Street Bean Espresso** as the charity for this year. They are a non-profit organization that gives homeless and at-risk youth employment and basic work skills to help them make their way off the streets of Seattle.

Street Bean is largely operated by volunteers. The youths that enter their program through New Horizons are paid employees and all tips received go to the youth working, or as a donation to New Horizons if no youth are working. Among the volunteers are a number of interns, young adults who do not fit the description of "homeless youth" but are still "at risk". These interns are provided with a safe place to develop job skills, interact with both the youth

(See Stuff... continued on page 5)



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

A Fence, a Finger, and Fido: When is a Person Lawfully on Your Property?

By Jeffrey D. Eberhard

Claims Pointer: A person whose finger is bitten by a dog after falling and sticking their finger through a chain link fence does not have a statutory strict liability claim against the property/dog owner unless he or she entered the fenced area with express consent from the landowner. Implied consent from the land owner is not sufficient to maintain a statutory strict liability dog bite claim when the property is fenced.

Man's best friend can quickly become man's worst enemy. In Washington, dog owners are strictly liable for any injury their dog causes to a person who is lawfully on the property of the dog owner. A dog's dangerous propensity is not relevant. Normally, to be lawfully on the property of another, a person must have express or implied consent. However, when a property is fenced, consent cannot be implied. A recent Washington Court of Appeals case, Sligar v. Odell, examined the relationship between a dog owner's strict liability and a fenced property. Case No. 649196-7-I, July 6, 2010.

Mary Sligar and Kara and David Odell were next-door neighbors whose backyards were separated by a six-foot-high chain-link fence. Both families own dogs: Sligar owns three miniature schnauzers and the Odells own a chocolate Labrador and a golden retriever.

While trying to catch one of her dogs, Sligar tripped and fell against the chain-link fence separating the properties. One of Sligar's fingers slipped through the fence into the Odell's property and the Odells' Labrador, Chico, bit her finger. Sligar sued the Odells for damages from the dog bite, alleging, among other things, statutory strict liability. The Odells moved for summary judgment, and argued that Sligar was not lawfully present on their property. The trial court granted the Odell's motion, and Sligar appealed to the court of appeals.

On appeal, Sligar argued that the trial court erred by granting summary judgment because she was lawfully on the Odells' property when she was bitten by the Odells' dog. Sligar maintained that she had



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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

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implied consent to enter the property because she had, on prior occasions, reached through the fence to pet the Odells' dog, placed her fingers through the fence when attaching chicken wire to her side of the fence, and leaned on the fence while talking to the Odells. Conversely, the Odells argued that Sligar did not have express consent to enter their property and that consent should not be presumed because their property was fenced.

The court of appeals agreed with the Odells and held that RCW 16.08.050 – which defines lawful entry – “bars any legal inference of implied consent when the property is fenced.” Since Sligar failed to

allege that she had express consent to enter onto the Odells' property, and because RCW 16.08.050 provides implied consent cannot create lawful entry when the property is fenced, the court of appeals held the Odells were entitled to summary judgment as a matter of law, and dismissed the strict liability claim. ❖

— *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.

Gordon Everett... *(Continued from page 3)*

Gordon really had a heart for SCAA — wanting to keep our history alive and the foundation of our growth. As I went through the chairs as a member of the Board he was an available resource to help dot the i's and cross the t's!

— Sue Dahlin, SCAA PP 1995-96

I had a conversation with Gordon as soon as we heard the sad news from Frank Lucarelli. I told Gordon he was deeply appreciated by his friends at SCAA and would not be forgotten. In fact, I told him that at this time I don't see anyone who will be willing and able to fill his shoes regarding knowledge of the rules and regulations of the SCAA constitution. He was a stickler for detail, making us a better organization. He was prickly but funny and was truly one of the backbones of our group.

— Nancy Bryant, SCAA PP 1989-90


Stuff... *(Continued from page 3)*

and the New Horizons/Street Bean staff, and continue their own growth by helping others.

For more information about this charity you can visit their website at: www.streetbeanesspresso.org.

Feel free to contact me during the year with any questions, concerns, or suggestions you might have regarding SCAA.

“My VISA card was stolen, and now it's everywhere I want to be.” ❖



Treasurer's Report

Submitted by **Deborah Jette, Treasurer**

Income: \$15,269.57
Expenses: \$28,317.25
Ending Balance as of July 2010: \$1997.79

“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!”

September 17 — Be there!



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



Tacoma Claims Adjusters Association
 — Upcoming Meeting —

September 10, 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. Lunch and Bowling Tourney
- to 2:30 p.m.

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

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Bowler #1		Amount
EMAIL:		
 Bowler #2:		 \$
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 Bowler #3:		 \$
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 Bowler #4:		 \$
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SCAA/TCAA FALL BOWLING EVENT

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At

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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

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