



The UPA Bulletin Board



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WINTER 2011

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The UPA Bulletin Board is published quarterly to inform and marginally entertain its members. The Bulletin Board does not reflect official UPA policy except where specifically stated.

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The Ever Greater Ever Growing UPA

The subject of growing UPA has been a big topic of discussion at recent Joint Board meetings.

Some guys like the idea of growth. The more poolmen we add to the organization the more we spread out our exposure to loss.

Some guys hate the idea of growing the UPA. They feel, among other things, the bigger the group gets the bigger chance we have of getting more insurance claims.

The great Fireman's Fund has indicated they would like to see us grow. So much so that it looks like they're willing to pony up some marketing money. I guess I can understand why. More premiums mean more profits.

The status quo guys worry that a whole bunch of new members, that come from

who knows where, could cause some huge claims which would result in the cancellation of our policy. Some also fear becoming a clone of that other organization, IPSSA.

Our broker, Ron Carlson of USI, thinks expansion is a good idea for the same reason Fireman's Fund does. Both USI and Fireman's Fund disagree with the status quo guys. The risk of greater losses by adding more members is more than offset by the additional premium collected. More profits for Fireman's Fund goes a long way in keeping our premiums low.

The pro-growth guys agree with Fireman's Fund and USI. Some like the UPA way of doing business so much that they want to let more guys feel the love. Others like the prestige that a bigger organization

brings.

Oh yeah, there are all the apathetic guys. Gimme my great insurance, shut the hell up and let me do my pools.

This debate will continue. Everyone feel free to speak up. Kick it around at your meetings. The Bulletin Board is, as always, here for you to give your thoughts and opinions. Don't be stupid and pretend this stuff doesn't affect you. It does. Send your e-mails (500 words or less) to the address in the left column and the Monkey will print them. If you don't speak up now, nobody wants to hear you bitch later.

The Monkey

Note: Check out Dave Henderson's (chapter 69) opinion of UPA growth on page 7.

October Joint Board Meeting Recap

We came to order at 8:08 AM on October 30th.

We had a pretty good crowd in spite of the fact we have a couple deadbeat chapters that are habitual no-shows. I hear some ugliness is coming your way though.

Ron Carlson answered some insurance questions and went on to say how successful the

health insurance plan and the commercial truck insurance plan have been.

The October meeting of even numbered years is the home of the Joint Board elections and this time it was a little more than the usual game of musical chairs than we are accustomed to.

Treasurer Greg Patino stepped down after 10 years dedicated service. So did Secretary John Triesch. They were replaced by Dennis Wiltanger and Bill McLaughlin respectively.

Greg Patino made a serious run for Prez but was just nosed out by Jeff Dowding.

The Monkey

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For general questions, additions and deletions, insurance certificates, additional insured certificates, address changes, contact:

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To file a claim contact:

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Your UPA Insurance

Your liability insurance is issued by Fireman's Fund through USI Insurance Services. The policy covers the operations of **service, repair and maintenance of swimming pools and spas only.**

Two important exceptions to the policy are as follows:

1. You are not covered for the repair, maintenance, installation and/or removal of diving boards and slides. Bottom line: **DON'T TOUCH 'EM!**

2. Acid Wash coverage will pay up to \$25,000 to correct damage to a pool that turns out badly as the result of a member "Acid Washing" a pool and, of course, is subject to the usual \$500 deductible.

YOU WILL NOT BE COVERED IF YOU ACT AS A CONTRACTOR!

Fireman's Fund requires all chapters to meet a minimum of 9 times per year. If any chapter is not meeting this basic requirement the entire chapter will be dropped by UPA.

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Filing a Claim

When filing a claim make sure you do it in a timely fashion. If you screw up and flood some guy's house for example, **DO NOT** hope, pray or take his word for it that he will not file suit against you. Call Elaine Dunn ASAP. Waiting could cause the claim to be denied. Fireman's Fund needs to be involved from the git go.

1. **DO NOT ADMIT FAULT !** This cannot be stressed enough. You may feel obligated to cleanse your soul, but you will do yourself and your claim harm by doing so. Button your lip and let Fireman's Fund do the talking.

2. **DO NOT TALK TO ANY ATTORNEY THAT IS NOT FROM FIREMAN'S FUND!** Never ever go to a deposition without legal representation from Fireman's Fund. No matter how innocent it may seem these guys will eat you (and our policy) alive. Fireman's Fund has a whole squadron of attorneys to represent you. You have to let these guys do the talking.

3. Prepare a complete statement of all the facts immediately and call Elaine Dunn. Fireman's Fund must be brought in early so they can investigate while the evidence is fresh.

4. Inform your chapter President and Treasurer that you are filing a claim and keep them informed with the progress of the claim.

5. Make arrangements with your chapter Treasurer to give him the \$500 deductible. Your chapter is responsible for paying the deductible. If you don't pay it your chapter is on the hook. If your chapter doesn't pay it the entire chapter will have its insurance canceled.

6. If you have any problems or questions or need assistance call Matt Creith and Elaine Dunn at USI.

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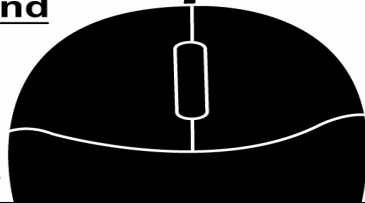
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Member and Employee Info

UPA members that have anyone including employees, family members, friends, repair people, vacation service people, etc., that are not under the **direct supervision*** of the insured member are not covered by the Fireman's Fund policy. You must see to it your help has their own Fireman's Fund policy. Matt Creith can get you set up.

***Direct Supervision** means they are working with you in your presence. Not the next house, not a phone call away.

Make Sure You Are Registered!

All members should make sure their chapter has a current roster with their name on it registered with USI. A claim being filed by a member not registered with USI will not be covered by Fireman's Fund. Check it out so you don't get left out in the cold. It's happened.

Insurance Certificates

All Insurance Certificates are mailed every July to every UPA member. If you don't get one by the end of the month call Matt Creith and she'll take care of it. Be patient though, she sends out close to 10,000 certificates every year. A pile of work like that can take time.

New Members

You should receive your Insurance Certificate within 48 hours after USI Insurance is notified by your chapter treasurer. If you do not receive your Insurance Certificate in a few days call Matt Creith at USI Insurance

Additional Insured Certificates

All you guys with commercial accounts that require additional insured certificates, let Matt Creith know if you no longer need those certificates sent out. It will save these folks a pile of unnecessary work.

Membership

Servicing swimming pools must be your **primary occupation** with repair work being secondary.

One year experience servicing swimming pools is required. Individual chapters may ask for more experience.

Go to the Chapter Contacts page and contact a chapter near you for more details.

New Chapters

New chapters may be formed and existing chapters can split off with a minimum of ten members.

The proposed new Chapter President must make arrangements with the UPA President to appear at a UPA Joint Board meeting and request admission. Special accommodations for new chapters more than 200 miles from the Joint Board meeting place are possible.

For more details call Steve Homer.

Claims Report

Here are all the claims from 2010. The total pay out for 2010 was \$14,976.95. That includes a \$5,600 plaster claim filed back in 2009 but wasn't paid until 2010. We still have some open claims that could end up being paid in the future, but until then, I think this is proof the mighty UPA is home to some pretty damn good poolmen.

The Monkey

1-08-10 #29 Redwood Empire - Claimant alleges insured left water to the pool filler on causing water to run for over a period of 7 days. Status: Closed \$2,523.84 paid.

1-20-10 #63 Culver City - Claimant alleges the chemicals used by insured member stained the plaster of the pool. Status: Closed \$0 paid.

2-05-10 #2 Palm Desert - Claimant alleges member left water running to fill pool causing an overflow and flooding of claimants home. Status: Closed \$3,265.23 paid.

2-26-10 #71 Dana Point - Insured was draining claimants pool due to heavy rains which resulted in water damage to claimants home. Status: Closed \$0 paid.

4-01-10 #41 La Mirada - Insured member put Algae Kill into customer's pool causing colored plaster to be bleached. Status: Closed \$820 paid.

Continued on page 13

Good Friends, You Can't Beat 'Em

Well you all know about my neighbor and ex- friend Wally. Here's another story about my friend named Pat.

Pat and I went through YMCA Indian Princesses (it's a father daughter deal) and girls softball together. Our kids are friends to this day. Pat is a great guy and an excellent father.

Pat buys a house with a pool and asked me to chem it. I get in there and work out some of the bugs with his system and charge a really fair rate for repairs and chem service.

The recession hits. Pat tells me the economic down turn has hit him hard. After he okays and I install a badly needed filter Pat says he's going to have to make me payments. *The guy okays work knowing he can't pay me!* Our families are close, what am I going to say?

Pat takes 6 months to pay me. *SIX MONTHS!*

In November I clean the filter and bill him at the end of the month. Half way through December Pat brings me in to show me his new giant screen 3D TV with all the bells and whistles, He says it cost him 2,500 bucks. I'm sitting here on New Years Eve and Pat has yet to pay me for November.

I am such a chump.

The Monkey

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Get Ready to Open Your Wallets By Dave Henderson

Here we go again. The plans that USI and Fireman's Fund have for UPA were laid out at the October 2010 Joint Board Meeting. I hope that sentence bothers you because it bothers the hell out of me.

The Long Beach 69 chapter changed affiliations from IPSSA to UPA four years ago. The attraction to UPA was predicated on an organizational structure which empowered the local chapters. All of the money paid by the members went to insurance premiums and chapter dues. This was in direct contrast with IPSSA which took approximately \$13.00 per member per month for administrative expenses. These administrative expenses included travel and hotel accommodations for quarterly BORD meetings which rotated around the country.

Oh and lest I forget, our dues also paid for a hospitality suite and all the booze they could drink. These BORD meetings generally resulted in blanket policies dictating how we could run our chapters and completely ignored the fact that pool businesses differs greatly between regions and therefore requires policy decisions to be made at the local level to be effective. How did IPSSA arrive at this top-down policy making? The answer is national expansion.

USI and Fireman's Fund have laid out a

plan to Jeff Dowding for national expansion. The argument is that by expanding the risk pool our premiums will stay stable. I am not buying what they are selling. Yes the risk is spread out but the administrative costs do not remain static. If we take UPA national we will lose control at the local chapter level. A national board will have to be set up with the necessary national meetings rotating throughout the country. Billing will move away from the chapter level to USI creating a need to pay for a billing department which will have much more stringent collection and late fee rules. What is covered and not covered will be dictated by national needs and might be good for one region but disastrous for another. The voice of local chapter's will be diluted in a sea of regional bureaucracies.

As members become associated with a national organization rather than a local one the accountability to maintain personal responsibility will diminish. You will never have to face your peers and explain why you didn't install that check valve on that heater. Claims will increase. There is no upside to the UPA membership to national expansion. There is plenty of upside to USI and Fireman's fund in the form of more income from premiums and increased commissions.

Here is what bothers me about the first

sentence of this article. UPA was set up as an organization to provide insurance to independent minded business owners. We each got into this business to control our own destiny. If we wanted someone to dictate to us how we ran our business we would go work for Boeing and never have to worry about cleaning up after Santa Ana winds again. How did we get to the point where we have willingly handed all of our leverage to the insurance company where they are the architects of **OUR** organization?

Ron Carlson of USI works his ass off. However, USI and Fireman's Fund are getting greedy. UPA membership is approximately 1800. If you do the math our annual premiums add up to just shy of \$1.6 million dollars. That is a lot of leverage. Our two big million dollar payouts are paid for in less than two years of premiums, even if you include administrative and legal expenses. Yet that is not enough for USI and Fireman's Fund. They want to exploit our organization as a vehicle to increase their profit. I have absolutely no problem with increased profits. I have a BIG problem with them doing it on our backs and at a cost to our independence!

*Dave Henderson
President Long Beach 69*

Hey, They're Hittin' On Mosquitoes!

Stagnant pools bursting with mosquitoes have become a byproduct of the housing crisis, turning into breeding grounds for diseases like West Nile virus. But, there is a solution: *Gambusia affinis*, a natural predator, also known as the mosquito fish, that's hardy enough to police abandoned watering holes from Florida to California.

The fish do their job with nature's voracious efficiency. "This is how we are supposed to take care of things," says one Californian who's seen the trend at work. "I think it's cool, man. It's organic." But solving one infestation by creating another has its own problems—some neighbors complain that birds quickly discover the fish as a food source, covering the area with droppings.

The Wall Street Journal

I'll Never Go Swimming in France

Mortified visitors can't believe it when continental pools insist that men wear tiny, tight Speedo swimsuits, writes Angelique Chrisafis in the *Guardian*. An Irish journalist was recently hauled out of a French pool and could only return in an "unbelievably skimpy" pair of Speedo trunks that were "bloody uncomfortable for me and anyone who had to look at them," he grumbled. Why the insistence on the booty-hugging briefs? Hygiene.

The French find American baggy swimming trunks as disgusting as many US men find Speedos. "I accept that some men feel very ill at ease wearing small trunks," said a Paris pool director. "But bigger swimming shorts can be worn elsewhere all day, so could bring in sand, dust or other matter, disturbing water quality."

The BBC

Skateboard Pools

Skateboarders in California are making the most of the mortgage crisis: they're turning the swimming pools at foreclosed homes into skate parks. Tracking local foreclosures, one Fresno skater arrives at empty homes with a pump and buckets, drains the pools, and hops on his board. The newly-made parks are drawing people from around the world.

"God bless Greenspan, patron saint of pool skatin'," one skater writes online. Pool makers aren't so cheery about the crisis as their work orders sink. "You've got people that still want to build pools, but now you're getting maybe 20% or 10% that can actually qualify now," says one builder. Pools left stagnant pose a threat as a mosquito breeding-ground; some skaters like to see their drainage as a public service rather than trespassing.

The New York Times

Who is Watching You?

By Jim Hunt, Chapter 81 Kern County

It has been 24 years now running my small pool service here in Bakersfield. I remember the first year in business and a good friend, who had many years in the industry, telling me "Don't ever think you know it all because once you start getting comfortable something or someone will be waiting to bite you when you're not looking." I have always remembered those words of wisdom and have lived by them. Staying on my game and paying attention to details has kept me out of trouble and courtrooms.

In October 2010 I received a letter from the Board of Equitation. Now since I am a service company and not store I've always paid my sales taxes at SCP or to whomever I bought my supplies. So, just what could it be and what did they want? Reading the letter was an experience in itself. Now, I did go to college and consider myself a pretty savvy person. What I was reading was way foreign to me. So, as you might guess, a series of thoughts started roaming through this old noggin of mine. What have I done wrong? When and how did I

do it! I've been doing the same thing for 24 years. Do I owe money for all those years? I started thinking about the guy who gets a book from the library and never returns it by mistake and has been found to pay the lengthy bill that is due. Or maybe it's General Pool Supply. I remember just getting started with them and they were bought out right after I opened that account with them. I knew I should have stayed with SCP. Or, maybe it was PWP in Van Nuys. They always call me to order stuff and I never buy from them anymore. Could they have turned me in for something?

After coming to my senses, I called the Board expecting the worse. I was told they needed my receipts for sales tax that I owed for the "out of state supplies that I had been buying for the last 3 years. I explained to the Board that I buy all my supplies here in California. I also explained that a Wholesaler (SCP) has been stationed here in Bakersfield for 15 years and buying my products out of state was something I'd never done. Nevertheless, my word over the phone

was not good enough. They wanted me to go to their web site and download their form, give it to my CPA and have the numbers submitted back through the mail. I had questions at that point and asked ...Why all of a sudden with the letter? I was told that the State of California is so in debt that they have created new enforcement rules in trying to get all the sales tax that they can get out of business and self employed people. Also, if your company has more than \$100,000 in receipts for the year, the company is being targeted by the State Board of Equalization to get that tax if it's due. She also told me they have hired hundreds of people to go back and look into company's past records and go after them if possible.

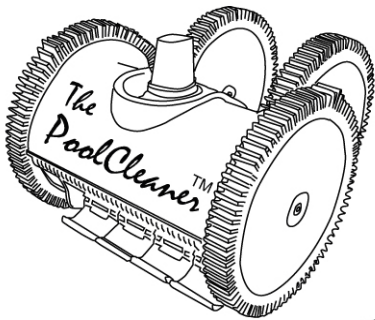
I have resolved my issues with the Board of Equitation, I've pissed off my CPA, sent them what was needed and escaped with only worry.

In closing, I promise I will buy something from PWP soon and SCP has become my new best friend... What's next and who's watching YOU?

Jim Hunt, Chapter 81 Kern County

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UPA MEMBER REFERENCES

The Monkey Gets Spanked

Last issue I may have been a little rough on the Prez in the column entitled "In All Seriousness". It was all for a good cause though. I was trying to get UPA members mad enough to step forward and give the Prez a real run for his money in the Joint Board elections last October.

Board treasurer Greg Patino told me I should run. I hemmed and hawed and the last minute I punked out. The newsletter and the office of President would be too much right now. I think Greg was a little annoyed with me.

Well, the result was somewhat bittersweet. The good part is Greg Patino ran against Jeff Dowding for Prez. Greg made a very serious, impassioned speech on why Jeff sucked as Prez and why he'd do a better job. A level of passion Joint Board meeting attendees are very familiar with.

The bad part is neither one of these guys are returning my calls.

The Monkey gets spanked. Oh well, I probably had it coming. However, I will go forward doing what I think is right for the members and weaseling out when I must.

The Newsletter Weasel

Some Changes are Made on the Joint Board

Wow, we went a long time with the same guys on the UPA Joint Board of honchos. Jeff Dowding, John Triecsh and Greg Patino have been volunteering their services to the UPA for five consecutive two year terms.

While Jeff was elected to an unprecedented sixth term, Greg thought it was time for someone else to take over as treasurer. Dennis Wiltanger ran unopposed for Greg's job. Well, he raised his hand and said he'd volunteer to be treasurer and was approved unanimously. You guys know how it works.

Bill McLaughlin volunteered to be the next secretary and he, too, was approved.

We owe Jeff, Greg and John a big debt of gratitude for their great service for, low, these many years. We hate to see these guys go but we're also looking forward to the opportunity to kick around some new meat.

I would like to extend a big thank you to these three gentlemen from your brothers and sisters of the great UPA.

The Monkey

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Don't Be a Dumb Ass!

I was at Superior the other day yacking it up with one of my favorite poolmen, Victor. He told me a couple of stories.

Now this stuff isn't exactly new but it's amazing to me it still goes on.

First he told me about a guy that swerved to avoid a wreck only to have a couple of cases of juice he had **stacked** in the back of his truck topple out and smash all over the pavement. As you know the cops and haz mat take a dim view of chemicals leaking all over the road.

When you stack your chemicals you take a big risk of having them roll out. I don't know, it ain't worth the risk to me.

Victor told me about another guy driving around with bottles of juice in his cart. This poor dude got a ticket. I don't know if it was for having different chems in the same case or what but that had to really suck.

I heard from someone else at Pool Water Products that said he was rear ended with juice in his cart. The cart got shoved under the truck and leaked on the ground. He ended up throwing some dirt on the mess before the cops got there and parked his truck over it. I guess the cop never saw it.

The way I see it the more pickles we get in with the cops the more reason they have to target us. I have always believed in keeping a low profile where the law is concerned.

All I can say is do whatever you want but don't cause the PoPo to start looking at me. I hate tangling with those..... ah... nice people.

NL Monkey

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The Claims Report *continued from page 5*

- 4-09-10 #41 La Mirada - Insured member was back flushing heater which resulted in the flooding of claimant's home. Status: Closed \$0 paid.
- 4-10-10 #06 Central Orange County - Accidental Drowning of a 1 year old in backyard pool. Status: Closed \$0 paid.
- 4-21-10 #08 Nohl Ranch - Claimant alleges insured member damaged pool liner during cleaning process. Status: Open.
- 5-04-10 #54 Bakersfield - Insured member replaced the auto fill & ball valve portion of fill line which later burst causing water damage to customer's property. Status: Open.
- 5-14-10 #69 Long Beach - Insured member serviced customer's pool, left water running in pool causing it to overflow & potentially damage customer's landscaping. Status: Closed \$0 paid.
- 6-18-10 #09 San Diego - Claimant alleges chemical's put in pool by member caused their dog to become ill resulting in hospital visit. Status: Closed \$0 paid.
- 6-20-10 #09 San Diego - A 5 year old neighbor boy drown in customer's pool. Status: Open.
- 6-29-10 #33 Sacramento Valley - Claimant alleges chemicals used by member bleached color on pool finish. Status: Closed \$0 paid.
- 7-01-10 #39 Concord - Claimant alleges insured member used wrong chemicals causing problem with his plaster during start up process. Status: Open.
- 7-02-10 #50 Garden Grove - Claimant alleges member caused damaged when he acid washed the claimant's pool. Status: Closed \$0 paid.
- 7-09-10 #14 West Covina - Plaintiff alleges insured's negligence may have caused or contributed to the injuries sustained by the victim. Status: Open.
- 7-10-10 #62 Torrance - Claimant alleges insured member failed to maintain the chemical balance resulting in calcium buildup in pool. Status: Closed \$0 paid.
- 8-04-10 #69 Long Beach - Claimant alleges insured member caused damage to spa heater due to imbalance in water chemicals. Status: Closed \$2,767.88 paid.
- 8-10-10 #52 North County - Claimant alleges black plaster pool is fading. Status: Closed \$0 paid.
- 8-19-10 #66 Elk Grove - Claimant alleges insured left water running to fill pool resulting in overflowed and water damage to claimant's property. Status: Open.
- 11-16-10 #36 Central Valley - Claimant alleges insured turned on the heater during a routine service call, causing heater to catch fire, melt the cover and heater unit. Status: Open.
- 12-14-10 #61 Rowland Heights - Claimant alleges insured member failed to maintain pool properly causing damage to his pool & heater. Status: Open.
- 12-22-10 #50 Garden Grove - Insured member was draining pool due to heavy rains, while doing so the hose he used, fell out of drain and flooded customer's home. Status: Open.

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Dates for the Upcoming Joint Board Meetings

Remember, chapters within 200 miles MUST attend joint board meetings. Show up early and contribute! Come on, what the hell else are you doing that's so scary frickin' important?

The 2011 dates are:

January 29
April 30
July 30
October 29

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When chapters change their Chapter Contact guy, send those changes to the following people:

Matt Creith at USI and The Newsletter Monkey by phone, mail or email.

The Monkey needs a name AND a telephone number. Matt will tell you what he needs.

We're not mind readers. We won't know about your contact changes if you guys don't tell us.

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