



# IPSSA

## CORPUS CHRISTI



Volume 1, Issue 4

February 2007

### DIVING BOARDS TO BE EXCLUDED FROM LIABILITY INSURANCE EFFECTIVE APRIL 1

A letter from Ray Arouesty of Arrow Insurance

The installer has an independent duty under the law, regardless of mfg guidelines. He may be held liable for injuries if, for example, the board was too long, had too much spring or if the pool was not appropriate for the board. This is true even if the installer replaces a board with an exact duplicate of the board originally installed on the pool. And remember, members don't always follow guidelines.

See *DIVING* page 3

### PENDING BILLS IN TX STATE LEGISLATURE

There are several bills making their way through the state legislature that affect our industry. The bills include new requirements for fencing and alarms as well as new requirements for two speed pool pump motors and controllers.

As they are currently written, a 4 ft. fence would be required around a portable spa, a 12' shepherds hook would also be required for that portable spa. Existing pool owners could be required to replace their pump with a two speed pump and controller.

See *BILLS* page 2

IPSSA  
Corpus Christi Chapter  
13829 Whitecap Blvd  
Corpus Christi, TX 78418



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*BILLS Continued from page 1*

While most in our industry undoubtedly support laws that would increase safety, common sense has to be used.

This is why we need to support APEC. All Corpus Christi IPSSA members who have provided their email address have received more detailed information on this legislation and APEC's efforts to educate the authors of these bills so that they are better informed.

For more information on APEC, visit:  
[www.APECTexas.org](http://www.APECTexas.org)

**DISTRIBUTORS AND MANUFACTURERS**

Please let us know ahead of time when you are planning any activity, class, tabletop, show or open house. We are happy to put it on the calendar and publicize your event.

**Call 361-949-8899**



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AND GET YOUR AD LISTED TODAY!**

**SICK ROUTE CARDS**

To be able to take advantage of the sick route program when you need it, you must have your sick route cards filled out. Remember, you do not provide us with any names or addresses unless and until you become unable to service your pools and need sick route coverage. These cards should be kept where a loved one or other trusted person can find them and provide them to us in the event you become incapacitated. The only card that we need to keep on file is the card with the number of pools you service and the zip codes of where they are located. If you need either of the cards, contact Vice President Mike Baker at 361-563-7665.

**HOW NOT TO DO IT**

Mike Baker and Mike "Stew" Stewart sent in this picture of a system they recently ran across. Email your photos to:

[brian.doggett@island-aquatics.com](mailto:brian.doggett@island-aquatics.com)



# TEXAS POOL AND SPA SHOW – PLANO, TX



Brian and Mike (no a different Brian and Mike) giving away great door prizes at the show



TPSS Volunteer Brian Doggett making sure the vendors have everything that they need

From the Corpus Christi Chapter, Brian Doggett, Mike Baker, and Jason Flores all made the trip up to Plano to attend the Texas Pool and Spa Show in January. There were some great educational classes, lots of opportunities for networking with manufacturers, distributors and fellow dealers, excellent door prizes and even a pool equipment auction at the end of the show. Due to the growth of the TPSS, next year's show will be held at the convention center in Fort Worth.

“DIVING” continued from page 1

It is important to remember that the pool tech can be found liable EVEN IF others are at fault as well. Those others could be the homeowner, the diving board mfg, the distributor, or a pool inspector. The pool tech can be held liable EVEN IF the injured party was drunk when he dove into a dark pool at night. In most states the court allocates fault among all parties, including the injured party. This is known in the law as comparative negligence.

The membership as a whole needs to know the following: Diving board accidents are usually very large. The Meneely was \$11 million and this latest case was \$10 million. Fireman's Fund settled this last case because it presumably thought that a judgment at trial could be much higher. The pool tech had \$1 million coverage. This pool tech was an IPSSA member until 6 weeks before the accident. Had he remained in IPSSA we would all be dealing with ramifications of this case. We got very lucky on this.

The membership needs to know the following: I may not be able to get another carrier someday if we are cancelled from our carrier due to excessive claims. If that happens then the entire program folds and members will be buying individual coverage at 2 to 3 times the IPSSA price. How many members will remain in IPSSA if it has no group liability insurance coverage.

The membership needs to know the following: They have \$1 million coverage. If a jury awards \$10 million and the pool tech is found to be 50% at fault, the insurance company will pay \$1 million. The pool tech will be on his own for the remaining \$4 million judgment.

I spent over 6 months courting other insurance carriers after Travelers dumped us 3 years ago. It was very tough to find a carrier willing to allow pool men to determine who they insure. I am very good at what I do, but the major claims associated with diving boards could make it impossible for me to get another company in the future.

See DIVING page 5

# Christ's Haven Project



Do you know what a gift of love is? It's several companies re-furbishing the Christ's Haven for Children's swimming pool and converting it to a salt system from a chlorine system at no charge. It was an \$11,000 gift to disadvantaged kids in the North Tarrant County area children's home near Keller. Above are: Executive Director Kelly Moore, ipssa Fort Worth Vice President Dave Boyd, Frank Disher from Alpha Pool, Aaron Cantrell from Goldline, Bob Kroelinger from SCP, Rich Szymczak from Shymring Pools, Lance Jones from Aquamaid, ipssa Fort Worth President Jason S. Bonser, facilities Manager Danny Olney of Christ's Haven, and Amber Porter from Zeotech.



*DIVING Continued from page 3*

Members insisting on installing diving boards should consider another insurance program. They will not be covered, however, for chemical claims, haz-mat spills, mold clean up costs due to overfilling pools, professional liability coverage for inspections, or faulty workmanship coverage. I am the only one that offers all that. They will quite a bit more for insurance outside of IPSSA.

I can understand the frustration of any member that feels that our society has abandoned the concept of personal responsibility and has allowed the idiots of the world to prosper from their idiotic actions. But as a lawyer and the guardian of this insurance program my focus has to be on making sure that this program remains available as a member benefit in the future.

In recent years we have increased insurance coverage under this program including the addition of pollution coverage and mold. A few years ago we doubled the amount of coverage available for pay for haz-mat spills. It is very rare that I exclude coverage. If I have failed to convince any member on the importance of this issue, I guess they will just need trust me on this one.

Feel free to forward this email. I am also available to discuss this with any member.

Ray Arouesty  
Arrow Insurance Service  
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Simi Valley, CA 93065  
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The IPSSA Corpus Christi Newsletter is published monthly and is mailed to all pool and spa service companies in the Corpus Christi area. All articles written and edited by Brian Doggett unless otherwise noted.

For advertising information or to be added to our mailing list, please email: [brian.doggett@island-aquatics.com](mailto:brian.doggett@island-aquatics.com) or Fax: 361-949-0117 Phone: 361-949-8899

## CALENDAR OF EVENTS

February 1	IPSSA Corpus Christi Regular Meeting
February 3	Leadership Seminar Newport Beach, CA
February 5 - 9	Southwest Pool & Spa Show - Houston
March 8	IPSSA Corpus Christi Regular Meeting
March 8	Raypak Seminar – After IPSSA Meeting
March 24 - 25	CPO Class - SCP San Antonio
April 5	IPSSA Corpus Christi Regular Meeting
April 14	IPSSA Regional Meeting Austin

## JOIN IPSSA!

Yes! I am interested in joining the Corpus Christi Chapter for benefits such as cost effective liability insurance, distributor discounts, education opportunities and sick route coverage

Please contact me:

Company Name: \_\_\_\_\_

My Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_


Mail or fax to: Mike Baker  
1533 Humble Road  
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# CHAPTER SUPPORTERS



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Region 9 Director	Greg Donoho
President	Brian Doggett
Vice President	Mike Baker
Secretary	Allen Aaron
Treasurer	Tom Hamman

NEXT MEETING MARCH 8<sup>TH</sup>



**5990 S Staples Street  
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