

BRIEFS



MARTIN JOINS SIBBALD ASSOC.

ST. LOUIS — Randall Martin, long-time businessman and green committee chairman, has joined John Sibbald Associates, a 23-year-old search firm specializing in recruiting superintendents, general managers and golf professionals for private clubs. Martin is former green committee chairman at Algonquin Golf Club in St. Louis and current chairman at Crystal Downs Country Club in Northern Michigan. He can be reached at 616-352-9421.



Randall Martin

ENVIRONMENTAL GOLF ADDS PAIR



Eric Bescoby



John McNair

CALABASAS, Calif. — Environmental Golf has appointed Eric Bescoby director of golf course maintenance and John McNair director of golf management. Bescoby, formerly director of Rain Bird's golf division, will manage the business unit dedicated to golf course maintenance at current courses and seek to increase overall business. McNair, formerly general manager of Environmental Golf's Cherokee Run Golf Club in Conyers, Ga., will oversee golf course operations and the development of new management services.

CMAA CONFERENCE SET

SAN FRANCISCO — The Club Managers Association of America will hold its 72nd World Conference on Club Management and 22nd Annual Exposition in San Francisco from Feb. 28 through March 4. Approximately 90 conference sessions will focus on a variety of topics. For more information contact 703-739-9500.

GOLF TRUST BUYS COOKS CREEK

CHARLESTON, S.C. — Golf Trust of America has closed its acquisition of Cooks Creek Golf Course, an 18-hole upscale, public facility located in Ashville, Ohio, near Columbus, for \$6.1 million. The course will be leased to Cook/Rainieri Management.

Getting right to the heart of the matter

A little forethought can help emergency personnel save a life

By MARK LESLIE

LOMPOC, Calif. — After Village Country Club lost one member to a heart attack while on the course, and another collapsed from allergic reaction to a bee sting on the 8th green, the president and superintendent had an idea that many courses across the country might copy.

They labeled all perimeter out-of-bounds posts with the street address of the nearest house. Therefore, if an ambulance needs to be called, by cellular phone or radio, life-saving time can be saved.

"With a membership whose average age is 65, we need to minimize medical emergency response time," said superintendent Bob Taeger.

"Hopefully, the plan will never be needed. But, if an emergency does occur, the few minutes saved locating the emergency site will minimize the injury."



The street address of the house in the background is posted on this out-of-bounds marker at Village CC to help emergency vehicles quickly locate an injured golfer.

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Automated external defibrillators: standard equipment for courses?

By DOROTHY NELSON STOOKEY

Without warning, while enjoying a round of golf, an elderly man with no known heart disease collapses from sudden cardiac arrest. Fire department personnel respond in less than eight minutes.

But they have no automated external defibrillator (AED). They initiate CPR. Twenty-two minutes later, paramedics arrive with a de-fibrillator to shock the man several times. But it's too late. He's dead.

I didn't write this scenario to scare golfers and course operators. In fact, I didn't write it. It's the first paragraph of an American Heart Association (AHA) pamphlet called "Cardiac Arrest and the Need for Early Defibrillation." The AHA is

leading a campaign to have AEDs installed in emergency service vehicles and public places, such as office buildings and sports arenas. Some country clubs and golf courses have bought

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ClubCorp, Golden Bear develop first joint golf project

DALLAS — ClubCorp and Golden Bear International—which recently formed a partnership to build, own and operate Jack Nicklaus signature courses worldwide—will develop their first joint venture project in Dahlenega, Ga., located an hour north of Atlanta.

The newly formed joint venture is developing the signature Nicklaus links and related club facilities at BirchRiver, a new mixed-use development. The new layout will be semi-private when it opens in the summer of 2000, with plans for it to become fully private as the BirchRiver community matures.

"We know this project at BirchRiver is only the beginning of a highly successful partnership," said Dave Richey, vice president of development at ClubCorp.

The new course will be situated in the Chestatee River valley, surrounded by mountain views and known for its past and present opportunities to pan for gold. The course will play across the river five times, and feature an island green. Other amenities will include a clubhouse, swimming pool, tennis court, pro shop, and dining facilities.

"Over the years, we have teamed

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RCGA sells Glen Abbey to ClubLink

OAKVILLE, Ontario, Canada — The Royal Canadian Golf Association (RCGA) has reached an agreement to sell Glen Abbey Golf Club to ClubLink Corporation, setting the stage for RCGA growth and regionalization in Canada, according to Executive Director Stephen Ross.

The deal was expected to be completed and the purchase price announced by late January.

As part of the association's long-range plan, the RCGA is currently surveying properties in the Greater Toronto Area, Montreal and Calgary.

"We have taken the first step towards creating a new foundation for golf in

Canada," explains Ross. "This deal opens many doors of opportunity to further develop our grassroots initiatives, as well as develop new golf facilities, all focusing on enhancing support of the game across the country."

The RCGA has owned the Jack Nicklaus-designed Oakville layout since 1981, but the association's desire to geographically expand and continue to develop its member programs resulted in this decision.

Contributing factors to the sale of Glen Abbey included:

- the RCGA's plan to increase its pres-

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Rolling Hills Golf Club in Davie, Fla., the course where the movie "Caddyshack" was filmed, was recently purchased and renovated by Wayne Huizenga's Florida Panthers Holdings. See story on page 1.

Defibrillators

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the units, which cost \$3,000 to \$4,000, and trained staff to operate them. Other courses have received AEDs as donations, sometimes organized by members following a tragic death on the course.

No current law requires a golf course to have a defibrillator and trained operators. This may

change, however, as the devices spread from police cars and fire trucks to airports and airplanes, malls, stadiums, concert halls and health clubs. The average golfer is getting older and more senior citizens are on the links than ever before, bringing their increased risk of cardiac problems with them. Even without a law requiring them, if there is a trend toward widespread use and reliance on portable

defibrillators, golf course owners and operators should be aware of how that trend might affect their liability exposure.

What is an automated external defibrillator? It's a smarter, smaller cousin to the device you see emergency room doctors use on TV when they grab the paddles and yell "clear!" before shocking a flat-lined patient back to life in time for the commercial break.

Only doctors can use the defibrillators found in hospitals, but lay persons can be trained to use AEDs. Most models are a little bigger than a laptop computer, weigh less than 10 pounds, and have voice instructions to walk the rescuer through the procedure. Following a diagram, the rescuer places electrode patches on the victim's chest. The computer takes an EKG and analyzes it for signs

that defibrillation is needed. The machine then prompts the operator to stand clear and push a button to deliver the electric shock. Most importantly, AEDs are designed to not deliver a shock to a heart that does not need defibrillation, because shocking a beating heart can be fatal. AED operators should be trained, but the AHA believes that anyone who can learn CPR can learn to use an AED safely.

The campaign to increase public awareness and wider placement of AEDs is driven in part by statistics like these:

- Up to 350,000 people suffer from sudden cardiac arrest every year — in the United States almost 1,000 every day.

- 95 percent of them die.

- Most victims are aged 65 or older and have other heart conditions, but sudden cardiac arrest strikes people of every age, often without warning.

- Most people are stricken at home, but golf courses are among the top five public places where sudden cardiac arrest is likely to occur.

- The chance of survival drops 10 percent for each minute that passes without defibrillation in cases where the shock would restore a heartbeat. For example, in New York City, where the average response time to defibrillation of a sudden cardiac arrest patient is over 12 minutes, the survival rate is less than 2 percent. In Seattle, where the response time averages less than seven minutes, the survival rate is almost 30 percent. (Source: American Heart Association)

As the population ages and Baby Boomers enter retirement, golfers will continue to look a little grayer. Course operators who are considering how to manage the increased risk of a cardiac emergency may consider buying an AED, but they are asking some important legal questions first. The law in this area is different in every state, so I will discuss each issue generally.

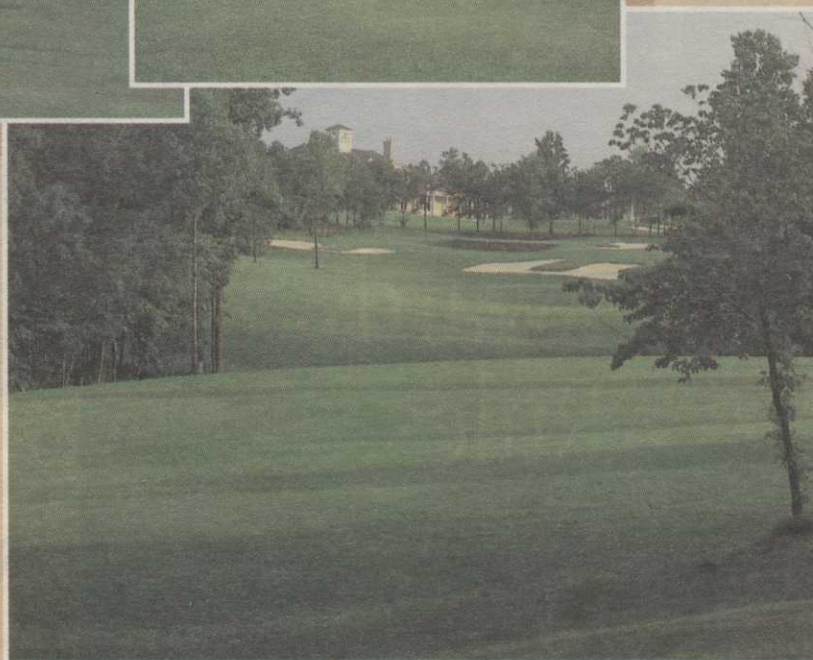
1. Can courses be held legally liable for not having an AED?

Probably not. At least not now. As I noted earlier, no current law requires a golf course to have a defibrillator and there probably will not be such a law unless they become as common as fire extinguishers and smoke detectors. If the trend is toward widespread placement of defibrillators in public places, the issue in the event of a lawsuit may not be what the state legislature requires, but whether having a portable defibrillator has become a reasonable expectation of a golf course operator.

To understand the issue, consider CPR. When it was a new technique, CPR training was only expected of doctors, nurses, and

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Defibrillators

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paramedics. Its widespread use now makes it reasonable for the public to expect that the staff of health clubs, stadiums, airlines and other public facilities will be trained to save a life with CPR. If AEDs continue to proliferate and become cheaper and even easier to use, having one and training staff to use it will become a part of doing business. The AHA campaign is trying to raise awareness and push public facilities in that direction. In a negligence suit, the reasonableness of a having an AED would be determined by looking at what a reasonable course operator in the same or similar circumstances would do. If other courses in your area have AEDs, you might want to review your emergency plans. I would generally advise my clients not to be the last course operator in their area to get an AED. Should there be a tragic death on their course — preventable or not — it would be too easy for a plaintiff to point to every other course in the area and ask "Why didn't your course have one?"

2. Are courses liable for the improper use of an AED?

Buying a portable defibrillator is serious business and it is an understandable reaction to wonder what might happen if you or a member of your staff use a defibrillator improperly and hurt someone. Could this be a legal Catch-22, or would you be immune from liability under a good Samaritan statute?

The same laws that protect lay persons who give CPR might protect lay persons who use an AED. There are good Samaritan laws in all 50 states, but they differ in scope. Generally, they provide immunity from civil liability to people who, gratuitously and under no obligation to do so, render aid in an emergency to someone in urgent need of care, who does not refuse it.

There is, of course, no immunity for gross negligence. Many laws, such as those in Massachusetts and Connecticut, only grant immunity for a CPR provider who is currently certified in CPR by the American Heart Association or the American Red Cross. There are bills in at least two state legislatures, including California and Kansas, that would specifically include lay people who use an AED under the good Samaritan law. Neither has passed, but wider use will spur some legislatures to act in response to the genuine concerns of facility owners who fear liability for trying to save lives.

As a general rule, acquisition of an AED should be made part of your course's existing emergency plans, and should include training for staff. To help protect

a course from liability, designated staff should be certified to operate an AED and those certifications should be kept current with refresher courses. New AEDs are smart, but not completely foolproof. Putting one in the hands of an untrained staff member is asking for trouble.

3. What happens if a course has an AED, but no one trained to use it is available when it's needed?

A course operator who buys

an AED may be acting with the best of intentions to protect the golfers who are not only customers or members, but often friends. That well-intentioned act may expose the course to liability, however, if the course operator cannot or does not follow through when tragedy strikes.

Generally, if you are not under a legal duty to offer some protection to your patrons, but you undertake to do it voluntar-

ily, you create an obligation to follow through and offer that protection in a reasonably prudent manner. If, for example, you voluntarily decide to build lightning shelters on the course, you would be exposing yourself to liability if you then failed to maintain them.

Similarly, if you purchase a defibrillator, your emergency response plan should include training for enough staff to make

sure trained personnel are reasonably available to put it to use during any shift. Just as everyone on your staff should know when to call 911, everyone should know where the AED is in the event of a cardiac emergency and how to get it in the hands of a trained operator. Failure to do so would be unnecessarily exposing the course to potential liability. Good inten-

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MGM, Primadonna merge assets

LAS VEGAS— MGM Grand, Inc. and Primadonna Resorts, Inc. have approved, in principle, MGM Grand's acquisition of Primadonna in an all-stock transaction. The merger is expected to be completed in the first quarter of 1999.

Primadonna Resorts, Inc. is an entertainment, hotel and gam-

ing company. Primadonna owns Whiskey Pete's, Buffalo Bill's and the Primm Valley Resort in Primm, Nev., two championship courses in California, and a 50-percent interest in the New York - New York Hotel and Casino in Las Vegas, Nev.

MGM Grand, Inc. is an entertainment, hotel and gaming com-

pany headquartered in Las Vegas. The company operates the MGM Grand Hotel/Casino there, the MGM Grand Hotel/Casino in Darwin, Australia, owns a 50-percent interest in New York - New York and manages casinos in South Africa.

The terms of the merger provide for Primadonna's stockholders to receive 0.33 shares of MGM Grand common stock for

each share of Primadonna stock held, or a total of approximately 9.5 million shares of MGM Grand common stock. The transaction is subject to the execution of a definitive merger agreement, Primadonna shareholder approval and the satisfaction of various conditions to be contained in the merger agreement, including obtaining certain regulatory approvals.

OB markers

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Members are encouraged to bring cell phones when golfing. If an emergency occurs, a golfer can go to the nearest out-of-bounds post and call the appropriate emergency number. "The way cell phone calls are routed," Taeger said, "you may want to ask the nearest fire department for the appropriate emergency number. The fire department then proceeds to that address and runs directly onto the golf course and emergency scene."

Taeger uses a stainless steel tape writer, which costs \$200, to make tags. Each contains the address and emergency response phone number, then is nailed to the back of the 4- by 4-inch post.

Two recent emergencies led to the brainstorming and address tags. Last spring a member died of a heart attack on the 6th tee. Then, in August, a member of the club president Robert Flaherty's foursome was stung in the leg by a bee and collapsed, with shallow breathing and a slow heart beat.

In the case of the heart-attack victim, the emergency response time did not contribute to his death, but the call to the "6th tee" caused confusion, Taeger said.

When the bee-sting incident was called in, emergency personnel responded quickly and saved the day. Soon afterward, Flaherty told Taeger of his frustration in trying to describe to the fire department how to get to the emergency site.

"Together, we formulated the idea of labeling the stakes," Taeger said. "We consulted the fire department and they agreed the idea had merit."

Defibrillators

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tions alone will probably not prevent you from being held liable if a patron dies while a defibrillator sits idly by.

As AEDs become cheaper and more commonplace, you should be alert to the benefits and costs to your facility. Course operators should carefully consider the issues raised in this article and others, such as the age of their golfing clientele and the reliability of local emergency response systems, before deciding to make an AED part of their emergency plans. Consult your insurer, if not an attorney, before doing so.

Dorothy Nelson Stookey is a partner in the 50-person, general practice law firm of Sherin and Lodgen LLP, with offices in Boston and Los Angeles. She specializes in the area of labor and employment law and is the head of the firm's Golf and Hospitality Law Group.

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