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GOVERNMENT REGULATION

Justice backs NCA in contractor case

With what must be a collective sigh of relief, the private club industry can relax for the moment, as the Labor Department's Office of Federal Contract Compliance suffered a setback in its plan to achieve further access to clubs with admissions policies restrictive to blacks and women.

In a December opinion by the Justice Department on the OFCC thinking, the Labor Department's policy of getting more minorities into such clubs, through threat of voiding federal contracts to employers that pay for executives' dues and fees, fell apart. In a letter to Solicitor of Labor William J. Kilberg, Assistant Attorney General Antonin Scalia found the Labor Department's proposals on handling of restrictive admissions were too broadly based.

At the forefront in the fight against the government was the National Club Association and its executive director, Jerry Hurley. "We feel the Justice Department has vindicated our position, reinforcing that the Labor people were indeed very broad based in what their policy was going to achieve," Hurley told GOLF BUSINESS.

Labor has asserted that the fact blacks and women did not have access to such clubs prevented them from making the same advancements their white, male colleagues could make. Disputing this, the NCA held such advancement was not denied because employees were denied membership in such clubs. If an employer was doing this to retard the advancement potential of an employee, then the employer, not the club would be at fault.

Quoting from Scalia's findings, the assistant attorney general made it clear he was not looking at Labor's case in a specific instance and the position of the OFCC "does not seem . . . to be of such uniform validity as to support the categorical prohibition which the memorandum would base upon it. Although some clubs are substantially used for the transaction of business or for the making of business contacts, I see no grounds for assuming that this is universally so, and thus that membership in a club automatically affects promotion and advancement potential."

Another contention the Labor Department made was that since companies were involved with such clubs, they, in actuality, were controlling the admissions policies of the clubs. This point was also dismissed by the Justice Department. The point made was that such club policies were not extensions of corporate doctrines.

Even with the issue seemingly settled, there is some concern in the industry that the new cast of Democratic characters may review the question of restrictive admissions policies.

This question could take on greater significance as Georgian Griffen Bell becomes the new Attorney General. Bell was forced to resign his membership to three private Atlanta clubs, which all had restrictive admissions policies. Once again, the national spotlight focused in on the club industry, at a time it can do without that kind of publicity.

Indications are that pressure groups for both women's rights and black rights groups will be keeping a watchful eye on the Carter White House and the new Congress to make sure no one is involved with such clubs. Such activists as Georgia's Julian Bond have made it quite clear they will not stand for such practices by politicians, be they appointed or elected.

For the moment, the parting shot of the Ford Administration on the OFCC and the clubs has quieted with the changing of the White House guard, but those in the club business will be keeping a watchful eye on the nation's capital this spring.

ASSOCIATIONS

NAPGC a year older, wiser in Year II

In any new organization's formative years, not too much gets accomplished except for the group getting its collective feet on the ground.

That is the best way to summarize the first year of the National Association of Public Golf Courses, as the group of public course owners goes into Year II of its existence.

St. Charles, Ill., outside of Chicago, was the site for the annual conference in conjunction with the National Golf Foundation's eastern workshop for daily fee operators. The Pheasant Run Lodge and its dinner theater even had Elizabeth Ray, former friend of former congressman Wayne Hays, on its marquee, but according to NGF Executive Director Don Rossi, the course operators had more than enough incentive to come to the seminars without Ms. Ray.

On that point, Rossi was right. More than 200 owner-operators from more than 15 states and Canada made it to the late fall meeting. All were interested in what was new in the business and how they could run their facilities better. Some just wanted to know how to save their facilities.

Probably the most sobering talk was presented by NGF Regional Director Jerry Claussen. Although Claussen saw significant growth in his Rocky Mountain region, he emphasized that the day of the small "mom and pop" operation was past and skilled, professional management would have to take over.

"From what I have seen, there is a lack of competent management in this market. And management, not market, is the key to success," Claussen stated.

New information was delivered in big doses, as such authorities as course consultant William Sherman, NGF Education Director Carol Johnson, turfgrass expert Andy Bertoni, golf course architects Lawrence Packard and Jack Kidwell, and PGA Director of Club and Professional Services Gary Wiren paraded to various seminar podiums.

Sherman zeroed in on the evils of the golf course owner not being aware of how local zoning can directly affect them. He cited a case in San Jose, Calif., in which the city placed zoning restrictions on an owner who wanted to sell his course to a home developer. In reality, the municipality wanted to obtain the course itself.

Johnson, along with PGA professional and course owner Don Essig III, went in depth on how the operator could make better customers out of his golfers by making them better players. Through the institution of added instructional programs, golfers could become better players and would directly increase their frequency of play.

As the amount of golfers at public facilities increases, said Johnson, it would only be natural for owner-operators to put some sort of program into action. "There is very little golf taught at public courses," Johnson commented. Her point was well taken in view of the fact that at least 75 percent of all golfers now play at such facilities.

Essig pointed to the importance of establishing the beginning handicap for the novice and encouraging the less experienced to find out as much about golf as possible. "The owner or his professional must adopt an enthusiasm about teaching the game. If you aren't interested in instruction, your students will soon

A packed house was on hand for the NGF's eastern daily fee workshop at St. Charles, Ill., last fall. A variety of topics were covered for the more than 200 on hand for the multi-day sessions.

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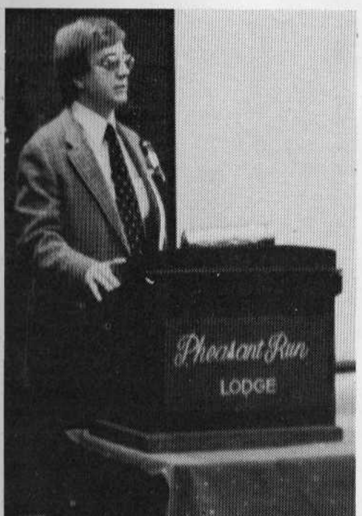


The National Club Association's Steve Alberg talks taxes to course owner-operators during the National Golf Foundation's eastern daily fee seminar in St. Charles, Ill. Alberg summarized the effort his organization had been making in the private sector to fight higher taxes.

see that in your lessons."

Most importantly, though, Essig stressed the effort the teacher must make to listen to his golfers. "They want to tell you about their game," he said.

Bertoni, a former superintendent and now employee of a turf chemical firm, spoke on how cheap maintenance can cost too much in the long run. "Well-conditioned courses make money. Preventive programs are important," Bertoni said. He alluded to the philosophy that golfers will not play a poorly maintained facility if they can go to one in good shape.

From the architectural side, Packard and Kidwell attempted to illustrate their belief golfers will pay to play more challenging, exciting layouts. A master plan of redesign can easily be adapted for any facility, according to Packard. Such a plan would take into account needed improvements on a priority listing, plus a significant focus on costs.

Wiren, who self-admittedly was the most commercial of all the speakers, made the biggest pitch to the owners. Backed up by a film presentation, Wiren made a strong sale for the PGA club professional at the public facility. His point was well taken, since his own association's figures show that of all the daily fee courses that could hire PGA pros, only a little more than 26 percent do. Daily fee facilities number the largest percentage of all golf operations in the nation.

There were even some success stories for the owners to look at as something to shoot for. John Coghill, Silver Lake Country Club, Orland Park, Ill.; Bob Billings, Alvamar Hills Golf Club, Lawrence, Kan.; and John Urban, Urban Hills Country Club, suburban Chicago, told of the prosperity enjoyed by each of their operations.

Hard data about the golf equipment industry was supplied by Phil Odeen, vice president of marketing for Wilson Sporting Goods. Odeen gave the owner-operators a bearing on where the equipment business is going in regards to their pro shops.

Litigation brought on by pro-shop competing sporting goods dealers had cut into much of the time of the manufacturers, but Odeen commented that a recent decision in a Chicago federal district court for the "pro-only" policy would have significant impact on pending suits in Buffalo and Kansas City and any other anti-trust cases against the manufacturers that may come along.

Property and real estate taxes remain the biggest headache for the course owner to handle and Steve Alberg from the National Club Association was on hand to tell how those same taxes were affecting the private club sector. Most startling aspect of the tax crunch was Alberg's figure that nearly 22 percent of the nation's clubs/courses are on the verge of liquidation due to the tax burden.

Many times, courses have not convinced local and state taxing authorities that they are an asset to their communities. This is especially true in the impact a golf course has in raising the value of homes in an adjacent area.

When all the seminars were concluded, the NAPGC sat down and went to work on its second national meeting in history. Many of the organizers of the group admitted not much had been accomplished the first year and the biggest problem many of them had was finding out what was going on in their own organization.

NAPGC President William Saunders, National Golf Courses, Inc., Honolulu, never really outlined what the organization was attempting to do, as much as emphasizing that the group's success hinged on getting more members. There are less than 100 course operators involved now.

For continuity, the membership decided to keep the original set of officers and directors for another term. They are: Saunders, president; Bill Lyons, Lyons Den GC, Canal Fulton, Ohio, vice president; Roy Moore, Golf Management & Planning, Inc., Seattle, secretary-treasurer; Darl Scott, Gull Lake View GC, Richland, Mich., director-at-large; Joe Jemsek, St. Andrews GC, West Chicago, Ill., director-at large; H. Bailey Trull, Trull Brook GC, Tewksbury, Mass., northeast region director; Art Young, Holiday GC, Stuart, Fla., southeast region; Lanny Snode, Tannenhauf GC, Alliance, Ohio, midwest director; James Dorian, Hidden Lakes G&CC, Derby, Kan., Rocky Mountain region director; Wallace Staatz, Hi-Cedars GC, Orting, Wash., Pacific northwest region director; Pat Markovich, Franklin Canyon GC, Pacific southwest region director; Duffy Moore, Cedar Valley GC, Guthrie, Okla., southwest director; and Russell Wiley, Washington, Pa., director-at-large.

Strength in numbers will be the focal point for the organization in '77. Saunders, the officers and the directors have pledged to make a concerted effort to get more courses involved. Each director will be working in his own region with the regional director of the National Golf Foundation to solicit more members.

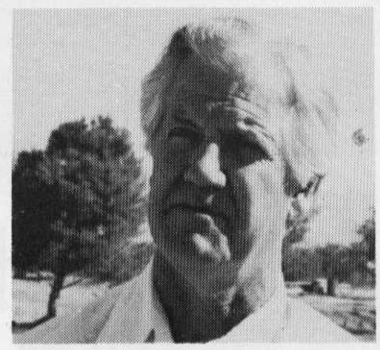
Meeting the problems of the day in fighting higher taxes, additional government regulation, while finding better ways to do business are serving as the basics for the NAPGC. Some critics of the group have remarked that the weakness of the organization is its lack of state-by-state owner associations and how a national could be built through them, much like the PGA, CMAA, and GCSAA.

Builder Siemens watches every detail

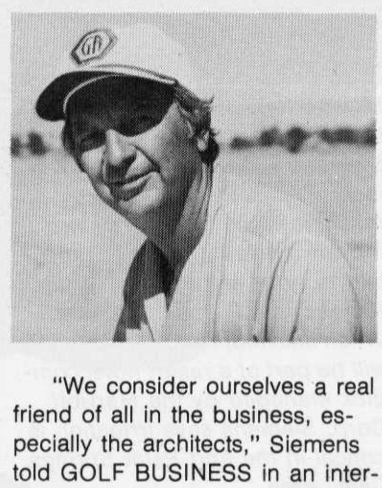
Nick Siemens is a man with a watchful eye. For more than 10 years and at more than 65 course sites, he has been a man who believes in carrying out specifications to the letter. There is little doubt he is one of the top course builders in the nation.

His colleagues were so convinced of his talent, they voted him their association president this past year. Along with coordinating his busy schedule between job sites, Siemens has enjoyed his year as head of the Golf Course Builders of America.

This month Siemens ended a well-run term by handing his gavel over to the new chief executive of the GCBA, Eugene Brown of Greenville, N.C.



With more than 65 course construction projects under his belt in the last 10 years, Nick Siemens (above) is one of the most active builders in the industry. His term as president of the Golf Course Builders of America has been a fulfilling one, he says. Irrigation is the business of consultant Don Burns. Thought of as an expert in the field, Burns, a Nebraska native, is active on projects primarily on the west coast and Hawaii. He has worked with Nick Siemens on several courses.



"We consider ourselves a real friend of all in the business, especially the architects," Siemens told GOLF BUSINESS in an interview in Palm Springs, Calif. "Qualified builders are a necessity today. There are no shortcuts anymore and it is so important to know and be able to ask the right questions at the right time."

On this current job site, to be called Rancho Las Palmas, Siemens was building a 27-hole facility within a 360-acre tract for