

Records, witnesses are best protection, says attorney

Mark all hazards and mix all chemicals yourself.

That was the advice of Mike Veron, an attorney from Lake Charles, La. and a member of the USGA Green Section Committee.

"Adopt the mindset that the worst that can happen will happen," said the lawyer who represents many major chemical companies.

"A chemical company's first line of defense in any lawsuit regarding alleged chemical damage is that the chemical didn't do the damage. Its second line of defense is that if the chemical did do the damage, it's because the chemical was misused."

Therefore, a superintendent's first line

of offense in any claim against a chemical company must be to document that he used the chemical properly.

Veron then listed four steps every superintendent should take to prove his case:

1. Only the superintendent—or perhaps his assistant, depending on his qualifications — should do the mixing.

2. Keep a log that shows when you mixed, what you did, and who witnessed it. Always have at least one other person witness the mixing.

3. Save the label. Don't discard it with the container. As you know, federal law generally requires that every chemical have a label showing its contents and showing



MIKE BAILEY/FGCSA

Mike Veron represents several chemical companies in Louisiana

its application directions. Save that with your log book.

4. When you apply the chemical, keep a small amount of the chemical so that if necessary, you can have it tested later.

"That way, when some irate greens chairman walks into your office and asks if you have seen what is left of the sixth and seventh greens, you will be able to document that at least, if the damage is blamed on the chemical you sprayed there three days ago, you complied with the label and

you can also show that you have a witness that you complied with the label."

(Please see TESTIMONY, page 32)



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Testimony of experts usually is required as well

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To collect damages from a manufacturer, however, it's not enough to prove that you were not at fault.

"You have to prove that they were," said Veron.

Usually that proof will require testimony from experts, preferably experts who have nothing at stake — chemist, toxicologist, agronomist. . . or even the superintendent next door — to take soil samples and do whatever is necessary to substantiate the claim of chemical damage.

Veron also addressed the issue of liability for injuries to employees, members, guests and even uninvited intruders.

Sometimes, the attack comes from the least expected quarters.

"There are innumerable horror stories and I am going to tell you one," he said,

relating the story of a New Orleans country club that was ordered to pay \$693,000 to one of its members who accidentally stepped into an unmarked open drain while jogging — even though the member was not seriously injured and should have known not to jog in the area because he knew the hazard existed — he had complained about it several times to club management.

"The moral of the story is that if you are a superintendent and you have any kind of a work condition or work in progress that may constitute a hazard of any kind and if you have to leave it unattended, put barricades around it, put up 'Danger!' signs, do everything possible not only to warn others of the danger but also to prevent them from being exposed to it.

"You should get a rule from the board that prohibits the members' children from getting into the ponds," Veron said.

Ponds, he explained, are like swimming

pools: they fall into the category of "attractive nuisances."

"You know why there are fences around swimming pools. Well, it's a small step from a swimming pool to the ponds on your golf course," he said. "Children like to get in the ponds — a lot of them try to get in and get the golf balls to sell back to the golfers.

"A kid could get in one of those ponds and get bit by a snake or an alligator or get into some horseplay with his buddies and drown."

The principles of law are :

1. Prevent the potential accident if you can.
2. If you can't prevent the accident, warn about the dangerous conditions.

Simple one-word warnings often aren't enough, Veron said. "Make sure you ex-

(Please see SUPERINTENDENTS, page 34)

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Superintendents seen as victims of own success

(From page 32)

plain what the hazardous condition is. If they think you're just being snobbish, they may ignore your warnings.

In conclusion, Veron said the rising professionalism of superintendents has a "down" side.

"You are the victims of your own success," he said. "As you continue to improve turfgrass conditions, you continue to raise the expectations of all of us who enjoy your work. And when you don't meet those expectations, too often you can wind up in court."

Demographics, environmental regs dictate design

Golf course development has entered a new era, says Kevin Downing, golf and landscape operations manager for a South Florida developer and a member of the USGA Green Section Committee.

And any developer who doesn't understand that the rules have changed may end up spending all his capital on the permitting process or — worse — if he does get through permitting with his bankroll intact, "he may not be able to sell his real estate because he builds more golf course

than his market can handle."

Downing, a last-minute substitute speaker for Tom Meeks, USGA director of rules and competitions, repeated the presentation he had made a few days earlier at the annual Tifton Turfgrass Conference in Tifton, Ga.

"If you build a golf course for the three-handicapper, you had better be prepared for a very long sell-out because there aren't that many three handicappers walking around out there," said Downing, who plays to a low handicap himself when on top of his game.

"With the kind of money you're talking about at today's upper-end country club community, people just aren't going to buy into a golf course they can't play."

Downing described the evolution of Willoughby GC in Stuart, a 600-acre development on sensitive wetlands (including some native habitat for the federally protected scrub jay) surrounded by commercial development and a major thoroughfare — U.S. One.

"It used to be vogue to design 'target' golf courses," Downing said. "Now it's mandatory."

His company spent \$1.1 million on the permitting process, drawing up three completely different land-use plans before finally getting permission to turn the first shovelful of dirt.

Because of new requirements for upland buffers and special treatment of littoral zones, the protected scrub jay habitat and the requirement of a local agency that 25



MIKE BAILEY/FGCSA

Kevin Downing substituted at the last minute for a USGA official who could not make the trip from Far Hills, N.J., for the conference.

percent of the native vegetation be left untouched, Downing said the golf course had to be routed before the architect was hired.

"Furthermore, we had done focus groups to make sure we knew what our potential market wanted in the way of a golf course community," he said. "They not only told

(Please see *GOLFERS*, page 36)

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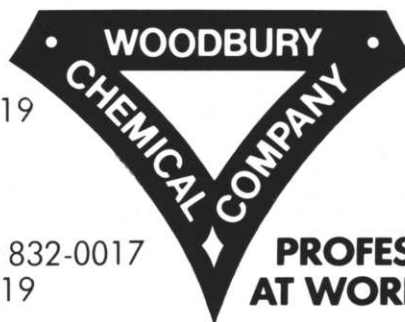
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Golfers won't buy into courses they can't play

(Continued from page 34)

us what kind of roof tile they preferred, they also told us that they wanted to look out on a green golf course and blue water.

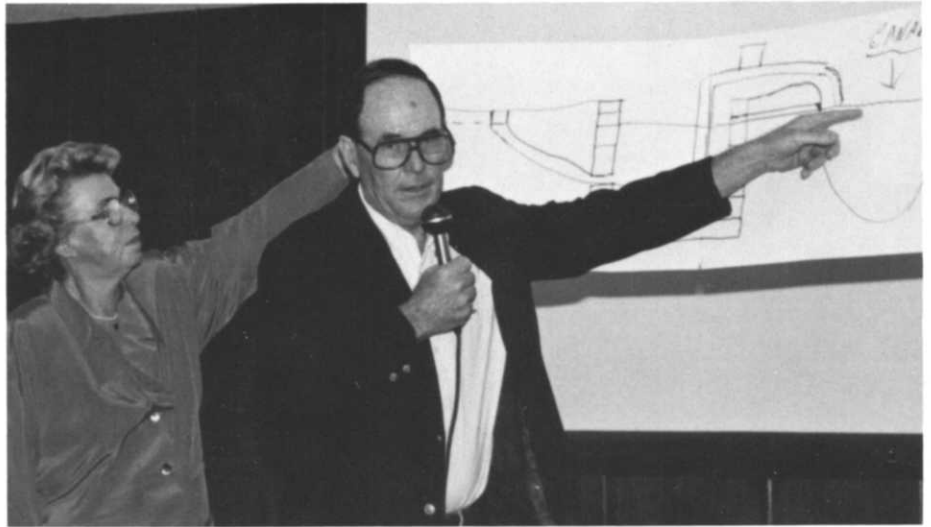
"The vistas they had in mind and the regulatory agencies' ideas of what was beautiful seldom coincided. When 25 percent of your course is scrubland and nobody wants to look at it from the golf course or from his home, it's some trick to hide it."

Downing said the focus groups also helped the developer pin down exactly how much his clients were willing to spend on dues which, in turn, told him what the operating budget of the golf course would be for the next six years.

"Finding an architect who was sensitive to environmental limits and who was willing to design a course with the vistas we felt our buyers would demand at a degree of difficulty we thought they could handle and which could be maintained for six years at \$550,000 to \$750,000 a year was not easy," he said.

The group finally settled on Arthur Hills, who had designed the much acclaimed Bonita Bay project in Naples. "Pete (Dye) refers to him as the King of Naples.

"And Art had to agree to tone down the contours on his greens — which is sort of his signature — and do some other things to make the course playable for our average prospect: an 18-handicapper who hits a 180-yard slice."



MIKE BAILEY/FGCSA

Alice Dye helps hold husband Pete's hand-drawn illustration of the sump pockets he uses to drain low-lying fairways.

The water doesn't know Pete's basins can't work, so it goes ahead and drains

Golf course architect Pete Dye has invented the hydrological equivalent to the bumblebee.

The bumblebee, as all aeronautical engineers know, is aerodynamically unstable and cannot possibly fly. Fortunately, the bumblebee is not an engineer and doesn't know it cannot fly so it goes ahead and does it anyway.

Much the same can be said about the "catch pockets" or "sump basins" Dye uses to drain low-lying courses in south Florida without elevating the fairways.

"I never could get an engineer to agree that it should work," Dye said. "But it does. I guarantee you that Old Marsh (a Dye-designed course in North Palm Beach), where the fairways are only a foot above the water table, the course will be open after a 2- or 3-inch rain that closes down the rest of South Florida."

Old Marsh is built on marshland so sensitive that "we would not have got the permits unless I could guarantee that every drop of water — rainfall or irrigation —

(Please see ALTERNATIVE, page 38)



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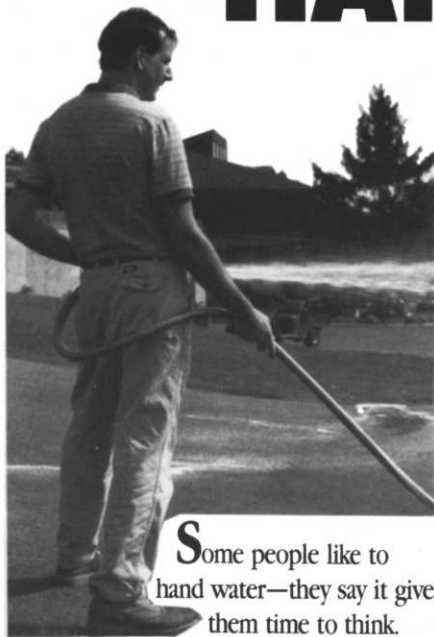
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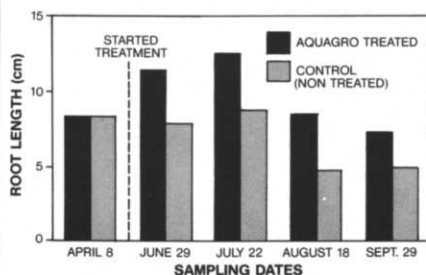
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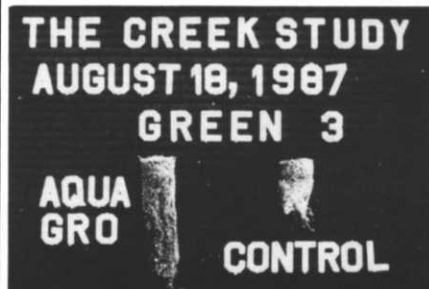
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Alternative was a four-mile gravity flow through culvert

(Continued from page 36)

that fell anywhere on the golf course — tees, greens, fairways, cart paths, parking lots or wherever — would be kept out of the natural marshes, he said.

Faced with the alternative of trying to make water flow four miles by gravity through 48-inch culvert, Dye devised a series of five concrete-lined basins, or “catch pockets,” into which water is carried from underneath the fairways by drain tiles at a grade of one percent or greater.

Because the basins are lined, water can get into them only through the drain tiles and therefore, said Dye, “since I learned at an early age that water seeks its own level, the water under the fairways can only go down. By drawing water out of the basins with 500 gallon-per-minute sump pumps, Dye says the water level under the fairways can be kept “two or three feet lower than

the water table.”

Dye, a 30-year member of the GCSAA and immediate past president of the American Society of Golf Course Architects, is a graduate of Stetson University in Deland and Rollins College in Winter Park. Among the more prominent courses he has designed since he began his career in 1960 are Harbour Town Links on Hilton Head Island, the TPC at Sawgrass, PGA West and Old Marsh.

His appearance was doubly appropriate since he is a member of both the USGA Green Section and Regional Affairs committees.

Women need choice of tees, says architect Alice Dye

Give women the same opportunity as men, said Alice Dye — the chance to choose a set of tees suited to their games.

“Women have become an economic

factor in modern golf,” said Dye, a golf course architect, two-time USGA senior women’s amateur champion and a member of the USGA women’s handicap procedure committee.

“Women hit balls, take lessons, buy clothes — and they go the whole way: outfits, shoes, socks, hats, visors — take carts, eat lunch and, since they’ve been out playing golf all day and they’re too tired to cook, they bring the whole family to the club to eat dinner.

“And if you want to maximize this economic factor, you’ve got to make golf courses more enjoyable for women.”

The average woman hits the ball about 75 percent as far as the average man, she noted, and the average men’s course from the white tees is 6400 yards. Seventy-five percent of 6400 is 4800 yards.

“The average ladies’ course in this country is 5800 yards,” she said.

“Ladies definitely need a second set of tees with shorter yardage — about 5000 yards.

“On a good day, if everything goes right, the average lady hits the ball about 130 yards. If she gets two ‘career’ shots back-to-back, that means she’s gone 260 yards and still has a third shot from the fairway on nearly every par four.

“It’s tough to make birdie putts from the middle of the fairway.”

The ideal length for par-four holes for women is 240-340 yards for average players and 300-380 yards for the best, she said. Par threes should range from 60 to 150 yards.


“There isn’t much you can do with par fives,” she said. “The legal minimum is 401 yards and, with three of her best shots, the average lady is going to get 370-390.

“But at least you can give her a fighting chance on the par fours.”

But give her that fighting chance on a set of tees with official USGA ratings, she said.

“The biggest disservice you can do to a lady is move the tees up from where the course is rated. They may score a little better but they haven’t become better players. But if you move the tees up for a ladies’ tournament, their handicaps are going to

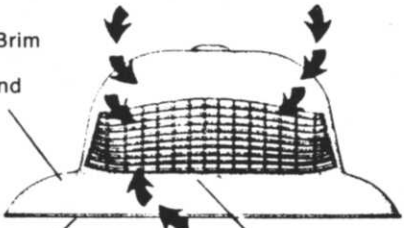
(Please see MOST WOMEN, page 41)



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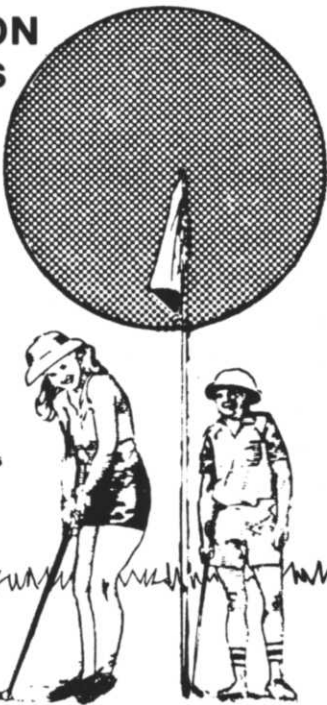
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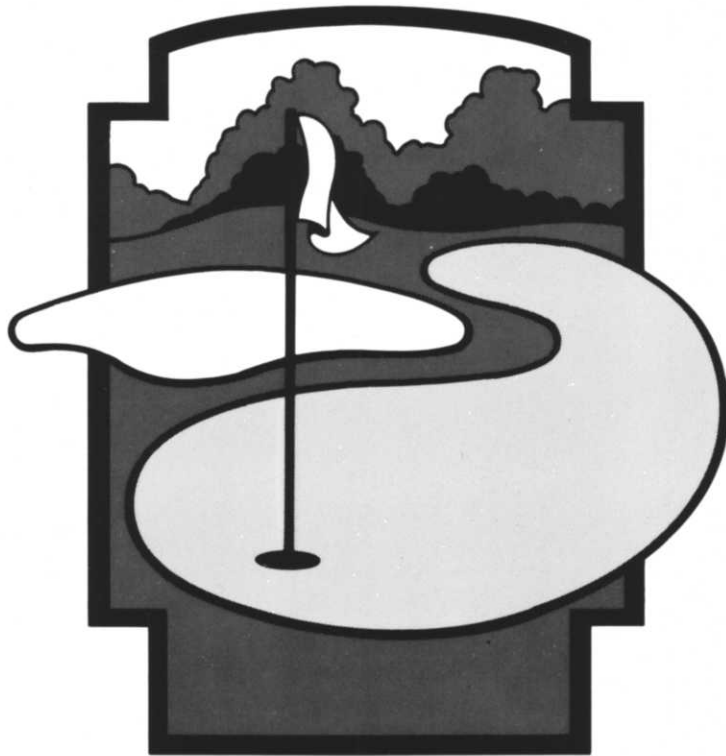
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