

BRIEFS



CLUBCORP OPENS EASTERN OFFICE

VIENNA, Va. — Club Corporation of America has opened its newly established Eastern regional office here in Tycon Tower I/Tysons Corner to oversee operations for the more than 90 CCA clubs in the Northeastern and Southeastern United States. CCA has owned the Tower Club since 1994.

PALM-AIRE NAMES COLLINS GM

POMPANO BEACH, Fla. — Palm-Aire Resort Management Corp., has named W. Gary Collins president and general manager of Palm-Aire Country Club.



Collins has been in the club and resort management business for 20 years including stints with Club Resort & Management, Dye Club Management and ClubCorp of America. The 1,600-acre Palm-Aire community includes five golf courses, 37 tennis courts and two full-service clubhouses.

CMAA HEAD RECERTIFIED

ALEXANDRIA, Va. — Club Managers Association of America Executive Vice President James Singerling has been recertified as a Certified Club Manager (CCM). A 22-year veteran of the private club industry, Singerling has served as CMAA executive vice



president since 1990. Prior to that he was chief executive officer of Robert Trent Jones Sr. International Corp. and served as general manager of Coral Ridge Country Club in Fort Lauderdale, Fla. He is on the National Golf Foundation board of directors and served on the scholarship and research committee for the Golf Course Superintendents Association of America.

SULLIVAN TAKES CALIF. POST

EL DORADO HILLS, Calif. — Western Golf Properties has named Tom Sullivan general manager of Serrano Country Club, part of the master-planned Serrano El Dorado community being developed here. Serrano includes a Robert Trent Jones Jr.-designed golf course. Sullivan previously served as clubhouse consultant to the Paiute Indian Tribe in Las Vegas and club manager for PGA West in LaQuinta, Calif. He has also worked for Walt Disney Productions, Hyatt Hotel Corp., and La Quinta Hotel Golf & Tennis Resort.



Crosswater at Sunriver is the newest addition to the growing Destination Hotels family.

The end of the line is profits for Destination Hotels and Resorts

By PETER BLAIS

ENGLEWOOD, Colo. — The recent opening of Bob Cupp-designed Crosswater, an 18-hole golf course at Oregon's Sunriver Resort, is just a taste of things to come for Destination Hotels and Resorts.

The Denver-based subsidiary of Lowe Enterprises, a national real-estate services company, plans to open a major golf resort/community complex every 12 to 18 months into the foreseeable future, according to Vice President of Marketing Tom Goodwin.

"We have development deals that are close to being completed in Florida and Arizona," Goodwin said. "We should be able to make an announcement by the end of the year."

Destination Hotels and Resorts manages commercial hotels and resorts from the East Coast to Hawaii. Golf courses are an integral part of several properties:

- Sunriver near Bend has three courses — Crosswater, North Woodlands and Cascades.
- The Inverness Hotel and Golf Club (GC) in Denver includes Press Maxwell-designed Inverness GC.
- Wild Dunes outside Charleston, S.C., features two Tom Fazio layouts, the world-ranked Links Course and challenging Harbor Course.

"Golf will be a major focus in our future resort-side development," Goodwin

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LEGAL CORNER

Lawyer warns bad manners insufficient to bounce member

By NANCY SMITH

Even the vulgar and filthy are entitled to respect, according to a California court. The court recently held that a male country club member, who allegedly used the "F" word to describe women golfers, still deserved a fair hearing before being expelled.

In *Aluisi v. Fort Washington Golf and Country Club*, the California Court of Appeal ruled that member Terry M. Aluisi had been improperly kicked out of his club because the board did not give him proper notice and an opportunity to confront witnesses against him.

Although the identity of the women who complained about Aluisi's conduct was kept confidential because they were afraid of him, the court held Aluisi had a right to confront his accusers before losing his membership.

The suit stemmed from a 1990 incident involving allegations of cheating at golf by Aluisi's wife. In response, Aluisi allegedly told his wife, in a loud voice heard by a group of nearby women members, that she should not play with "those f—ing old women." He also reportedly said his wife should advise the women as to certain sexual conduct they should perform on themselves.

The incident prompted a complaint letter by the women's board to the club's governing board. The identity of the complaining women was not revealed, however, because they claimed to be afraid of Aluisi. After determining that the com-

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*Nancy Smith, J.D., is an attorney practicing in Pasadena, Calif. Her "Legal Corner" feature will appear in these pages on a regular basis. You may call her with story suggestions/queries at 818-585-9907.*

MARKETING IDEA OF THE MONTH

The art of bartering creates a masterpiece in N.J.

By PETER BLAIS

CRANBURY, N.J. — The art of bartering can reduce costs and boost sales for many golf courses.

"Trade-outs are a very underutilized way of doing business," said Rich Katz, vice president of marketing for Billy Casper Golf Management (BCGM).

Katz's most recent horse-swapping experience came at Cranbury Park Golf Club (GC) in Cranbury, N.J. As of July 15, Casper was able to increase rounds by 33 percent over the same 6 1/2-month period a year earlier.

Course owner Sky Court Ltd. of Japan hired BCGM to manage the facility last year. Casper went to work immediately. An \$800,000 capital improvements and renovation plan brought a new irrigation system, continuous cart paths and remodeled clubhouse. Casper imported a new superintendent to oversee the various projects and the company provided daily oversight from its Vienna, Va., headquarters.

But no one would come see the Eiffel Tower if the French tourist board didn't



Trading rounds for television ads got Cranbury GC the exposure it needed to become a success.

do such a great job marketing the thing. Same with Cranbury and BCGM, despite all the changes. "Improve it and they will come" doesn't necessarily work in an area, like central New Jersey, already endowed with a healthy supply of golf courses.

Katz contacted the local cable television company about advertising. He was particularly interested in obtaining local

spots during ESPN's coverage of PGA and Senior Tour events as well as time on the early-evening editions of SportsCenter.

"Television advertising on tournament events maximizes the captiveness of the audience we're after," Katz said.

For its part, the cable company was

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## Obnoxious golfer

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plaint had some merit, the board suspended Aluisi's membership. The board gave him notice of a hearing in which his expulsion would be considered.

The notice of hearing only mentioned the 1990 incident. No mention was made of the three prior complaints about Aluisi's conduct, including threats to "bust" a board member's face, "mash" another's face or throw another through a window. When the hearing was conducted, Aluisi presented a defense. He denied using the offending language in the 1990 incident. He denied ever threatening anyone. He complained about not being given the names of his accusers.

The board heard Aluisi's comments and then adjourned to a closed session. In the closed meeting, board members discussed numerous incidents which were not disclosed in the notice to Aluisi about the hearing. Board members not only discussed the 1990 incident but also talked about the alleged threats and various other matters, including allegations of lechery by Aluisi's father and a fist fight between Aluisi and his brother.

At the private meeting, the board voted to expel Aluisi based on "this complaint and prior complaints." Aluisi sued, claiming he had not been given a fair hearing. The trial court agreed. On appeal, the reviewing court also agreed that Aluisi had been denied fun-

damental fairness because he did not have full notice and an opportunity to be heard.

The Court of Appeal analyzed several statutes which apply to golf clubs as private, non-profit organizations. The court found that the California Corporations Code requires expulsion hearings to be conducted "in fair and reasonable manner." Such hearings are considered "fair and reasonable" if the member is given 15 days notice, if the club articles or bylaws describe the hearing procedure and if the member is given an opportunity to be heard. Fairness also requires the opportunity to confront and cross-examine witnesses, the court held.

The court found the names of the witnesses against Aluisi were withheld. "The refusal to permit Aluisi to confront the complaining witnesses and examine their testi-

mony violated his right to fair procedure," the court wrote. Also, the board acted improperly when it raised and considered multiple issues in its private meetings that were never disclosed to Aluisi. He had no chance to address the undisclosed allegations.

"Aluisi was not given an opportunity to defend himself against serious accusations that he was disqualified from a golf tournament, had been banned from another course, violated parking regulations, intentionally drove into people with his golf cart, got in a public fist fight with his brother and that his father was a lecherous felon," according to the court.

The court was offended by the manner in which the board members had talked behind Aluisi's back. "The board's consideration in closed session of unnoticed and undocumented matters regarding which

Aluisi had no opportunity to respond clearly deprived him of a procedurally fair hearing," the justices wrote.

The argument by the club's attorneys that Aluisi would have been expelled even without consideration of the extraneous matters was rejected. The court's review of the board's records indicated that its decision was made on the overall review of even the improperly considered matters.

The "business judgment rule" did not protect the board because a denial of a fair hearing prejudiced Aluisi. When procedural rules are not followed, the court ruled, a board cannot claim it was making a discretionary decision to overcome the error.

The court ruled that the club reinstate Aluisi's membership until he could be given proper notice and a full hearing on all charges against him.

## Destination Hotels

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said. "We're looking at purchasing existing properties and developing new ones.

"We're primarily attracted to markets with above-average, white-collar employment. Raleigh/Durham (N.C.), suburban Chicago, Dallas, Denver, Phoenix, Salt Lake City, Portland (Ore.), Seattle and the San Francisco Bay area are among the areas we're looking at."

Land, both its cost and availability, may be a problem in some of those areas, Goodwin noted. But the hotel-building market has been constrained for so long that many cities sorely need new facilities.

"Raleigh/Durham, for instance, is severely undersupplied," Goodwin said. "And there is plenty of land available."

In addition to courses it owns and operates, Destination Hotels has agreements with local courses that provide playing privileges to guests at the company's Shadow Mountain Resort in Palm Desert, Calif., and the six Hawaiian properties that comprise Destination Resorts Maui. Destination manages 17 facilities in all, including is non-golf operations.

But what distinguishes Destination from many other golf resort operators is that it owns rather than simply manages many of its golf properties, Goodwin said. "That requires us to make a stronger commitment to improving and maintaining our facilities," he added.

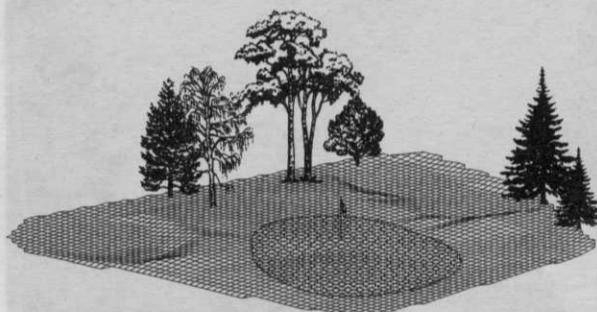
Wild Dunes Managing Director Earl Hewlette has overseen improvements to that facility designed to reduce the environmental impact of the courses in environmentally sensitive Isle of Palms.

Charlie Pack holds the same title at Sunriver where, in addition to Crosswater, the company is set to break ground for a new clubhouse and has extensively refurbished the existing layouts.

At Inverness, General Manager Mark Hickey has changed from asphalt to concrete cart paths. Ponds have been dredged and many bunkers rebuilt.

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