DECOR

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Design and Construction

In this month's special section learn the ins and outs of permitting a golf course project......24

A Second Chance

John Vogts heads a course maintenance training program for troubled kids at the Glen Mills School.....8



CALIFORNIA'S COYOTE MOON

Former professional golfer Brad Bell has opened his third course, Coyote Moon, on a one-time logging tract in the High Sierras. The course is a rarity in California, as it was built strictly for golf, not to sell housing lots. Builders rushed the construction through in six months to beat the snows of the high country. Pictured above is the par-3 13th hole that features an 88 foot drop. See story page 15.

COURSE MAINTENANCE

The first installment of Piersol's Perspectives8
Tools of the Trade at Markut's PGA Golf Club 9
New company fights bugs with bugs

COURSE DEVELOPMENT

Thistle Golf Club adds nine holes	15
Camas Meadows debuts in Washington	16
Palmer course in state park taking shape	20

COURSE MANAGEMENT

Platinum Golf Properties sets up shop Heritage Golf Group picking up steam	
Zurich U.S. enters insurance market	
SUPPLIER BUSINES	s
Carl M. Freeman starts e-commerce ven	ture 3

Carl M. Freeman starts e-commerce venture	91
Golfsat teams with eFORCE	32
New products	34

PERIODICAL

BASF readies specialty product unit

By A. OVERBECK

RESEARCH TRIANGLE PARK, N.C. - Following the July 1 closing of its acquisition of American Cyanamid, BASF has completed the integration of product lines and management teams to form BASE Specialty Products Division (BASFspd). The new division will be responsible for the company's turf, ornamental and pest control business.

'In the past, BASF was more focused on the agricultural side," said Bill Baxter, business manager for turf, ornamental and pest control. "With the acquisition of American Cyanamid, which had a separate specialty products division that focused on turf and ornamental and pest control, it made sense Continued on page 33



Florida's Ocean Hammock, opening in December, will host a U.S. Open qualifying round in May.

On the beach: Jack's new Ocean Hammock seems destined for fame

By JAY FINEGAN

PALM COAST, Fla. - Florida's first true oceanfront golf course to be built in 70 years will make its highly anticipated debut on December 5, with designer Jack Nicklaus scheduled to hit the inaugural drive off the first tee.

Located between St. Augustine and Daytona Beach on Florida's northeast coast, with six holes playing right along the Atlantic, Ocean Hammock Golf Club is guaranteed to be something special. Indeed, the U.S. Golf Association has already named the course to host regional qualifying rounds next May for the 2001 U.S. Open.

"It's a magnificent piece of property," said superintendent Tray Maltby. "I feel very fortunate to be here. Sometimes I have to pinch myself."

The 7,200-yard, par-72 layout is being developed at a cost of \$12 million by Lowe Enterprises, of Los Angeles, which operates four other courses in the Palm Coast area, including such standouts as Pine Lakes, Cypress Knoll and Palm Harbor. The new layout also features two driving ranges, practice greens and a teaching tee

Ocean Hammock appears destined to take its place among Florida's elite resort courses. In fact, head professional Chuck Kandt predicts it will become one of the most highly regarded courses in the country. "It's going to provide a golfing experience like no other on the East Coast," he said. "We have a goal to draw bigname tournaments here, and I'm confident it will happen."

'A TOUCH OF PEBBLE BEACH'

Nicklaus has put his stamp all over this course. Strategy and scenery intersect at nearly every turn, with great care taken to ensure the terrain works in harmony with its surroundings.

"You might say it joins a little of the West and East coasts by combining a Continued on page 23

Pine bark beetles wreaking broad devastation across the South

TEMPLE TERRACE, Fla. -Already stressed by heat, drought and increased urban development. pine trees in the Southeast are falling victim to widespread devastation by pine bark beetles. Alabama, Florida and South Carolina have been especially hard hit by the lethal pests.

Pine bark beetles, also known as engraver beetles, are small cylindrical insects that attack and kill pine trees by feeding and laying eggs in the inner bark of the tree. Once a pine is colonized by



Evidence of a large infestation of southern pine beetles in eastern Texas

these beetles, it will soon die. Alabama is experiencing its worst drought on record with the northwest region of the state being the most severely affected. So far this year, Alabama has lost a record 1.5 million pines to the insects, 51 counties were classified at "epidemic" levels for the southern pine beetle (SPB), according to the Alabama Forestry Commission. Continued on page 14

Injured golfer wins \$7.5 million settlement

By JAY FINEGAN

ALEXANDRIA, Va. Lansdowne Resort Golf Club in northern Virginia has settled out of court for \$7.5 million to compen-

sate a player who was struck in the neck by a stray golf ball. The settlement agreement came in late September, two and a half



years after James Tobin was hit on the practice putting green at Lansdowne, a public 18-hole course in Loudoun County.

At the time of the accident, Tobin was a sales manager for General Electric. He was 42 years old, and a 2-handicap player. A stroke has left him unbalanced and unable to walk



MANAGEMENT

Golfer wins settlement Continued from page 1

or work. Surgeons had to remove part of his brain, severely impairing his ability to perform intellectual and physical activities.

Gerard Dumont, Lansdowne's general manager, said he was "deeply sympathetic" to Tobin's

medical condition, but he insisted the course was not at fault. "We firmly believe the practice facility and golf course were safe in 1998 and remain so today," he said in a statement released by the club.

But as the case was unfolding before a federal jury here in U.S. District Court, Lansdowne's insurance carriers, CNA and Royal SunAlliance, made the decision to settle. Lansdowne's attorney, Steven Bancroft, could not be reached for comment.

Lansdowne is under management by Benchmark Hospitality Inc., of Houston. Calls to Benchmark were not returned.

FREAK ACCIDENT The plaintiff's case centered

\$2,000,000

Abilene, TX

club.

First Mortgage

Fairway Oaks CC

Refinancing of a private

18-hole non-equity country

on the proximity of the driving range to the practice green. The distance between the tee box on the range and the green

was anywhere from 130 to 160 yards," said attorney Gary Mims, of the firm Snead & Mims, which brought the lawsuit. "The green was directly on the side. It would have been a good place to put a bunker if you had a slight dogleg to the right. If you were hitting a long iron from the right side of the range and left your club face open, then the putting green is where the ball would not unlikely go."

According to Mims, the blow to his client's neck damaged an artery so severely that the flow of blood was affected. "It reached a point where it closed off and a clot was thrown, which caused a major stroke," he said.

The freak incident occurred on April 20, 1998, when Tobin was practicing his putting with some of his customers before a charity tournament, Suddenly, according to Mims, an errant golf ball from the driving range flew over a berm and struck him on the left side of his neck. "It felt like somebody hit me with a baseball bat," Tobin told the jury. "But I didn't pass out."

In fact, he went on to play 18 holes that day. Weeks later, suffering from headaches, he went to a doctor who diagnosed him as suffering from "caffeine abuse." But in July 1998, as his condition deteriorated, he went to an emergency room. Doctors determined that the golf ball strike 11 weeks earlier had caused major trauma to an artery, leading to the stroke.

"Jim Tobin had no reason to be a candidate for a stroke,' Mims said. "He had no hypertension, his arteries were clean and he was a good athlete who had played basketball and tennis in college. The opposing side argued that the stroke was due to natural causes, but they couldn't explain why.'

RISKY CONDITION

The Lansdowne course was designed by Robert Trent Jones Jr., but Jones was not named as a defendant, nor was his construction company, which built the course. "Our allegation in this case really wasn't the design," Mims said. "We argued that once management realized this condition existed, they should have done something about it."

Mims and his law partner, William O. Snead III, argued that management was aware of the hazard.

We found a golf pro at Hilton Head [William Bratton Steele Chandler III] who had been the pro at Lansdowne in 1996," Mims said. "In deposition, he said he had recognized this danger. He brought it up to the powers that be at Lansdowne, that this was a situation that should be looked into. It would have been easy to fix. You could have put up a net, or moved the green back, or prohibited the use of them simultaneously. Thepro said he couldn't explain why management failed to act.

"It's a matter of what they [management] considered likely to happen, and a risk that they found acceptable," Mims added. "Our position was that you take that risk, but Jim Tobin shouldn't pay for it. For less than \$10,000 for a net, the whole thing could

Continued on page 36

Golf Course Loans closed in the First Quarter, 2000

\$4,000,000

Florida.

First Mortgage

St. James GC

Port St. Lucie, FL

Financing of a new 18-hole

daily fee course in south

\$5.250.000 **First Mortgage**

Bristow Manor Bristow, VA

Refinancing of an 18-hole daily fee course in suburban Washington D.C.

\$10,100,000 First Mortgage & **Mezzanine Loan**

Middle Island CC Long Island, NY

Acquisition of an 18-hole daily fee facility east of New York City in Brookhaven, Long Island.

\$2,400,000 **First Mortgage**

Four Seasons GC Wilkes-Barre, PA

Acquisition of an 18-hole daily fee course in northeastern Pennsylvania.

\$7,200,000 **First Mortgage**

Polo Golf & CC Atlanta, GA

Acquisition of an 18-hole private non-equity country

Parkersburg, WV

daily fee course in northern Maryland.

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Bank of America. Increase and extension of an existing loan to an 18-hole private country club in suburban Washington D.C.

\$5,125,000

Maryland.

\$14,000,000

Reston, VA

First Mortgage

Hidden Creek CC

First Mortgage

Walkersville, MD

Glade Valley GC

Acquisition of an 18-hole

daily fee course in northern

\$4,150,000 **First Mortgage**

Bear Creek GC Westminster, MD

Acquisition of an 18-hole

Refinancing of an 18-hole club in suburban Atlanta. daily fee course in suburban Parkersburg.

Golf & Marina Finance

\$1,500,000 **First Mortgage Golf Club of** West Virginia

MANAGEMENT

Settlement Continued from page 30

have been avoided."

Since then, he added, Lansdowne has reoriented the driving range, so golfers now aim away from the practice green. The lower tier of the green, where Tobin was hit, has been closed.

COURSE DISPUTES LIABILITY

Throughout the legal proceedings, Lansdowne maintained that it was not at fault

In Gerard Dumont's statement, he said that Lansdowne personnel, including starters and rangers, "are trained to monitor the practice range to ensure it is used in a safe manner. In fact, Lansdowne prides itself on an exemplary safety record since the time of our opening in 1991."

Dumont's statement said "there has been no determination that the practice facility was hazardous to our guests or members. Similarly, there was never any determination that Mr. Tobin's unfortunate medical condition resulted from any action on the part of Lansdowne Resort. To this day, it has never been determined who hit the golf ball or from where the golf ball was hit that Mr. Tobin says struck him while on our putting green. No jury or judge determined the reason for his medical condition in this case.'

"They never admitted liability," agreed Mims. "And yes, the insurance companies did control the defense of the case. But it's hard to believe, with what the case settled for, that there isn't at least a tacit acknowledgement that they could have lost in court.'

Jim Tobin, who lives in Charlotte, N.C., now gets around in a wheelchair. "I don't care about the money," he said. "I would just like to get my life back, which I can't. I just want to walk and play tennis with my son again."

GOLF COURSE MARKETPLACE

To reserve space in this section, call Jean Andrews, 207-925-1099

