

# News

## LEGAL ISSUES

### Chicago courses sued for fee fixing

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If things were not tough enough on daily fee operators, the attorney general in Illinois has filed suit against 22 Chicagoland facilities for alleged price fixing over a period from the fall of 1970 through the spring of 1975.

Obviously, the case will have a heavy bearing on the liability of the public operator against consumer pressure to keep his fees as they have been, in spite of the rising costs of operation. The antitrust action was inspired by local golfers in the Chicago area who sensed a growing similarity in prices for green fees and golf car rentals at regional courses.

Named in the suit are: Carriage Greens Golf Club, Downers Grove; Nordic Hills Country Club, Itasca; Cherry Hills Country Club, Flossmor; Cog Hill Golf & Country Club, Lemont; Fresh Meadows Golf & Country Club, Hillside; Gleneagles Country Club, Lemont; Glenwoodie Golf & Country Club, Glenwood; Midwest Country Club, Oak Brook; Deer Creek Golf Club, Park Forest South; Old Oak, Orland Park; Palos Country Club, Palos Park; St. Andrews Golf & Country Club, West Chicago; Oak Hills, Palos Park; Silver Lake Country Club, Orland Park; Sportsmans Country Club, Northbrook; Timber Trails Country Club, LaGrange; Villa Olivia Country Club, Bartlett; Westgate Valley Country Club, Palos Heights; Bartlett Hills Golf & Country Club, Bartlett; Big Run Golf Club, Lockport; Buffalo Grove (Ill.) Country Club; and Hickory Hills Country Club, Oak Lawn.

Also named in the action is the Chicagoland Golf Association, which is the local trade organization for 32 courses in the area. John Coghill, owner of Silver Lake Country Club and current president of the CGA, told GOLF BUSINESS his organization was not involved in collusion in raising fees. Illinois At-

torney General William Scott is charging the defendants conspired to fix fees at past Chicagoland Golf Association meetings. All increases allegedly resulted when the courses shifted from winter to summer rates. Scott contends competition between the public operations was suppressed.

Assistant attorney general assigned to the case is John Noel and he told GOLF BUSINESS from his Chicago office that there were not a large number of complaints from area golfers on the alleged pricing irregularities.

Indications from attorneys involved in the case are that the state will base its case not on a similarity of a specific price at all facilities involved in the suit, but on a similar increase in price at the start of summer rates. The consistent increase for each season was supposedly 50 cents.

Noel has been with the attorney general's office for 4 years and is a member of the private Itasca (Ill.) Country Club. He told GOLF BUSINESS he had never visited any of the clubs in question, even though the attorney general's office had stated that it had conducted an extensive 18-month investigation since the complaint was first brought to light in late 1975.

Illinois is seeking a maximum \$50,000 fine for each club involved in the suit. Both Coghill and Noel said the backlog of cases currently on the docket in Chicago will probably push the eventual court date back at least 2 years.

Noel has been quoted by Chicago news media as saying that the case is not necessarily based on whether fees are too high there. He contends that the basis of the complaint is that the facilities conspired to fix prices.

At Silver Lake, Coghill has 45 holes of golf and offers two daily rates, which are predicated on the

time the golfer begins play. Only green fees increase on the weekends, while golf car rental remains constant. A golfer can buy an all-day ticket for \$7 on weekdays or \$8.50 on the weekend. This entitles golfers to as many holes they want to play. Golf car rental is \$11 per 18 holes before 3:00 p.m.

Silver Lake's twilight rate goes into effect after 3:00 p.m. Cost for 18 holes is \$4 on weekdays and \$5 on the weekend. A separate nine-hole facility is a unique part of Silver Lake and Coghill keeps all nine-hole traffic on that. The rate remains the same no matter what the time of day: \$3.25 on weekdays, \$3.75 on the weekend. Car rental for nine is \$6. These prices seem quite competitive with surrounding facilities.

One contention of the suit is that there were also unnamed co-conspirators involved in the alleged price fixing. Indications are this is a standard legal tactic that brings in all possible parties that could have been involved, in any way, with the case.

Quoting from the complaint, the Illinois attorney general states, "The defendants and co-conspirators have entered into an agreement, understanding, and concert of action the substantial terms of which were to fix, control, and maintain the rate of green fees charged to the general public." Later in the complaint this procedure also alleges collusion in the matter of setting rates for car rental.

Whether there was price fixing or not is, of course, up to the state to prove. One person involved in leveling the complaint supposedly told the attorney general's office that when they initially asked at a course about what prices would be for the coming year a couple of seasons ago, they were told they would have to wait until a decision was made. (continued on p. 10)

Price increases being a fact of life these days, Coghill admits fees have risen more than 45 percent over the past 10 years, but he quickly points to the fact that the consumer price index has risen 76 percent in that same span.

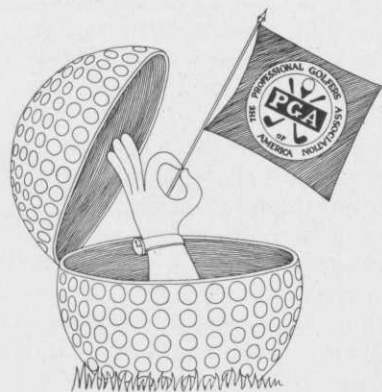
## ASSOCIATIONS

### Charity the winner in Golf Day promo

For the 26th consecutive year, the Professional Golfers' Association does its bit for all the good causes in the game, as the National Golf Day fund raiser kicks off May 29 and goes through the July 4 weekend.

As always, the golfer "competes" against the target score of top touring professionals. On June 6, PGA champion Dave Stockton, U.S. Open winner Jerry Pate, LPGA champion Betty Burfeindt, and U.S. Women's Open winner JoAnne Carner will establish the target scores at the Oakmont Country Club, Pittsburgh, site of the 1978 PGA Championship.

After the Round of Champions, golfers then compete with full handicap. If the golfer beats the target



score, he or she receives a resort-type bag tag stating "I Played and Beat the Champ."

An added extra for the participant this year is that each entrant donating more than \$2 will receive 18 personalized golf shaft bands with his or her own name and the name of the course or club. The bands are two-color and a \$4 value.

Nonprofit golf charities are the

real winner every year in the Golf Day event. Grants are presented to 27 major caddie scholarship funds. Turfgrass research is also supported by the drive in donations to programs involving the United States Golf Association and the Golf Course Superintendents Association of America.

More than \$2 million has been raised for the various charities since the program's inception in 1952.

### Amick to president of architects

Highlighting the recent annual meeting of the American Society of Golf Course Architects at Hilton Head, S.C., Bill Amick, Daytona Beach, Fla., ascended to the presidency of that organization.

In business by himself since 1959, Amick is the second consecutive ASGCA chief executive to be Florida-based. Immediate past president was Ed Seay, Ponte Vedra Beach, Fla. Amick is probably best known for his many municipal golf and real estate development projects, including the Killlearn Golf & Country Club, site of the Tallahassee Open.

Other officers in the organization include Vice President Rees L. Jones, Montclair, N.J., Secretary Jack Kidwell, Columbus, Ohio, and Treasurer Dick Phelps, Evergreen, Colo.

In a special presentation, noted golf writer Herbert Warren Wind was honored by the society by receiving its annual Donald Ross award. The plaque is emblematic of outstanding achievement to the game in the name of the late architect. Last year's recipient, Robert Trent Jones, presented the award to Wind.

One of the most informative sessions of the meeting was the allied association forum that included: Harry Easterly, United States Golf Association president; P. J. Boatwright, USGA executive director; John Laupheimer, USGA associate director; Al Radko, USGA Green Section director; Paul MacDonald, National Golf Foundation president; Harry Eckhoff, NGF director of information services;



Shown with Donald Ross award recipient Herbert Warren Wind (center) at the GCSAA annual meeting are (left to right) Secretary Jack Kidwell, President Bill Amick, Immediate Past President Ed Seay, and Vice President Rees Jones.

Palmer Maples, educational director of the Golf Course Superintendents Association of America; Harry Gray, immediate past president of the Club Managers Association of America; Mark Cox, executive director of the Professional Golfers Association; and Eugene Brown, president of the Golf Course Builders of America.

### Nation's builders in free directory

Thinking about some redesign work on your facility this year? The Golf Course Builders of America has made finding them easier with a new 44-page, free booklet listing its members throughout the country. Features of the brochure include pictures of the members, along with golf course construction experience of each.

For the 1977 booklet, write GCBA, 725 15th St. NW, Washington, DC 20005.



NEW OFFICERS AND DIRECTORS of the Golf Course Superintendents Association of America (GCSAA) were elected during the annual meeting at the 48th International Turfgrass Conference and Show in Portland, Ore., in February. The officers are (seated, from left) Louis D. Haines, CGCS, Denver (Colo.) Country Club, secretary-treasurer; George W. Cleaver, CGCS, Chestnut Ridge Country Club, Lutherville, Md., vice president; Ted W. Woehrle, CGCS, Oakland Hills Country Club, Birmingham, Mich., president; and Richard W. Malpass, CGCS, Riverside Golf and Country Club, Portland, Ore., immediate past president. Directors are (standing, from left) David C. Holler, CGCS, Gulph Mills Golf Club, King of Prussia, Pa.; Michael R. Bavier, CGCS, Inverness Golf Club, Palatine, Ill.; Charles H. Tadge, CGCS, Mayfield Country Club, South Euclid, Ohio; Hobart T. Burgan, CGCS, Quail Creek Golf and Country Club, Oklahoma City; and Melvin B. Lucas, Jr., CGCS, The Garden City (N.Y.) Golf Club. Bavier and Burgan are new to the Executive Committee this year.



## IN CANADA

**Elections highlight annual PGA meeting**

Al Hosick, a 37-year-old club professional at Kawartha Golf & Country Club, Peterborough, Ont., was elected president and chief executive officer of the Canadian Professional Golfers' Association, as the organization recently held its annual meeting at Humber College in Toronto.

Hosick takes over from the immediate past president Arnold McLean, Lorraine, Que., who will continue to keep active on various CPGA committees. Other officials elected include: Al Ewen, Calgary Golf & Country Club, first vice president; Al Kennedy, Richmond, B.C., second vice president; Jean-Guy Regnaud, St. Hyacinthe, Que., third vice president; and Warren Crosbie, Burlington, Ont., secretary.

Several guests were elected to honorary membership into the group including national PGA of America President Don Padgett, Royal Canadian Golf Association President T. George Armstrong, Imperial Tobacco Products President Ed Ricard, and Labatt Breweries of Canada President D. J. McDougall. Special recognition was made for an honorary membership to Marion Doherty, who recently retired after 40 years with the RCGA.

## GOVERNMENT REGULATION

**GAO study says OSHA program ineffective**

A recent study by the Government Accounting Office has found the enforcement procedure of the Occupational Safety and Health Administration has had minor impact in pushing back the high incidence of accidents in industry. Statistics show that the mortality rate in industrial accidents is more than 100,000 per year.

In spite of a recent Supreme Court judgement that found the enforcement procedure of OSHA

constitutional, the GAO says the agency has made little headway in its short life to put a dent in bettering worker safety.

The report pointed up the overall lack of concerted effort by OSHA to establish regulations on toxic substances safety. With the number of such substances available on a golf course, OSHA has only put protective procedures on 15 such poisons. This in spite of the \$727 million budget that OSHA and its research partner, the National Institute of Occupational Safety and Health, have spent together in the last 5 years.

"It will take more than a century to establish needed standards for substances already identified as hazards," said the GAO report. It is no secret that it may just take OSHA that long to catch up, since new substances seem to be introduced on the market faster than standards can be written.

In essence, the report offers no real alternatives to get OSHA to establish standards faster. It does, however, offer the agency the suggestion that it might attempt an immediate change in direction, emphasizing an educational program which would better train workers for the problems and dangers encountered when handling toxic substances.

**Douglas Costle new EPA administrator**

Senate confirmation was recently granted Douglas M. Costle, as President Carter continued to fill out high government positions with the addition of a new administrator for the Environmental Protection Agency.

A 37-year-old lawyer, Costle offers broad experience in both federal and state environmental matters. A native of Long Beach, Calif., Costle received his undergraduate degree from Harvard in 1961. He graduated from the University of Chicago Law School in 1964.

After graduation, he went to work for the Justice Department in its Civil Rights Division, until 1965. He then went with the Economic Development Administration in the



*EPA Administrator Costle*

Department of Commerce through 1967. He ventured into private law practice, but opted for the political life again, as a senior staff associate for environmental and natural resources as part of the President's Advisory Council on Executive Organization. There he headed the study that recommended EPA.

The bulk of his administrative experience was gathered as deputy commissioner and eventually commissioner of the Connecticut EPA from January 1972 to July 1975. He also consulted the federal EPA on land use projects.

In his confirmation hearing, Costle told the senators present that, "for too long, environmental concern has been portrayed as an obstacle to energy development. This administration, in contrast, believes that environmental protection is not an obstacle but merely a necessary precondition for energy development."

As the third administrator of the 6-year-old agency, Costle will oversee more than 10,000 employees in Washington and at 10 regional offices. EPA's current fiscal budget is more than \$865 million. There are clues EPA should be a tougher enforcer than in the past with Russel Train.

In the only major showdown of the Train administration involving the golf business, Train rescinded an earlier EPA ban on mercury use at golf facilities. What the EPA will be doing under Costle is anyone's guess. Pesticides and toxic substances will continue to be chief topics of contention with EPA, though.

## GOLF EQUIPMENT

**USGA set to test ball aerodynamics**

It hasn't been any secret that golf balls have been and are still manufactured with some imbalance within the internal structure of many brands. No doubt balls are spherical and on the surface look right, but the United States Golf Association is looking into whether the golf ball has even aerodynamic properties.

Late in January during the annual USGA meetings in Atlanta, questions were raised on whether the association should direct some of its equipment testing expertise into ball aerodynamics. The Overall Distance Standard had set limits on the extent of a ball flight's; the question now was whether that flight is indeed fair to the golfer.

What really inspired the probe were recent appearances on the market of balls that claimed to correct a hook or slice. These claims touch right on the USGA position that equipment will not be allowed that does not hold the integrity of the game high.

There has been little reaction from the golf ball manufacturers, although something was surely brought up during the manufacturers spring meetings last month in Florida.

In its statement, the USGA gave the manufacturers a subtle reminder they would be looking into the matter: "Golf ball designers and manufacturers should take into consideration the announced intention of the USGA to adopt aerodynamic and mass distribution standards in connection with the production of any new golf balls." Just what the program will entail is anyone's guess, but the wheels are obviously in motion.

## NEW CLUBS &amp; COURSES

**NCGA to buy land for its own course**

Sometime in the near future, the Northern California Golf Association will become the first regional golf association in the United States

to own and operate its own course for the benefit of its membership.

On March 25, the NCGA's board of directors voted unanimously to purchase 153 acres of land in the Monterey Peninsula's Del Monte Forest as a future site for an NCGA-owned golf course and headquarters. The land, now owned by Del Monte Properties Co., is located among the famous Pebble Beach, Cypress Point, and Spyglass Hill courses.

The board's action was based on a vote of delegates representing the association's 265 member clubs. A substantial majority of the delegates voted in favor of the proposal to purchase the land at a cost of \$7,000 per acre, for a total price of \$1,071,000. The outright purchase was to be made in April after negotiations were concluded.

#### GB EDITORIAL BOARD

### Bob Benning added to advisory panel

Noted east coast golf professional Bob Benning has become the newest member of the GOLF BUSINESS editorial advisory board. Head professional at the famous Congressional Country Club in Bethesda, Md., Benning brings 17 years of experience to the six-member panel.

The 44-year-old graduate of Purdue University is a native of Dayton, Ohio. He started his career as an assistant professional at Wright-Patterson Air Force Base



Benning

Golf Course near Dayton in 1960. He then headed to Oakmont Country Club, Glendale, Calif., in 1961 as an assistant and after a year there, went to Mountain Ridge Country Club, West Caldwell, N.J. He served there through 1962 and part of 1963, but then left for the west coast again and Thunderbird Country Club, Palm Springs, Calif.

Benning landed his first head professional position in 1964 at the Plainfield (N.J.) Country Club. The post lasted until 1973, when he moved to Congressional.

Currently vice president of the Mid-Atlantic PGA section, Benning is a past president of the New Jersey PGA and is periodically a scorer and technical advisor for ABC-TV golf telecasts.

#### ARCHITECTS

### International firm takes a new name

All that really changes is the name in a move by the architectural company of Fream/Strom/Associates Ltd. that now lists as Thomson, Wolveridge, Fream & Associates. The switch effects the firm's American office in Los Gatos, Calif.

Fream/Strom/Associates Ltd. was formerly known internationally as Harris, Thomson, Wolveridge, Fream & Strom. The name change was predicated on the death of noted British architect John Harris, who passed away in London last February.

Peter Thomson, five-time British Open champion, heads up the reorganization. Michael Wolveridge, an associate for a dozen years of Harris, is situated in the firm's Melbourne, Australia, office along with Thomson.

American architect Ronald Fream will continue to direct the California office. The west coast operation is currently involved in projects in Asia, the Caribbean, Europe, and North Africa. Fream had worked in the past with such famous architects as Robert Trent Jones, Robert Muir Graves, and Robert "Red" Lawrence.

Other Thomson, Wolveridge, Fream & Associates offices are in Nagoya, Japan; Zurich, Switzerland; and the Seattle suburb of Mercer Island.

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