

Off The Fringe

Business briefs

AST Sues Toro for Infringement

Advanced Sensor Technology (AST) has filed a lawsuit against The Toro Co. for infringement of a U.S. patent covering wireless remote soil monitors and its usage by Toro on golf courses. AST filed the suit in the U.S. District Court for the Eastern District of Pennsylvania with SIPCO LLC, assignee of U.S. Patent No. 7,103,511.

AST says it filed suit for patent infringement against Toro for its wireless golf course soil monitoring systems and equipment, including a wireless soil monitoring system known commercially as Turf Guard. AST says it holds the exclusive license to SIPCO's patent in the commercial soil monitoring field of use.

"Toro pursued negotiations with our company under a confidentiality agreement to distribute and then purchase our ground-breaking product, RZ-Wireless — a wireless soil-sensing system used on golf courses worldwide," said Walter Norley, founder, president and CEO of AST. "Toro then moved to purchase a small company formed by Jason Hill, a former AST consultant who stole and commercialized our invention."

In a written statement responding to the lawsuit, Toro spokesman Branden Happel said: "[AST's] suit stems from our recent acquisition of Turf Guard and a lawsuit we filed against AST for false and misleading advertising practices in an attempt to interfere and disrupt the launch of the Turf Guard system. We respect the valid intellectual property rights of others, and we expect others to respect our rights. As part of Toro's acquisition of Turf Guard, we conducted a thorough review of the patent and intellectual property landscape relating to wireless soil monitoring systems."

Marriott Must Provide Access to Disabled Golfers

By David Frabotta, Senior Editor

A federal judge ruled Jan. 28 that Marriott International's golf division is in violation of the Americans With Disabilities Act because it failed to provide "accessible" or "single-rider" golf carts to disabled persons at its managed properties, according to court documents.

The summary judgment that Justice Phyllis Hamilton handed down in the U.S. District Court of the Northern District of California concludes: "Marriott's policy, by which it refuses to provide accessible carts to disabled golfers, discriminates against plaintiffs, mobility-impaired golfers." The ruling further states that single-rider golf carts are "both reasonable and necessary to accommodate the plaintiffs' disabilities."

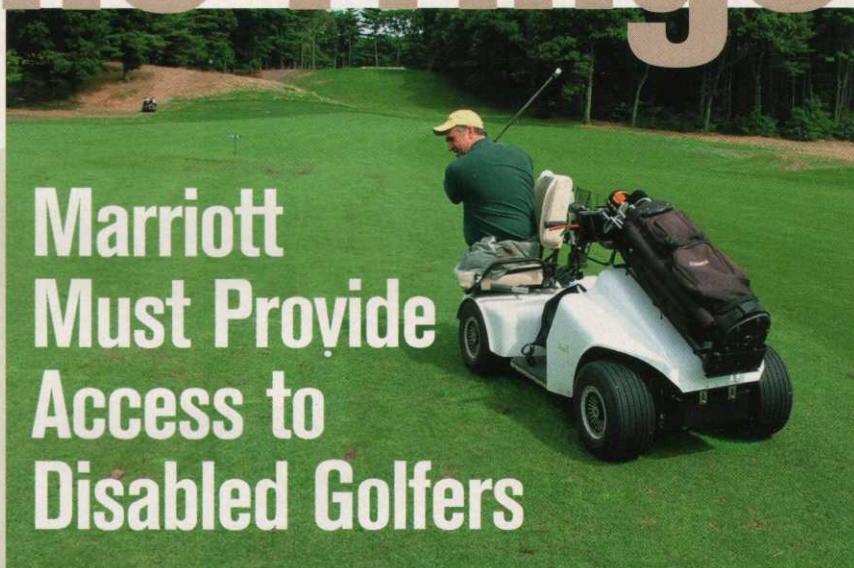
Plaintiffs in the case are Lawrence Celano, Richard Thesing and William Hefferon, disabled golfers. They did not pursue monetary damages in the case.

Marriott owns and operates 26 golf courses throughout the United States.

It presently offers a pilot program at its four owned properties, where single-rider golf cars are available. However, the court found that the management company is obligated to supply the same access at its managed properties.

The two parties were negotiating a settlement at presstime. If the parties do not reach an agreement, then Justice Hamilton will determine appropriate injunctive relief, which might include how many single-rider cars each Marriott property must supply. Marriott had no comment at presstime. The company reserves the right to appeal the decision.

The ruling comes while the Department of Justice collects opinions about its proposed ruling to require golf courses to supply better accessibility for handicapped persons. The DOJ issued a proposed rule in late 2004 that favored the requirement of at least one single-rider golf car at each golf facility. That proposed rule currently is open for public comment, so final regulations are not expected any time soon. ■



Off The Fringe

Farewell to the Fertilizer Business

PURSELL LEAVES INDUSTRY SEGMENT, WHICH WAS RICH IN HIS FAMILY'S HERITAGE

By Larry Aylward, Editor in Chief

David Pursell stopped by the *Golfdom* booth at the Golf Industry Show with some big news: He's getting out of the fertilizer business, which was his family's business for 103 years.

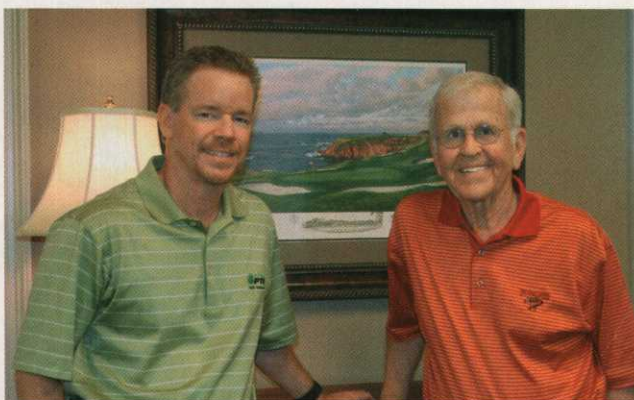
Pursell's last day with Agrium Advanced Technologies (AAT), the company he sold his family's business to in 2006, was March 1. But the 48-year-old Pursell also made it very clear he's not retiring to play more golf. He's leaving the fertilizer business to spend a lot of his time on his other family business, The Experience at FarmLinks, a research and demonstration venue and golf course in Sylacauga, Ala., that Pursell opened in 2001.

One might think Pursell would shed a tear or two about leaving the fertilizer business. But he's not sad at all. Of course, a lot of that has to do with the fact that he's still in the golf business with FarmLinks.

"I won't miss the fertilizer business," Pursell says. "But if I was walking away from [from the golf industry], I would be tearing up right now."

The Pursell family business started at the Sylacauga Fertilizer Co., co-founded by David's great-grandfather, DeWitt Parker, in 1904. Parker was the grandfather of Pursell's mother, Chris.

Parker passed the business to his son, Howard, when he died. Howard, subsequently passed the company to his son, Howard Jr., and his son-in-law, Jimmy Pursell (Chris's husband and David's dad), when he died in 1964. When Howard Jr. died unexpectedly in 1968, Jimmy Pursell was left at the helm.



David Pursell (left) and his father Jimmy headed up PTI for many years.

Quotable

"I swear, guys, I work at least eight and a half hours a day."

— Seth Strickland, superintendent at Miami Shores Country Club, after destroying the Independence Course at Reunion Resort in Orlando with three straight 4-under-par 68-stroke rounds to win the GCSAA tournament with a record-setting 12-under 204 total.

"High praise and extreme criticism are both exaggerations."

— Mark Wilson, certified superintendent of Valhalla Golf Club.

David joined the company in 1980 when it was still known as Parker Fertilizer. In 1992, the family changed the parent company name to Pursell Industries. In 1997, the Pursell family sold its consumer division and formed Pursell Technologies Inc. (PTI), and David became president and CEO, while Jimmy became chairman of the board.

In 2006, Pursell sold PTI to Agrium, a Calgary, Alberta-based global retailer, marketer and producer of crop inputs, specialty fertilizers and industrial products. Pursell has been vice president of marketing and new product development since that time.

Agrium paid \$74.5 million for PTI, best known for pioneering coating technologies with brands such as POLYON polymer-coated fertilizers, TriKote polymer/sulfur coated fertilizers and PRECISE controlled-release pesticide technology. At the time, Pursell said it wasn't a heart-wrenching decision to sell. And he says that AAT has done "a fantastic job" with the PTI business, which makes it even easier for him to walk away from it.

"[AAT] has a great strategic plan," Pursell says. "AAT can take the business to places that PTI could never have taken it."

Pursell has big plans for FarmLinks, of which AAT is a cornerstone partner along with The Toro Co. and BASF. He plans to add more amenities to the FarmLinks' experience.

Since last summer, Pursell had split his time between AAT and FarmLinks. Pursell says he's thankful for what the family business has provided him over the years, and he wants to give back to the golf industry.

"[I] have a fiduciary responsibility to give back to what made [me] successful," he says. "I love the golf business. I'm absolutely not sad [about leaving the fertilizer business] because I have a lot to look forward to." ■

Soil Toil and Water Washing

REHABBING NEFARIOUS SOIL AND WATER

Editor's note: Golfdom is partnering with the American Society of Irrigation Consultants (ASIC) to publish a quarterly column on irrigation success stories in the golf industry on behalf of its members.



Last year, Dave Davis earned the task of adding a new 18-hole golf course irrigation system to an existing 18-hole golf course in Southern California. Each golf course has its own water source. The existing course is situated on one landfill; the new course is located on a separate landfill and some old, worn farmland. The landfill portion of the new course is elevated 90 feet to 100 feet above the old farmland portion.



Dave Davis

The veteran irrigation designer would battle intense environmental regulation and monitoring, poor quality soil (for obvious reasons), poor quality water (for the same obvious reasons), developing a new water conveyance system for considerably greater output, multiple stages of water filtering, variable elevation, wind, and dynamic water pressure.

Davis, the proprietor of David D. Davis and Associates in Crestline, Calif., and an irrigation consultant who specializes in hydraulics, was up to the task. The project would require everything from intense water studies and master planning to the complete design of a new irrigation system.

The site

An existing municipal golf course was doubling in size and would be bordered by high-end tract housing and a diversion channel. The 18-hole addition would require 100-plus acres of irrigation; about half being 90 feet to 100 feet higher than the rest of the course — and its water sources.

Because of the coastal orientation and elevation differences, wind levels on the upper holes are completely different from those on the lower. Intense agency monitoring and oversight meant that sprinkler specification had to be precise, with no over-spacing of sprinklers (a 70-foot sprinkler radius on 65-foot spacing), a design technique used to compensate for wind, etc.

Soil specifications required that more than a million cubic yards of new soil be brought in to adequately cover the landfill portions of the new course. Unfortunately, the imported soil came from a coastal source loaded with salts.

Initially, water studies were conducted to determine the project's overall need (volume), and quality of existing well water. According to Davis, the well water was high in mineral content, making it tough to sustain turfgrass. The initial irrigation system used both well water for primary irrigation and potable water for leaching the greens.

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The solution

To address the differences in elevation, Davis divided the courses hydraulically into two parts: a high-pressure zone that covers about 65 percent of the course requiring 1,500 gallons per minute (GPM) at about 145 pounds per square inch to operate; and a 2,500-GPM, low-pressure zone that operates at about 120 psi. These zones would be required to accomplish a full irrigation set in six to eight hours.

The challenging site conditions and

environmental sensitivity required a continual educating of policymakers. Davis had to develop and sell a middle ground of policy that considered irrigation timing and scheduling needs but was consistent with environmental and political goals.

Water and soil quality

Pouring poor-quality water over it would only exacerbate already-compromised soil quality. Davis designed a fresh-water system for the greens to leach excess minerals and salts through the root zone, and he incorporated a fertigation system for a customized cocktail of deficient elements.

The new lake water sources are ozonated to maintain lake health and minimize algae growth. A sulfur burner was added to help stabilize water pH. A series of automatic, self-flushing, fine-screen filters grab debris before water leaves the pump station. A stainless-steel screen helps eliminate large debris at the intake tube. Another ozone injector was placed on the discharge side of the pump station and downstream of filters and fertigation system. This ozone is intended to assist water infiltration of the soils.

"Electronic treatment of the water to help control bicarbonates was probably the most unique design element of this project," Davis asserts. "Fortunately, the superintendent and golf course architect are really topnotch, and we were able to work together to design the system to meet everyone's needs while fulfilling myriad site requirements." ■

Off The Fringe

Jumping Into the Fray

HUSTLER TURF'S PAUL MULLET

DISCUSSES HIS COMPANY'S ENTRY

INTO THE GOLF MARKET

There was a new mower manufacturer — and a new color — on the Orange County Convention Center exhibit floor at the Golf Industry Show in February.

Hustler Turf Equipment, a Hesston, Kan.-based company that has made a name for itself in the lawn care market, recently announced a partner-

ship with Japan's IHI Shibaura Machinery to develop mowing products for the golf market.

Golfdom caught up with Hustler President Paul Mullet recently to discuss the company's entry into the golf market.



Paul Mullet



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THE LEADER. SINCE 1961.

While business is not bad in the golf market, some people will tell you it's a challenging time, with course construction down and rounds being flat. That said, why did Hustler decide to get into the golf market?

Mullet: About 15 months ago, IHI Shibaura came to us. IHI Shibaura has been manufacturing golf course equipment in Japan for close to 30 years. The company was looking for somebody in the United States to help market its products. IHI Shibaura has the reel technology, the four-wheel drive technology and the experience. So it was an opportunity for us, since we were in that market (about 30 years ago), to get back into it.

Let's talk about your audience — golf course superintendents. What do you know about their needs when it comes to mowing?

Mullet: We have a lot of rotary mower experience for the roughs and those applications. And now with our relationship with IHI Shibaura, which brings the reel-mowing segment to greens and fairways, we have a combination to make products we hope will help superintendents.

Hustler Turf Equipment will face some stiff competition from some reputable mower manufacturers — Toro, Jacobsen and John Deere. How do you plan to distinguish itself?

Mullet: We've competed before with John Deere, Toro and Jacobsen. They do a great job, but we think we can do some things [to distinguish ourselves]. We're a smaller company, and we're more responsive. We're also open to learning what we need to do. ■