

Court Upholds Payment of Workman's Comp on Contributed Labor

By WILLIAM JABINE

A sort of do-it-yourself course maintenance program conducted by a golf club in Iowa came under the scrutiny of the courts of that state when a club member who was engaged in work on the course lost his

Legal Side of Golf

life. His family sought workman's compensation on the ground that he was an employee of the club at the time of the fatal accident. The industrial commission made an award in favor of the claimant and the golf club and its insurer appealed to the courts. The district court set aside the award and the claimant appealed its decision to the Iowa supreme court.

When the work plan was initiated in the fall of 1960, the Silver Crest GC adopted this resolution: "Each member will be asked to contribute five hours of labor, either on the course or buildings. An alternative to the above proposal may be a \$5.00 contribution. A current record of these contributions, either in labor or money, will be posted weekly."

The man who was injured and who died as a result of his injuries had been a member of the club since 1945 and had participated in a number of work parties before engaging in the one that resulted in his death.

Contribution Was Optional

After quoting the above resolution, the supreme court continued: "If work pursuant to the above resolution was all we had before us, no inference of responsibility to pay wages would be permissible. However, this resolution appears in the margin of the minute book. The

secretary-treasurer of the club explained: ' * * * at the meeting the exact wording was in doubt, * * * although we knew that we wanted this idea of \$5.00 or five hours in the minutes. That is why the minutes have this notation on the side, and it was worded differently afterwards.'

The secretary-treasurer went on to testify the substance of the motion that was adopted was the sum as appeared on the margin and the sense of the resolution was essentially a voluntary contribution. The chairman of the grounds committee, in testifying, said; ' * * * the club voted to make an assessment of \$5.00 on each member or one day of work. That was over and above regular yearly green fees. * * * The procedure of requiring five hours of labor from a member or an additional \$5.00 payment was necessary because we wanted to keep the amount of the green fees down.'

Credit for Work

"Though the secretary-treasurer also testified no record was kept and no member ever paid the \$5, it was permissible for the commissioner to find, as contended by the claimant, that the decedent either had to pay \$5 or perform five hours work and therefore defendant club was required to give him a credit of \$5 for his work on the day of his fatal accident. This is true because of the circumstances surrounding the adoption of the resolution, the conflict in the secretary-treasurer's testimony, and the chairman's testimony concerning the resolution. The above constitutes a responsibility to pay wages, see (Citations).

"Evidence of the relationship the parties intended is found in the adoption of the above resolution by the defendant. It is conceded a purely voluntary plan had not worked. The membership desired to make a change. They decided upon the above resolution. It is substantial evidence of an intention to change from a voluntary plan and to create an employer-employee relationship."

Responsible for Wages

The court then took up the club's contention that its right to discharge the deceased member was so modified that the relation of employer-employee could not



50 lb.
BAG
EASIER
TO
HANDLE

for

TOUGHER TURF

fertilize with

MILORGANITE

The NATURAL ORGANIC FERTILIZER

- LESS DISEASE
- FEWER NEMATODES
- REDUCES WILT

Long lasting Milorganite provides soil with everything necessary for strong, vigorous grass growth. It promotes a healthy root system that resists drought, insect pests and disease. Milorganite is easy to apply, too: It's dust free, free flowing, and does not cake or deteriorate in storage. Use Spring, Summer and Fall.

If you have a Turf Problem, consult
Turf Service Bureau

THE SEWERAGE COMMISSION

MILWAUKEE 1, WISCONSIN

MILORGANITE
The NATURAL ORGANIC FERTILIZER

be established. The court disagreed with this contention and said: "The evidence before the commissioner was sufficient to sustain a finding of the presence of all of the elements to be considered, particularly that the defendant was responsible for the payment of wages in that it must give claimant's decedent credit on the assessment for the work performed. The fact that the right to discharge was modified should not alone defeat the claimant. * * *

"In case of doubt the workmen's compensation act is liberally construed to extend its beneficent purpose to every employee who can fairly be brought within it. (Citations) Under the evidence the claimant is entitled to the benefit of this rule."

The judgment of the lower court in favor of the club was reversed, and the award to the decedent's family was affirmed. (Usgaard v. Silver Crest Golf Club, 127 N.W. 2d 636.)

Dues Tax Is Unreasonable, Benedict Tells House

An appeal has been made by the USGA to have the federal excise tax on club dues and initiation fees reduced from 20 to 10 per cent. The appeal was recently made by Clarence W. Benedict, president of the USGA, at a hearing before the Ways and Means Committee of the House of Representatives in Washington, D. C.

The USGA President called the 20 per cent excise tax on dues and initiation fees discriminatory and outlined four salient facts:

- (1) The rate amounts to a penalty on golf club membership;
- (2) Golf club membership is not limited to wealthy persons;
- (3) Private golf clubs contribute to the general welfare;
- (4) Private golf clubs are experiencing financial difficulties, and some of the problem is attributable to the unreasonable dues tax, which applies to only horse and dog racing admission in addition to club dues.

Crabgrass seeds can lie in the ground for 40 years before germinating, according to Michigan State University agronomists.

PROFIT WITH THE PRODUCTS GOLFERS WANT

Knitted Club Sox

for Nos. 1, 2, 3, 4, 5 Woods and Putter

Men say knit Club Sox are the handiest head covers! Women say they're the handsomest! You'll find they're both right . . . for Club Sox slip on and off clubs easily, tuck into pocket during play . . . and, they're dapper in design, with jaunty trimming. Why not order fast-selling Club Sox now for YOUR golfers . . . 12 favorite colors, all fully washable. Delivery any time you specify.

STYLE 5002 Club Sox features narrow stripes to indicate club number. (Sug. Retail, \$1.75 each.) STYLE 5004 is knit-lined; has actual numerals. (Sug. Retail, \$2 each.) Matching Putter Cover, \$1.35 Sug. Retail.



ON
YOUR REQUEST
CLUB SOX
SETS WILL BE PACKED
IN A
FREE GOLD/BLUE
GIFT BOX

POM-TAM

Knit
Sports Caps

Flatter every hairdo; compliment every ensemble. One size fits all. In wonderfully cool, BRAND NEW "STRAW KNIT." Also Creslan® Acrylic and finest wool. Individually packaged.



"STRAW KNIT"
STYLE 489



Gay 3-tone pattern.
Creslan® Acrylic STYLE 2018

STYLE 2009, Wool
STYLE 2003,
Creslan® Acrylic



New, rectangular
SPORTS-MATE
Tote Bag
Style 4007



Ladies of all ages will choose this brand new, RECTANGULAR "hold-all." Compact 4" x 4" x 8" size. Back zipper closing. Leather-looking vinyl in 2-tone fashion colors. CAN BE IMPRINTED WITH YOUR CLUB NAME.

Take advantage of SPECIAL SPRING DELIVERY AND BILLING

So that you're ready to drive in sales at the very start of next season, order your initial 1965 stock of fast-selling Club Sox, and other Reliable golf accessories NOW. They'll be sent to you on the date you specify . . . and BILLED AFTER SHIPMENT.

RELIABLE KNITTING WORKS
Milwaukee, Wisconsin 53205

WRITE FOR COLORFUL, PRICE-LISTED LITERATURE ON KNIT CLUB SOX, POM-TAMS and SPORTS-MATE TOTE BAGS.

TROPHIES & AWARDS



Pro Shops:

Let us carry the stock for you. Write for 1964 #0 catalog. Your order shall be shipped promptly and accurately. Our expert engravers will enhance any selection with personalized lettering.

20" TALL \$13.80 NET

Over 23 Years in Business.

#507A-1

SPORTS AWARDS CO.

429 W. SUPERIOR STREET

CHICAGO 10, ILL.

Telephone: Area Code, 312; 787-6034, 6044

Ledger Analysis

(Continued from page 44)

wrong on style, as we sometimes do, but we've been dealing with the same members long enough to know pretty well what they will buy."

The same reasoning, according to the North Hills pro, generally applies to members who buy merchandise that is a grade below the so-called pro brand. The result is that the inventory problem is minimized simply because the purchasing routine at North Hills is tied in so closely with the analysis of members' accounts. Milward feels that he is using at least a semi-scientific approach to buying and selling.

Cards Are Reminders

As for improving sales among what are listed as "fair" or "non-existent" accounts, Milward observes that those blank or nearly blank ledger cards are a nagging reminder that some of the North Hills members aren't patronizing their pro shop. So, a low pressure attempt is made to bring them around. It consists of mailing leaflets or flyers that advertise playing equipment and sportswear and, of course, trying to win them over by personal contact when they come in the shop. As Milward concludes, "It's kind of a long, hard battle." But he agrees that it isn't a losing one. Over the years it has produced slow but improved rewards, considering that in 1960 only one of two Milwaukee members was patronizing the shop where today two out of three of them are doing it.

As to the overall sales situation at a country club, Jim Milward feels that there is something of an unseen struggle that exists between the 20 per cent who are exceptionally good customers and the 35, 25, or 15 per cent, whatever it may be, who buy almost nothing in the pro shop. In a great many cases, the members of a club aren't conscious of this struggle — but it does go on.

Pro Is In The Middle

Those who buy heavy influence the membership to varying degrees, just as



Rogers Mfg. Co., Inc. 202 N. MAHAFFIE
OLATHE, KANSAS



Will Cycle Rated Carlon Plastic Pipe Improve Your Score?

Of course it will, because Carlon Cycle Rated plastic pipe is the heart of a satisfactory golf course irrigation system. Regardless of your position, your reputation *is on the line* when you recommend pipe for your golf course irrigation system.

To be confident specify Carlon Plastic Pipe because *only* Carlon, with their exclusive CRM (Cycle Rating Method), can tell you the expected performance you can get from the system based on your own operating conditions. For complete information on the Carlon CRM, and the name of your nearby Carlon distributor, simply complete the coupon at the right of this page.



Carlon Products Corporation
P. O. Box 133, Aurora, Ohio

Please send me complete information on Carlon's CRM.

Name _____

Title _____

Company _____

Address _____

City _____ State _____

Zip Code _____

What you do this FALL will determine your Turfgrass next SPRING!



Fall is the time to Aerify.

There is no substitute for the WEST POINT Aerifier with Deep Cultivating Action and Straight-Line Aerification.

There are three WEST POINT tractor-drawn Aerifiers.

Now is when you need one.

West Point Products Corporation

West Point, Pennsylvania

those who "won't touch the stuff in the pro shop" also wield a good deal of influence. That, of course, leaves the pro somewhere in the middle — to use his ingenuity, if he is a good businessman, in trying to enlist more members in the 20 per cent class and to encourage desertions among those who won't patronize his shop.

About as good a way as any to convert the slow buyers, according to Milward, is to hold up some of the heavy spenders as examples. "You do this tactfully, of course," Jim remarks, "by occasionally dropping the names of your good customers into a conversation, mentioning casually perhaps that they bought a set of clubs or a golf bag last week. But," the Milwaukee pro cautions, "don't overdo it. Don't ram the names of any good customers down anyone's throat."

Closeouts Moved Forward

Speaking of good customers, Milward observes that there is more need of them today than at any time in the last ten

years or so. It's because outside competition is becoming more intensified, and because some revenue sources within the club have or are becoming dried up. The North Hills professional points out that the continual expansion of shopping centers brings more and more retail stores that handle quality sportswear and accessories into the merchandising scene each year. Competition among these stores is so intense that closeout dates are being pushed farther forward each summer. Golf shops have to go along with the new closeout trend or they end up with wall to wall stock that eventually has to be sold at distress prices. "It used to be," says Milward, "that a pro had to make it in May, June and July. Now, July is being removed from the picture."

Internal club factors that have added to the pro's financial woes are the Internal Revenue Department's rulings on the income tax exemption status, and the passing of the old Calcutta. In the last year or two, many clubs that once partly financed their way by making facilities available for

"outside" parties and golf days, have had to abandon the practice because it jeopardizes their "non-profit" status with the IRS. The pro, as well as the club, has suffered because of this, as Milward points out. "Golf days are a good revenue source for a professional," he says. "People coming in from the outside often spend quite a bit of money in the pro shop. They buy merchandise that the shop otherwise wouldn't sell.

Golf Days Helped

"There is no denying," Milward continues, "that parties and golf days were overdone at some clubs and that the membership had to step aside while they were in progress. That took away some of the benefits or advantages of belonging to a country club. Probably it is better that the outsiders now are being kept out and the clubs are being returned 100 per cent to the members. But there is no getting around the fact that the pro is suffering because of the IRS's stand on the tax situation. He has to do some digging to recoup his revenue losses because of it."

As for the Calcuttas, Jim Milward concedes that it is better that they are practically extinct because they got completely out of hand, and he further admits that he is playing far into the rough in even bringing them up. "But," Milward observes, "most pros hated to see them go because they were good for business. Our Spring Open, midsummer Steeplechase and Fall Windup are big club tournaments that are quite enthusiastically received, but they don't get people geared up like the old Calcuttas did. Actually, there wasn't much money riding in those events, but the fact that there was a little got everyone excited. They gave people the real tournament feel. There were more practice lessons and a good deal more play preceding the Calcuttas and, of course, the pros benefitted. It's no wonder that most pros hated to see them ruled out."

So, with competition closing in and some of the money making events passing out, fellows like Jim Milward have to put more dependence in their free-spending members, and they have to use

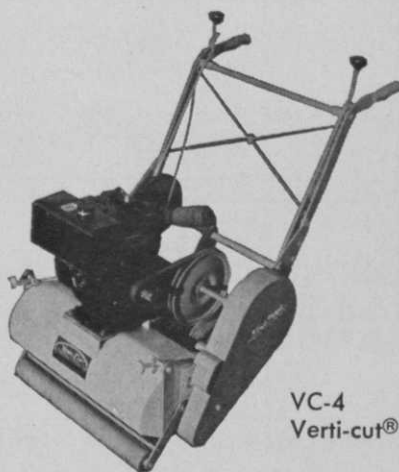
What you do this FALL will determine your Turfgrass next SPRING!

Fall is the time to Verti-cut.®

There is no substitute for the WEST POINT Model VC-4.

It's the proven vertical mower — designed specifically for golf course greens. A precision tool for basic fall renovation.

Now is when you need one.



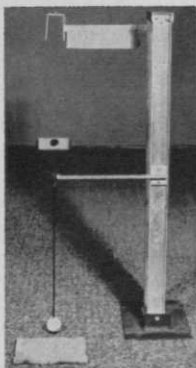
VC-4
Verti-cut®

West Point Products Corporation

West Point, Pennsylvania

PUTTING-DRIVING ACCURACY STAND

Ball is sighted to point at distance and putted as if to roll to target at distance practiced. Target is spot in line with center of tunnel passage and ball. Tunnel passage is $3\frac{1}{2}$ " long 2" wide. The slightest degree off-line contact on ball as to target point cannot pass ball without touching tunnel wall because of its Plumb-Bob system. A 3 ft. diameter of circular travel is used for the longer putting distances — 2 ft. for the medium and 1 ft. for the short. A small mat to side of ball equalizes contact height as if on turf.



For driving accuracy practice a single section 2' 2" is readily added (one bolt) for a 5-ft. dia. of circle using light practice ball instead. A mild spring $1\frac{1}{2}$ " wide with rubber sleeve cover allows give, etc. when missed above ball.

Stand is 3' high — about 8 lbs.

Retail Price \$14.00 complete—FOB

GOLF PRECISION

P. O. Box 1269, San Fernando, Calif.

SHEARMAN CONSTRUCTION CO.

4820 Pierce St., Omaha, Nebr.

GOLF COURSE CONSTRUCTION

New Golf Course Construction —
Old Golf Course Reconstruction

A family trade since 1911

Ph. 556-2571

GOLF NATION-WIDE DISTRIBUTORS of PAR 3, GOLF DRIVING RANGE & MINIATURE GOLF COURSE EQUIPMENT.

Write for 1964 catalogue of supplies

NORTHERN GOLF BALL CO.

2350 W. Roscoe St. • Chicago, Illinois, 60618



A hole-in-one contest has been in progress all summer at the Poland Springs (Me.) Hotel course, with golfers getting a chance to win \$1,000 in weekend trials. The player pays \$1 for three shots at a concealed green 135 yards away. Proceeds of the contest are to be turned over to the March of Dimes. Here, Maine's governor, John H. Reed, is shown entering the contest. With him (l to r) are Chick Lahey, Bates College coach and Poland Springs caddie camp director, Charles Connor of Auburn, and Saul Feldman, the Hotel's executive director.

every ingenious method they can think of to dredge more dollars out of their businesses. That is why the North Hills professional has delved so deeply into analyzing his customer ledgers. If the money isn't there, where is it?

Operational Note — Milward handles his own billing. To avoid the detail normally involved in doing this, he copies the ledger cards through a photocopy machine and uses the duplicates as bills. Time saved: Ten hours a month.

PGA, Sponsors Make Pact on TV Receipts Division

Complete agreement on the division of tournament television receipts has been reached by the PGA and International Golf Sponsors Association.

Proceeds from tournaments that are televised will be divided between the tournament sponsor and the players, who will add their share to the tournament purse.

Warren Cantrell, PGA president, and James L. Hyde, Jr., president of the IGSA, announced that the agreement had been reached early in August. Twenty four tournaments on the PGA tour are sponsored by persons and organizations connected with IGSA.

New or like new bodies, new upholstery, mechanically perfect, new 195 amp hour batteries. new cables, new plugs. Refinished original 2-tone. Chargers included.



MID-SEASON CLEARANCE SALE ON RECONDITIONED GOLF CARS

NEW CAR WARRANTY.

Almost all makes and models available including some 1963's.

PRICED FROM \$395.00

Easy terms. In-season payments. Delivery on our transports.

Opening soon — New Sales & Service Warehouse in Louisville, Ky.

H. COSTER ELECTRIC CAR SALES & SERVICE CO.

Indianapolis
Cincinnati

140 So. Capitol Ave.
180 W. Wyoming Ave.

ME 2-3659
821-4033

Cleaning & Storage

(Continued from page 48)

tunately, this pro is one who charges a high rate, \$24 per year, and is able to realize an adequate gross.

More Playing Days

Increased play has knocked out the old "Memorial Day to Labor Day" golf season. Previously, the golfing season ran about 120 to 150 solid playing days. Now it is up to 175 to 200 days for most golfers. Seasonal rates established many years ago, in most cases, just do not cover today's extended play. One answer to this problem is offered by a pro who charges \$15 for May through September for cleaning and storage and adds a \$2 per month charge for those players who play beyond these months.

An increase in rates, many pros feel, would not drive business away. The inadequacy of many club lockerrooms for club storage, the inconvenience of transporting clubs and carts by car make pro

**EASIER
THAN
GIVING
LESSONS!**

**EARN \$35 per PERSON
BOOK A GOLF VACATION**

Presidential Golf Vacations
at
Palm Desert Country Club
Palm Springs, Calif.

Hollywood Tours is introducing this golf vacation — available to your members — only thru your pro shop. Members' name, address & vacation time is all you need to earn your commission. \$35 per name.

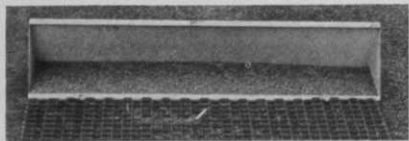
Get complete information about this easy EXTRA MONEY maker.

Contact:

Johnene Griffin (Tour Director)
Hollywood Tours, Inc.
1800 N. Argyle St.
Hollywood 28, Calif. 774-0885

NEW — LABOR-SAVING

Pebble Catcher



- ★ Eliminates "clean up" with greensmower or sweeper after topdressing.
- ★ Leaves completely smooth putting surface.
- ★ Accomplishes floating out topdressing and does better job of working in material.
- ★ Big labor savings in topdressing operation.
- ★ Allows use of coarse material alleviating compaction.

Attach "Pebble Catcher" to the end of the drag mat to catch all particles which bounce through the mat. All particles too large to be worked in bounce over the sections of the drag mat. By using the "Pebble Catcher" you either drag them off the green or catch them. In many cases, if proper shredding equipment is used, screening of top dressing can be virtually eliminated. Immediately after dragging with the "Pebble Catcher," greens can be mowed without fear of damage to greensmowers.

For more information see your turf supplier, or write:

Golf Course Trailer Co.

P. O. Box 3108

• Augusta Georgia



Lanny Wadkins (r), National Pee Wee Senior Boys' champion from Richmond, Va., checks his score as interested youngsters watch at recent Orlando, Fla. tournament. Wadkins shot 73-74-147 to win title for the second year in a row. More than 225 boys and girls from 3 to 15 competed in five age divisions.

shop service a necessity rather than a luxury. In support of this thought, one of the pros at a New England club mentioned above as charging only \$10 per season, reports that 20 per cent of his members currently store their clubs in the pro shop. Another who gets only \$10 a year reports that 90 per cent of his players use pro shop storage. The relationship between the amount of the rate and percentage of members using the cleaning and storage service thus is not significant.

"The PGA should take the lead," one pro suggests, "in establishing a uniform rate for club cleaning and storage."

Plenty of Headaches

Profit and loss stories can't be told completely with figures. In businesses other than golf, rewards are usually paid in relationship to the risks and problems involved. If this principle were applied to club cleaning and storage rates, many pros feel rates could never be increased to a point where profits would cover all the problems involved. Few members and club officials are aware of the many headaches associated with club storage.

If a pro services 200 golfers, each with a set of 14 clubs, he must keep track of 2800 clubs plus bags. In addition, he's responsible for gloves, balls, umbrellas, sweaters, raincoats and other accessories. While many pros say they make additional charges for cart storage (usually 50 cents a month), one pro claims that

MOODY

"Rainmaster"

Better Turf
Through
Better
Sprinkling

MOODY

"Rainmaster"

MOODY SPRINKLER COMPANY, INC.

P. O. Box 240, Arcadia, California