



**~ Our Mission ~**

*"A professional organization dedicated to the ongoing education of the claims community. Providing an arena for member interaction and the sharing of resources."*

**Next Zoom Meeting: New Year Party January 8, 2021  
See page 2 for details**

**Please Note...** In keeping with our normal policy, starting in January 2021, members who have paid their dues will be able to continue attending our Zoom meetings and events at no charge. If you RSVP for a meeting and have not paid your dues, you will be asked to do so before receiving Zoom log-in information.

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## Claims Conversation

with **Roger Howson**, Claims Dispute Resolution, PSAA Newsletter Editor & Education Chair, TCAA Past President

2020 is the epitome of my favorite blessing/curse, "May you live in interesting times." The holidays are a time for counting our blessings, so here is my shout out to ten benefits from this (soon to be) past year:

1. Zoom videoconferencing is now a core competency. We are all better acquainted with camera angles, lighting, volume, and the video and mute controls. Thank you all for those many unedited comments while you thought you were muted, the few embarrassing intrusions by partially clothed housemates, and the unintended revelations of your housekeeping habits (or lack thereof).
2. Commuting and cubicles are soooooooooooooo 2019. Our homes are no longer just our castle, they are now also our place of business. Fun fact: the periodic toilet paper shortage is a consequence of a disconnect between consumer and

commercial distribution channels, wherein office building suppliers are buried in a surplus while retail outlets are running out. (Castle/throne... get it?)

3. Claims adjusting is finally and rightfully recognized as an "essential service". However, stringent Coronavirus protocol makes loss inspections and direct contact with policyholders and claimants problematic. Video technology with smart phones and other devices enhance remote adjusting, but "boots on the ground" are still the best defense against fraud and/or bad faith allegations.
4. The claims profession may be demanding and unglamorous, but we currently have much better employment prospects than our friends and family whom have been furloughed from their jobs in restaurants, bars, hotels, retail shops, cruise ships, airlines, health clubs, spas, resorts, movie theaters, and anything else related to the travel, entertainment, and/or personal services industries.

*(Continued on page 2)*



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## PSAA Get Together...



- Meeting Date:** **January 8, 2021**
- Time:** **1:00pm**
- Location:** **Virtual New Year's Party!**  
Join us from your own location!
- Presentation:** **It's a secret!**
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### Claims Conversation... *(Continued from front page)*

5. Obligatory family and holiday social gatherings are no longer an onerous chore. My wife was scheduled to attend our daughter's baby shower in Chicago, but instead of enduring a crowded four-hour flight from SeaTac to O'Hare (and back again three days later), she could participate in a forty-minute Zoom event while snuggled on our couch in front of a roaring fire.
6. We cannot go out and there are no new release movies or television shows, so we can finally catch up on all the award-winning films, critically acclaimed television series, fascinating documentaries, and/or quality entertainment (I do not care what anyone says, Tiger King is none of those things) that we missed out on all these years when we had better things to do with our time.
7. We are becoming better acquainted with the people who share our home address. Apparently, we are even related to some of them. They look different during daylight hours. We have pets and plants that some of us

### PSAA Executive Assistant & Publisher ↴



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*Newsletter published monthly by*  
**Alquemie Publishing Ink**  
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never really noticed before. The fierce negotiations over who gets which workspace provides unexpected insight into each other's idiosyncrasies and peculiar work habits.

- 8. 150+ million citizens were passionate about voting in this year's presidential election. Both parties convinced voters that a victory by the other side would result in the apocalypse. Democrats won the presidency, and Republicans did better than expected in the House and Senate. Election results are still being contested in a 160-year continuation of the Civil War.
- 9. Nature is still undefeated, and facts are still stubbornly non-negotiable. Australia burned, then California, Oregon, and parts of Washington burned, and, meanwhile, hurricanes pummeled the East Coast. All this is happening while a devastating Coronavirus pandemic is conquering most of the world. We need reminding that humans are a relatively new arrival on this planet.

10. What does not kill us only makes us stronger. We take pride in overcoming adversity. 2020 is a landmark year that will become a reference point for many of us going forward. Our life is a perpetual cycle of renewal wherein we live through many different chapters. 2020 is ending many realities and expectations, so it is incumbent upon us to create new possibilities.

We may be fatigued, frustrated, and fed up with all the drama, divisiveness, and disruption, but we are all in this together. Enjoy the holidays. Stay safe, be well, and look after one another.

PSAA icon Lizzy Adkins and her mistress in mischief Keely Abbas are promising us an exciting New Year's treat from PSAA, so look for an upcoming announcement. PSAA will be back in 2021 newly reinvented for the best years ahead of us. Stay tuned!! ❖

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# 'Twas the Night Before Christmas

— By Roger Howson

Reprinted from PSAA Newsletter December 2019

'Twas the night before Christmas,  
still at her desk,  
No phone there was a ringing,  
not one single pesk;  
Lizzy's claims are all closed, no  
pendings at all;  
Hoping her manager wouldn't  
bother to call;  
The claimants were nestled all  
snug in their beds,  
While visions of settlements  
danc'd in their heads,  
Lizzy in her 'kerchief, and Jason in  
his cap,  
Had just settled their brains for a  
long winter's nap  
When out on the lawn there arose such a clatter,  
She sprang from her bed to see what was the mat-  
ter.  
Away to her laptop she flew like a flash,  
Logging on to her files, ignoring her stash.  
By the glow of her screen there's nothing to show,  
Gave the lustre of mid-day to objects below;  
When, what to her wondering eyes should appear,  
But a miniature sleigh, and eight tiny rein-deer,  
With a little old driver, so lively and quick,



PSAA Holiday Party 2019



PSAA Holiday Party 2019

She knew in a mo-  
ment it must be St.  
Nick.  
More rapid than  
claimants, his co-  
horts they came,  
And he whistled,  
and shouted, and  
call'd them by  
name:  
"Now! Heather,  
now! Susan, now!

Carol, and Keeley,

"On! Jason, on! Spunky, on! Nancy and Judy;  
"To the top of the porch! And on down the hall!  
"We're stopping for Spunky, 'cause nature does  
call!"

As dry leaves before the wild hurricane fly,  
Calling for storm troopers, nobody asks why;  
So up to the house-top the cohorts they flew,  
With claims all accounted - and St. Nicholas too:  
And then in a twinkling, she heard on the roof  
The teasing and laughter of each little goof.  
As she drew in her head, and was turning around,  
Down the chimney St. Nicholas came with a bound:  
He was dress'd to work claims, from his head to his  
heel,

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He's adjusting on Christmas, how does that feel?;  
 A bundle of files was stuffed in his pack,  
 He look'd like a rookie who didn't know jack:  
 His eyes - how they twinkled! his dimples how merry,  
 There's so many claims, too heavy to carry;  
 His droll little mouth was drawn up like a bow,  
 Looking at coverages he still doesn't know;  
 The stump of a pipe he held tight in his teeth,  
 He'd never seen cannabis used for a wreath.  
 He had a broad face, and a little round belly  
 That shook when he laugh'd, like a bowl full of jelly:  
 He was chubby and plump, a right jolly old elf,  
 He should join CrossFit, and leave snacks on the shelf;  
 A wink of his eye and a twist of his head  
 Lizzy was still cautious, "One move and you're dead!"

He spoke not a word, but went straight to his work,  
 Lizzy lowered her gun, she felt like a jerk,  
 And laying his finger aside of his nose  
 And giving a nod, up the chimney he rose.  
 He sprung to his sleigh, to his team gave a hoot,  
 "Be careful of Lizzy, you know she might shoot.":  
 Lizzy heard him exclaim, ere he drove out of sight-  
 Happy Christmas to all, and to all a good night. 🐾

[Punctuation by author!]



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PSAA Holiday Party 2014

# Holiday Party 2004



SCAA Holiday Party 2004



TCAA Holiday Party 2009

# Holiday Party 2009



TCAA Holiday Party 2009

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## Fireplace & Chimney Fire Damage: Causes, Liability, Recalls & Safety

By Rick Anewalt, IAAI-CFI, PI  
Reprinted from [www.jsheld.com](http://www.jsheld.com)

### Introduction

According to the National Fire Protection Association's (NFPA) statistics, local fire departments responded to an estimated average of 52,050 fires involving heating equipment each year from 2012 to 2016, accounting for 15% of all reported home fires during this time. These fires resulted in annual losses of 490 civilian deaths, 1,400 civilian injuries, and \$1 billion in direct property damage. Additionally, the U.S. Fire Administration (USFA) reported that confined fires, or fires confined to chimneys, flues, or fuel burners, accounted for 75% of residential building heating fires between 2013 and 2015.

Contributing to almost half of these fires are household fireplaces and the associated chimneys. Fireplaces have been used for centuries and are a great way to add warmth and ambiance to any home, but there will always be special considerations when using an open flame to create heat.

The purpose of this paper is to discuss household fires caused by chimneys and fireplaces and to cover key points of understanding, including:

- )] How chimney and fireplace fires occur and who may be liable
- )] How factory-built fireplaces are regulated
- )] Common installation errors
- )] Recalls on fireplace inserts
- )] General fireplace safety

### How and Where Do Accidental Fireplace & Chimney Fires Occur?

Most fires associated with fireplaces occur in the chimney and not in the firebox. Of these chimney fires, there are primarily three common causes. The first is creosote accumulation. Creosote is created by the unburnt fuel from the smoke as it passes through the chimney. While the hot smoke passes through the chimney, it condenses on the wall of the chimney due to a difference in temperature and creates a layer of unwanted fuel-load. The creosote is a dark, tar-like substance that is very susceptible to ignition.

A second possible cause is from a defect in the chimney wall itself. It doesn't matter if the chimney is constructed of brick, stone, or metal; if there is a way for direct, or indirect, heat or flame impingement on combustibles, a fire may occur.



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The third way is the release of embers or sparks from the chimney to surrounding combustibles, such as a roof. The release of embers or sparks from a fireplace is also a primary way fire can spread to an unwanted area.

**Who Is Liable for Accidental Fireplace & Chimney Fires?**

Below are some of the parties that may be responsible for fireplace fires, depending upon various circumstances:

- ⌋ Manufacturers – Both in the case of improper design and improper assembly of fireplaces and fireplace inserts.
- ⌋ Architects – In the case of improper design of fireplaces and chimneys.
- ⌋ General Contractors, Framers, Masons, Gas Component Installers, Insulation Installers, or Electricians – In the case of improper supervision, installation, or repair of a fireplace or chimney.

Others with a professional responsibility could include:

- ⌋ Chimney Sweeps, Fireplace Inspectors, or Home Inspectors – In the case of improper or inadequate cleaning or failure to detect/address an obvious hazard.

**How Are Factory-Built Fireplaces Regulated?**

Factory-built fireplaces are tested and listed by organizations like Underwriters Laboratories (UL) and the Canadian Standards Association (CSA). UL 127 covers the requirements for factory-built fireplaces. This includes the fire chamber, chimney, roof assembly, and other related parts. The National Fire Protection Association (NFPA) also regulates fireplaces via NFPA Standard for Chimneys, Fireplaces, Vents, and Solid-Fuel Burning Appliances in NFPA 211 as well as a section covering fixed blowers and other electrical accessories covered under the National Electric Code, NFPA 70.

The International Code Council (ICC) also has regulations for building codes under several of the code books including Building, Residential, Existing, Fire, and Mechanical.

The ICC Building and Residential Books devote Chapter 10 to Chimneys and Fireplaces and include a section on factory-built fireplaces. The Mechanical Code covers chimneys in Chapter 8 and governs the installation, maintenance, repair, and approval of chimneys, chimney liners, and connectors. Gas-fired appliances are covered in the code book for International Fuel Gas Code. The Fire Code has definitions in Chapter 2 and covers chimneys in Chapter 603.2:



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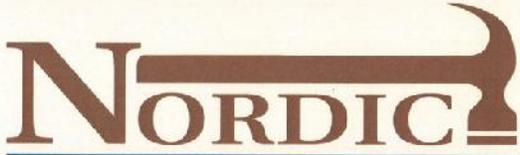
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603.2 Chimneys. Masonry chimneys shall be constructed in accordance with the International Building Code. Factory-built chimneys shall be installed in accordance with the International Mechanical Code. Metal chimneys shall be constructed and installed in accordance with NFPA 211.

**Common Fireplace Installation Errors**

While bad design and lack of maintenance are often the causes of fires, an often-overlooked cause is improper installation, including common errors such as:

- ⌋ **Framing** – Combustible materials can catch fire if they are placed too close to the fireplace, which violates both building codes and manufacturers' installation requirements.
- ⌋ **Mantel** – If installed too low, the mantel can catch fire.
- ⌋ **Finish materials** – Combustible materials are often used in areas that require non-combustibles. Dry-wall, for instance, can be a combustible material.
- ⌋ **Gas line entry** – The gas line entry must be properly sealed with a high-temperature seal.
- ⌋ **Flues** – The flue must be adequately sized; if offset, the flue's size is reduced.
- ⌋ **Gas log sets** – If gas logs are too large or installed too forward, this can pose both a fire and burn hazard.
- ⌋ **Chimney shrouds** – When using metal shrouds, they cannot be constructed around the termination cap unless authorized by the manufacturer.

**Fireplace Insert Recalls**

The United States Consumer Product Safety Commission (CPSC) has recalled the following fireplace inserts:

**Jotul North America – 1200 Units**

Jotul and Scan fireplace inserts were recalled due to the potential for wiring to come into contact with the metal rating plate on the insert, posing an electrical shock and burn hazard.

**Hussong Manufacturing and American Flame – 13,600 Units**

Kozy Heat, Ambiance, and Stellar Hearth units were recalled due the main control module potentially allowing gas to release and build up in the burner area. This poses an explosion hazard.

**Hearth and Home Technologies - 2,500 units**

The Heat-N-Glo and Heatilator Corner Unit Series was recalled due to the back of the firebox potentially bowing outward, posing a fire hazard.



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### Fireplace Safety Tips

The following fundamentals can be used to help create a much safer environment when using a fireplace:

- ⌋ Always use well-seasoned wood, keep the fire burning hot, and make sure the size of the fire is appropriate to the fireplace.
- ⌋ Avoid lengthy, smoldering fires to decrease creosote accumulation.
- ⌋ Keep combustibles away from the fireplace opening and have a fire extinguisher in proximity should you need it.
- ⌋ Always use glass fire doors or a tight metal screen at the fireplace opening to contain the embers and sparks.
- ⌋ Have your chimney cleaned and inspected for defects every year by a certified technician.
- ⌋ Ensure you have the proper chimney cap installed and that it is serviceable. This will help prevent embers and sparks from escaping the chimney.

### Conclusion

The easiest way to prevent fireplace and chimney fires, and the injuries and damage they may cause, is to adhere to basic safety practices. This includes being aware of potential defects and hazards and keeping a fire extinguisher in an easily accessible location (as well as replacing it according to the manufacturer's instructions).

Remember—accidental fires caused by fireplaces, chimneys, and fireplace inserts often stem from negligent installation or a faulty product. Should you incur losses due to such a fire, hiring the right expert early on in the claims process will help protect the fire site from potential spoliation and support your ability to make a successful claim. v

### Acknowledgments

We thank our colleague Rick Anewalt, IAAI-CFI, PI for insight and expertise that greatly assisted in this research.

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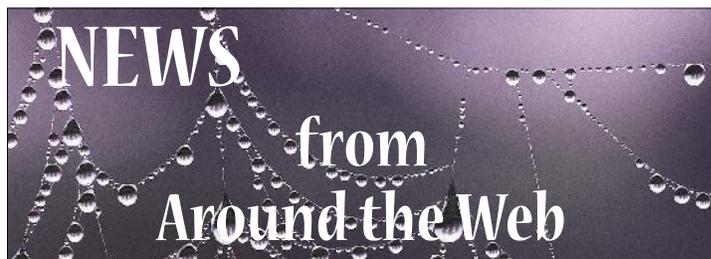
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**Washington Wrongful-Death Lawsuit for \$1.5M**  
*Reprinted from [www.insurancejournal.com](http://www.insurancejournal.com)*

The City of Seattle will pay the family of Che Taylor \$1.5 million to settle a federal civil rights lawsuit filed after two police officers shot and killed Taylor outside a Wedgwood neighborhood home.

A federal judge two months ago ordered the case to trial, after evidence raised questions about whether Taylor was actually armed when he was shot, The Seattle Times reported.

The police department found the Feb. 21, 2016 shooting fell within department policy and King County Prosecutor Dan Satterberg declined to file criminal charges against Michael Spaulding and Todd Miller, saying the officers had perceived their lives were in danger as they tried to arrest Taylor for being a felon in unlawful possession of a handgun.

An inquest jury also found the two white officers believed Taylor, who was Black, posed a threat of



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death or serious injury when he was shot.

Taylor's family has publicly criticized the police and prosecutor and has since successfully backed efforts to change both the inquest process and the state's deadly-force law.

The two officers were conducting an undercover operation in search of another man when Taylor arrived in a car, according to police and testimony at the inquest hearing into Taylor's death.

Spaulding and Miller said they recognized the 47-year-old Taylor as a felon and career criminal with convictions for rape and robbery. As a felon, he was barred from having a gun, but Miller told Spaulding he saw a handgun in a holster on Taylor's hip when Taylor exited the car.

However, a ruling in September issued by U.S. District Judge Thomas Zilly noted the officers said they lost track of Taylor for as long as a half-hour before seeing him return to the area, riding in the front seat of another car. As Taylor exited that vehicle, the two officers – Miller armed with a shotgun and Spaulding with a rifle – approached and ordered Taylor to show his hands and get on the ground, according to the court file.

According to Zilly's ruling, five seconds elapsed from when the officers first approached Taylor to when the fatal shots were fired. Both officers said they believed they saw Taylor reaching for a gun on his hip, where they had seen the holster.

However, the only weapon found was under the passenger seat of the car Taylor had exited, beneath debris, making it difficult to grab, the judge concluded.

"The key issue is whether the officers involved had probable cause to believe Taylor had a gun at the time" they shot him, Zilly said. Taylor's lawyers had contended the officers were acting on "stale" information and that their probable cause was dated. Zilly found that argument compelling.

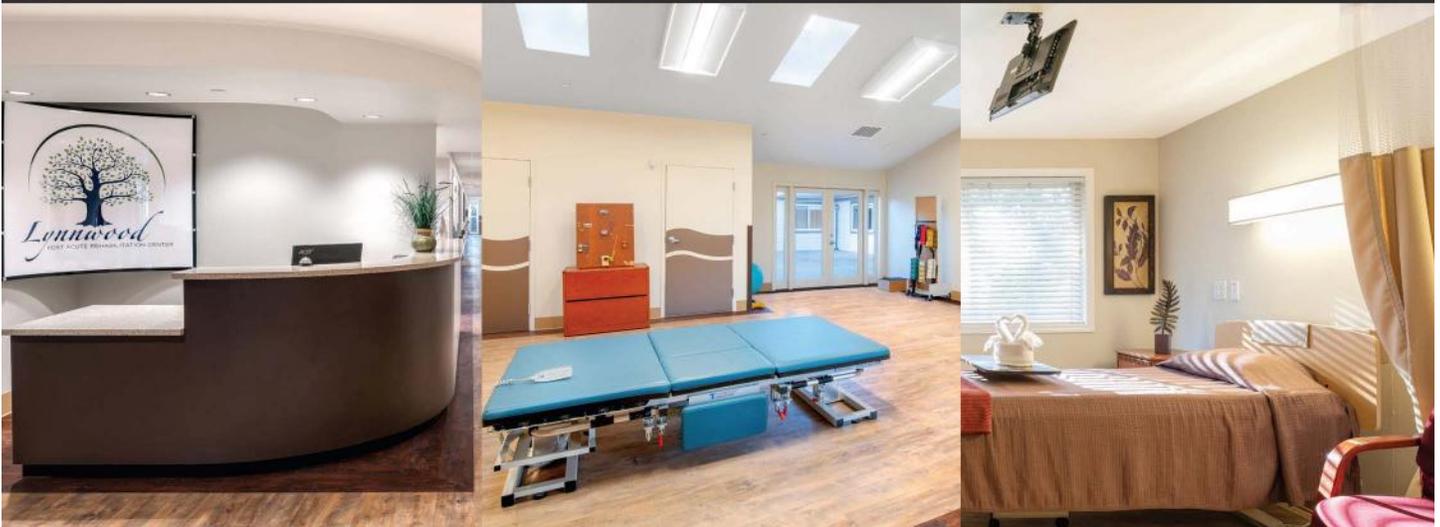
But before setting a trial date, the judge urged the parties into mediation, where the settlement was reached last week, according to the court document and James Bible, one of Taylor's attorneys. According to the settlement, \$500,000 will go to Taylor's mother, Joyce Dorsey, with the remaining \$1 million split between his son and young daughter.

Che Taylor's sister, DeVitta Briscoe, the named executor of his estate, said Monday that the family was pleased with the settlement, which assures Taylor's family will be taken care of.



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Andre Taylor said his brother's death had an impact on police accountability, and while the settlement agreement says the city is not admitting liability, he said that the \$1.5 million "seems like an admission of guilt to me." ❖

## L.A. Restaurants Win Court Battle Over Virus Closures

By Christopher Weber & Brian Melley  
Reprinted from [www.insurancejournal.com](http://www.insurancejournal.com)

Los Angeles County's health director acted "arbitrarily" and didn't prove the danger to the public when she banned outdoor dining at restaurants as coronavirus cases surged last month, a judge ruled Tuesday in a case other businesses may use to try to overturn closures and restrictions.

The county failed to show that health benefits outweigh the negative economic effects before issuing the ban, Superior Court Judge James Chalfant wrote. He also said the county did not offer evidence that outdoor dining presented a greater risk of spreading the virus.

"By failing to weigh the benefits of an outdoor dining restriction against its costs, the county acted arbitrarily and its decision lacks a rational relationship to a legitimate end," the judge wrote.

Chalfant limited the outdoor dining ban to three weeks and said once it expires Dec. 16 the Department of Public Health must conduct a risk-benefit analysis before trying to extend it.

It was the first victory for California restaurants challenging health orders that have crippled their industry. But there was no immediate relief for LA county restaurant owners because a more sweeping shut-down ordered by Gov. Gavin Newsom now is in effect.

The California Restaurant Association, which brought the lawsuit, had hoped the judge would lift the ban but still was pleased with the result.

"I do think that this is going to hold the county's feet to the fire when they decide to close down an entire sector of economy," association lawyer Richard Schwartz said. "You can't have a cure that's worse than the disease."

Chalfant's ruling clears the way for restaurants to return to operation when Newsom's order expires. However, it's not clear when that will happen since the governor's order is in effect until "at least" Dec. 27.

The association didn't say if it would challenge the state order in court. Lawyers for the county didn't immediately respond to requests for comment. ❖

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## The Most Important Conversation

By Trevor Tellin

Reprinted from [www.insurancebusinessmag.com](http://www.insurancebusinessmag.com)

We talk all day, whether in-person or through email, text or chat. We're inundated with conversation, rarely finding a moment of silence. Out of all of this communication, who do you think hears your voice the most? Is it your boss or employees? Maybe your partner or children? While these might seem like the obvious answers, the answer is actually you. For as much as we talk to others, we talk even more to ourselves.

Sometimes the conversation is about what we're doing – a technical task like filling out an application or putting together furniture. Other times it's in regard to our ability to do something or a reflection of our confidence, such as "There's no way I can do this," or "I've got this; this is a piece of cake." The list of what we tell ourselves is endless.

It turns out that when we talk to ourselves, that conversation has a massive impact on our confidence and our ability to perform at work, at home and in whatever other ventures we pursue. Here's an example. Imagine you're at work; you have a new client to call, and you're trying to seal the deal on a new policy. You haven't worked much with this person, so the rapport isn't entirely there; plus, they don't always seem to be the most pleasant. Nonetheless, the call must happen. Before you dial the number, you tell yourself, "This is a waste of my time; I hate calling them." How do you think that phone call goes? My prediction: not that great.

Now imagine the same scenario, except this time before dialing, you tell yourself, "Let's seal the deal! Talk slow and breathe. This is easy money!" How do you think that phone call goes? I'm thinking much better.

Mind experts like Trevor Moawad and Michael Gervais preach this exact same thing when working with groups like the Navy SEALs and athletes such as the Seattle Seahawks' Russell Wilson. According to Gervais, "Confidence comes from one place – and one place only – your self-talk. The cool thing is ... we can train this."

What might your life look like if you change the conversation you're having with yourself? To help propel you in this journey, here are a few steps to begin changing the conversation – and changing your results.

**Begin by building awareness.** Pay attention to what



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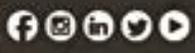
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you're saying, both out loud and internally, when you're working on something that challenges you. Write down the phrases you notice yourself saying most often. Ask yourself, is this helping my progress or hurting it? You can do the exact same thing by looking at what you're saying to yourself before you do something you consider relatively easy or simple.

**Create a mantra or 'go-to' phrase.** We can craft personalized phrases that really click in our minds. For example, my go-to is inspired by the legendary band The Grateful Dead. Whenever I'm faced with a daunting challenge, I remind myself, "Just keep trucking." It doesn't make the task any easier, but I've at least reminded myself to keep my head down and keep working.

**Speak to yourself like a champion.** Even the world's greatest performers and experts have rough days, but what makes champions different is that even on those days, the conversations they have with themselves are motivating and encouraging. It's not blind optimism – it's showing belief in yourself through your language, even when the cards may be stacked against you.

This process might take a bit of time, but you have all the time in the world. Start the journey today and never look back. What we say to ourselves matters far greater than we often realize. It's up to us to make sure the words coming out of our mouths, and those in our head, are giving us the best chance to succeed and live how we desire. The most important conversation you'll ever have is the one you have with yourself. ❖

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