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

**Next Regular Meeting: May 17, 2019**

Renaissance Hotel, Seattle

— See page 2 for details



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Player Registration: 8am

Tee Time: 9am

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**SFE Case Study** — Page 5  
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**Claims Conversation**  
with **Roger Howson** — Page 6

**NEWS** from Around the Web — Page 9

**Personal Interest  
Health Wise** — Page 15

**Replacing the Irreplaceable**

— Page 18



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**Website:** Barb Tyler, Liaison  
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**PSAA Next Luncheon Mtg**

**Next Meeting: May 17, 2019**

**Time:** 11:30am to 1:30pm

**Location: Renaissance Seattle Hotel**

515 Madison Street  
Seattle, WA  
206/583-0300 [www.marriott.com/Seattle](http://www.marriott.com/Seattle)

**Cost:** Claims Personnel—Active Member Status  
No charge for lunch or parking

Vendors & Non-Members  
\$35 if paid in advance (\$50 @ door)  
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**Presentations:** Past President's Day and Vendor  
Appreciation

**Sponsors:** To sponsor a meeting contact Keely Abbas.



To RSVP or to stay in touch with PSAA use our social media tools listed below!

- [www.pugetsoundadjusters.org/calendar](http://www.pugetsoundadjusters.org/calendar)
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**Additional Meeting Information**

Please keep in mind that we'd like to start and end promptly during our monthly meetings. Here is the timeline for each meeting:

- 11:30 a.m. Registration
- 11:45 a.m. Buffet
- 12:00 p.m. Meeting Called to Order
- 1:30 p.m. End of Meeting

Please arrive on time and have your cash or check (payable to PSAA) ready, or provide your online payment receipt. We appreciate your cooperation and assistance.



**President's Choice Charity  
for 2018-19  
Permission To Start Dreaming**

To submit an article to this publication contact  
Barb Tyler at [npassist@msn.com](mailto:npassist@msn.com)

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### Case Study

## Washington Duck Boat Crash Leads to Wrongful Death Statute Change



### From the desk of Tom McCurdy:



In 2015, a duck boat amphibious vehicle veered across several lanes of traffic in Seattle, crashing into a bus carrying foreign students, killing five. The families of some of those foreign students that were killed sought, but were unable, to file wrongful death claims against the duck boat operator. Elsewhere,

parents of unmarried, adult children have been precluded from bringing wrongful death lawsuits. What precluded these parents from bringing wrongful death claims? Would those families still be precluded from bringing those claims today? Read on to find out.

Since 1909, Washington's wrongful death statute has had, among others, two threshold requirements for parents to be able to bring a wrongful death claim. First, parents of deceased children who wanted to bring a wrongful death lawsuit were required to be residents of the United States. Second, if the child was an adult, the parent was required to be economically dependent on the child. Both of these requirements have served to preclude parents from bringing wrongful death claims in Washington.

After several high profile, high exposure deaths—such as the duck boat accident—the legislature began the process of amending the statute. Their answer, Senate Bill 5163, was introduced on January 15, 2019. After being passed by both the House and the Senate, the bill was delivered to Washington's Governor, who signed the bill on April 26, 2019. The



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law expands the ability of parents to file wrongful death lawsuits after their child dies.

First, SB 5163 does away with the residency requirement. Now, if a non-resident parent has a child who perishes in Washington, they are entitled to bring a wrongful death statute when they would have been prevented from doing so before. Second, SB 5163 expands the ability of parents of adult children to file wrongful death claims. Instead of requiring a parent to be economically dependent on their adult children, they now need only to have “significant involvement” in their adult child’s life. The bill defines significant involvement as “demonstrated support of an emotional, psychological, or financial nature within the parent-child relationship...”

Further, SB 5163 is “remedial and retroactive.” It applies to “all claims that are not time barred” in addition to “any claims pending in any court” on the date the bill is made law.

This is a critical change in Washington for those who handle death claims. We will be closely watching developments surrounding wrongful death claims in the next several months. ❖

— View full bill at:  
<https://app.leg.wa.gov/billsummary?BillNumber=5163&Chamber=Senate&Year=2019>



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## Claims Conversation

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

I’m at my office writing this Claims Conversation on a Saturday afternoon when the weather outside (as opposed to the weather inside?) is 85 degrees with blue skies as far as the eye can see (my ears, nose, and mouth don’t see nearly as well as either one of my eyes). To give you an idea of the significance of how precious this kind of a weekend can be; when we visited Maui in March we had to make the best of a week’s worth of low seventy degrees, clouds, and periodic showers. Regardless of the mild temperatures, I swam in the ocean several times every day, so the locals and Australian tourists thought I was nuts for subjecting myself to the “frigid” water. I’m not complaining, because I believe there’s a special place in Hell for anyone who would complain about a Hawaiian vacation... no matter what the weather or ocean temperature.

I’ve worked claims in tropical climates such as the Puerto Rico, the Virgin Islands, south Florida, and yes... Hawaii. Work is a four-letter word. We com-



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plain when there's too much, and we complain when there's too little. When I'm working (my wife calls it "work mode") I am oblivious to the beauty of my surroundings because I'm hyper focused on the tasks at hand. That same dynamic makes a working dinner at an expensive steak house just another meal. However, the opposite is also true. When I'm off work and/or on vacation; wherever I am and whatever I'm doing is a spectacular experience. In other words, when I'm working, Key West is just another loss site; and when I'm on vacation Tukwila can be a hidden treasure. The last time we ate at the Metropolitan Grill my wife told me she was surprised by how much I raved about the meal because when I've come home from business meetings there, she said it seemed like no big deal. I then realized that my business meals are a work function, not a dining experience.

Don't get me wrong, I love my work... as perverse as that sounds. But my love of work is not the same as my love of life. When I'm working, if I stop to smell the roses it will only make me sneeze. When I'm not working, the gum wall at the Pike Place Market is a wonder of the modern world... seriously, when I think about the gum wall when I'm NOT working the thought of strangers masticulating (if you don't know what "masticulating" means you can look it up in the Urban Dictionary) a stick of gum and then sticking it to a brick wall grosses me out.

Anyway, the point is that I promised Barb Tyler that I would send her this month's Claims Conversation column by Monday, and I'd really, really rather be outside enjoying the (rarely seen) sun. You can criticize my wasting of your time (for those two or three PSAA members who actually read the newsletter) when you see me at the May 17th PSAA meeting whereupon we're honoring past presidents and appreciating vendors. I'm both of those - does that make me bi?

Hey, get out there and enjoy this glorious weather... even if it's raining. ❖



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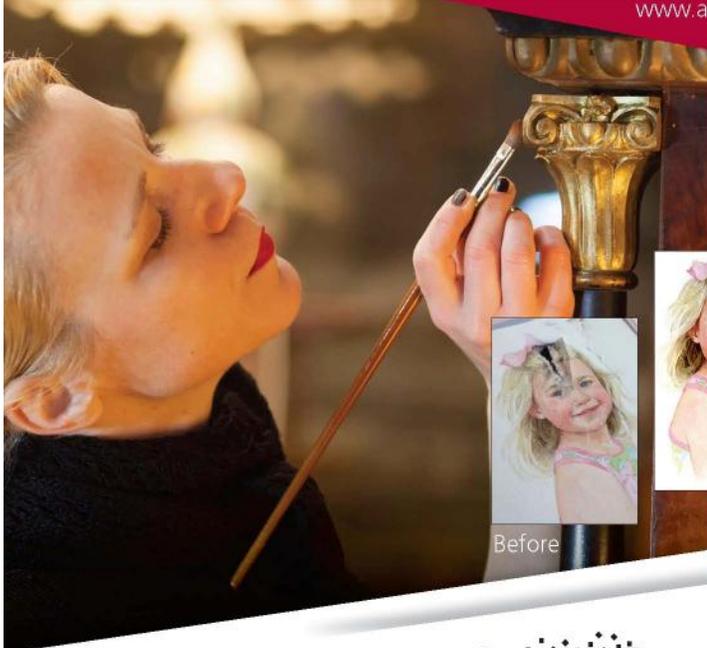


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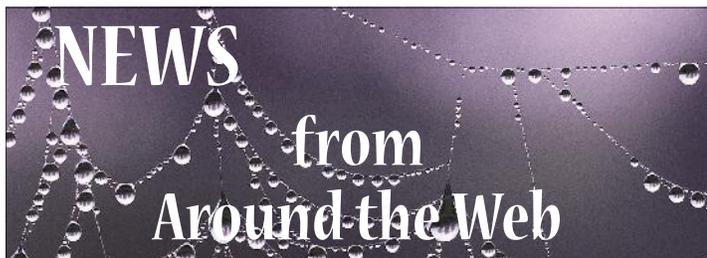


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### 9 Guilty So Far in Massive Washington Fraud Case

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

Nine people have pleaded guilty in a massive case of fraud in Washington in which the participants smashed cars into each other and committed other staged accidents in four western states to collect more than \$6 million from insurance companies.

The nine include prominent Spokane real estate developer Ron Wells, who pleaded guilty in federal court this week to numerous charges related to a 2016 car crash.

Wells admitted to mail fraud, conspiracy to commit mail and wire fraud and illegal monetary transactions. Each offense carries between 10 and 20 years of jail time.

Well also agreed to pay \$179,000 in restitution.

The case involves 22 defendants accused of deliberately staging a series of automobile, boating, stair fall, pedestrian/vehicle and other accidents in Washington, Idaho, Nevada and California from 2013 to 2018. ❖

### Busy Wildfire Season Along West Coast

By Nicholas K. Geranios

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

Most of the country can expect a normal wildfire season but residents along the West Coast of the United States should be ready for another busy season, the National Interagency Fire Center said this week.

California experienced its deadliest and largest wildfires in the past two years, including a fire in the northern part of the state last year that destroyed the town of Paradise, killing more than 80 people. It was the nation's worst death toll from a wildfire in a century.

The Boise, Idaho-based center said a heavy crop of grasses and fine fuels has developed across California and should elevate fire potential as it dries through the summer.

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The terms “normal” or “above normal” refer to a formula that involves drought, precipitation and fuel conditions in each region, projected on a 10-year average, said Jennifer Smith of the fire center.

The Pacific Northwest has entered a period of moderate drought, which could mean an early fire season in the Cascade Range and the Okanogan region. The potential for significant wildfires is above normal west of the Cascade crest in Washington and Oregon through August, the report said.

Some high-elevation portions of the Great Basin and the central Rocky Mountains could experience below-normal wildfire potential, the agency said. It also said that below average fire activity continued in April across the nation, thanks to moist conditions from the winter.

“Precipitation received was above average across the northwestern quarter of the nation and across a majority of the east,” the agency said.

While the wildfire season might be delayed in higher, timbered elevations of the Northwest because of a slower melt of the snowpack, “an exception to this could be along the Canadian border in Washington, Idaho and western Montana,” the agency said. That’s because those areas have a below-average snowpack and are suffering from moderate drought.

“These areas can expect an average start to the season with a potential for above normal activity,” the agency said.

In the southwest, below normal fire potential was expected across northern Arizona, northern New Mexico and west Texas in May and June, the report said. Above normal fire potential was expected in southern Arizona in those months. ❖

### Flaws in Smart Home Devices May Mean False Sense of Security

*Reprinted from www.insurancejournal.com*

Researchers at North Carolina State University have identified design flaws in “smart home” Internet-of-Things devices that allow third parties to prevent devices from sharing information. The flaws can be used to prevent security systems from signaling that there has been a break-in or uploading video of intruders.

“IoT devices are becoming increasingly common, and there’s an expectation that they can contribute to our safety and security,” says William Enck, co-author of a paper on the discovery and an associate professor of computer science at North

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Carolina State. "But we've found that there are widespread flaws in the design of these devices that can prevent them from notifying homeowners about problems or performing other security functions."

"Essentially, the devices are designed with the assumption that wireless connectivity is secure and won't be disrupted – which isn't always the case," says Bradley Reaves, co-author of the paper and an assistant professor of computer science at North Carolina State. "However, we have identified potential solutions that can address these vulnerabilities."

Specifically, the researchers have found that if third parties can hack a home's router – or already know the password – they can upload network layer suppression malware to the router. The malware allows devices to upload their "heartbeat" signals, signifying that they are online and functional – but it blocks signals related to security, such as when a motion sensor is activated. These suppression attacks can be done on-site or remotely.

"One reason these attacks are so problematic is that the system is telling homeowners that everything is OK, regardless of what's actually happening in the home," Enck says.

These network layer suppression attacks are possible because, for many IoT devices, it's easy to distinguish heartbeat signals from other signals. And addressing that design feature may point the way toward a solution.

"One potential fix would be to make heartbeat signals indistinguishable from other signals, so malware couldn't selectively allow heartbeat signals to pass through," says TJ O'Connor, first author of the paper and a graduate student at North Carolina State.

"Another approach would be to include more information in the heartbeat signal," O'Connor says. "For example, if a device sends three motion-sensor alerts, the subsequent heartbeat signal would include data noting that three sensor alerts had been sent. Even if the network layer suppression malware blocked the sensor alert signals, the system would see the heartbeat signal and know that three sensor alerts were sent but not received. This could then trigger a system warning for homeowners."

"No system is going to be perfect, but given the widespread adoption of IoT devices, we think it's important to raise awareness of countermeasures that device designers can use to reduce their exposure to attacks," Enck says.



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The paper, "Blinded and Confused: Uncovering Systemic Flaws in Device Telemetry for Smart-Home Internet of Things," will be presented at the 12th ACM Conference on Security and Privacy in Wireless and Mobile Networks being held May 15-17 in Miami, Fla. ❖

— Source: North Carolina State University

**New Washington Law Requires Plan for Statewide Disaster Resilience**

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

Washington Insurance Commissioner Mike Kreidler's proposal to prepare for and mitigate the effects of climate disasters was signed into law this week by Gov. Jay Inslee.

Senate Bill 5106 passed through state Legislature without opposing votes. The law takes effect on July 28.

The bill creates a work group represented by 27 organizations including legislators, state agencies, insurance companies, Tribal leaders, municipal groups and other key parties.

The group will review and make recommendations on how to best coordinate and improve disaster resilience work in Washington state.

"This is a crucial first step in being prepared to mitigate disasters that we face in Washington state, including earthquakes, wildfires and flooding," Kreidler said in a statement.

The work group is set to hold its first meeting in September. The group's final report on its recommendations on whether Washington should have an ongoing resilience program is due December 2020. ❖



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Personal Interest  
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## How to be more productive by scheduling fun first

By Debby Germino

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

Most everyone will agree that having a vacation on the horizon is exciting. Yet 55% of Americans don't take their all their vacation time. Americans have been conditioned to believe that fun and leisure time are less important than getting ahead and climbing the corporate ladder.

It can seem frivolous, irresponsible, or even unproductive to take time to relax and unwind when there is a long to do list of more practical and important things to get done.

What we fail to realize is that we need downtime to recharge our brains and our bodies. We also need it to keep us from burnout.

### **So what if having more fun meant you could be more productive in your working hours?**

In the New York Times article, Relax! You'll be More Productive by Tony Schwartz, he illustrates the importance of true restoration and how it's directly proportionate to productivity.

In 2006, the accounting firm Ernst & Young did an internal study of its employees and found that for each additional 10 hours of vacation employees took, their year-end performance ratings from supervisors (on a scale of one to five) improved by 8 percent.

Europeans have always been aware of this fact and are known to take twice the amount of vacation time than Americans. Henry Ford was aware of this as he discovered in the 1920's that he could get more productivity from his workers if he went from a 48 hour, 6 day work week, to a 40 hour, 5 day work week.

The Atlantic reports in The Case for Vacations: Why Science Says Breaks are Good for Productivity, about numerous studies done showing that humans perform better by taking breaks.

The more we learn about human attention, the more limited it seems. Overtime binges lead to bursts of output that exert a hangover effect in later



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"Disturbing Court of Appeals Decision Reversed – Oregon Supreme Court Reaffirms That Restaurants and Taverns Do Have Immunity For "First Party" Claims of Over-Service of Alcohol" - PUBLISHED ON: 4/4/19

#### WASHINGTON CASE UPDATES



"Washington Statute Change: Washington Duck Boat Crash Leads to Wrongful Death Statute Change"  
PUBLISHED ON: 5/2/19

"Unusual Injury Suffered While Riding a Roller Coaster Allows a Plaintiff to Utilize the Doctrine of Res Ipsa Loquitur"  
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days. Study after study indicates that short bursts of attention punctuated with equally deliberate breaks are the surest way to harness our full capacity to be productive.

Short breaks improve our concentration and longer breaks provide much needed mental recharging that keep us motivated and refreshed. Undervaluing vacation time leads to detriments on many levels.

Vacation deprivation increases mistakes and resentment at co-workers, Businessweek reported in 2007. "The impact that taking a vacation has on one's mental health is profound," said Francine Lederer, a clinical psychologist in Los Angeles specializing told ABC News. "Most people have better life perspective and are more motivated to achieve their goals after a vacation, even if it is a 24-hour time-out."

**Putting research to the test**

This week I had my teenage nieces and nephew visiting from the east coast. I had to work while they were here so my boyfriend was kind enough to play tour guide with them during my working hours. But we scheduled activities for the evenings and weekend that I would join them for.

As seems to always be the case in life, as their visit approached, work seemed to get more intense

and I began to worry I would miss all the activities we were planning. Or my energy would get all used up and I'd either get no work done or I'd be terrible company. To my surprise, the opposite happened.

I allowed myself to relax and enjoy the activities we had planned without thinking about my to do list. I wanted to make the most of their time here and not be worried about work that would still be there after they left.

What I found was that I was more motivated and productive at work knowing that I had plans to do something fun later on. I wanted to work as efficiently as possible so I could maximize my time with the kids. During a week where my workload was enough to spill into the weekend, I managed to get it all done during the week so I would be free to enjoy the weekend activities we had planned.

The scheduled fun time not only increased my productivity but also served as a huge stress reliever from my busy work schedule. I found that breaking out of my regular routine and having visitors to spend time with provided a much needed distraction from the stresses of work. It was far easier to leave my problems at work when I knew I had houseguests that I wanted to entertain. Their company was rejuvenating and refreshing, serving as a reminder that fun and play time is equally as important as work.

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**The science behind slacking off**

Dr. Christine Carter explains why slacking off is essential to our productivity and creativity processes, in her online course *The Science of Finding Flow*.

When we daydream, or relax our focus, our brain begins drawing connections between all the things that it previously didn't see as all that connected. Importantly, the brain networks that are responsible for creative insight come online.

She cites other research that shows when subjects are given a creative task they have more insights and perform better when their attention is diverted to an unrelated task before hand. What did not help their creativity was giving the subjects extra time to consciously think about the task.

The brain needs down time to process new ideas, insights and to make new neural connections. When we allow the mind to wander and relax, it has time to make connections to things it didn't see before. This is the reason we get so many good ideas or solve problems in the shower or while out for a walk.

**Schedule Fun First**

So often we find ourselves dreaming of trips and adventures that we hope to do some day when we have the time. And year after year goes by and we find ourselves still dreaming of those same adventures. It's time to let go of the guilt and embrace the truth that having fun and slacking off will make you MORE productive.

Whether your form of fun is travel, learning, adventure, relaxation, exercise, or competition, make sure you put it on the calendar and watch your creativity improve and your happiness soar. ❖

**Replacing the Irreplaceable**

By Michel Honoré  
 Reprinted from [www.clmmag.theclm.org](http://www.clmmag.theclm.org)

**Steps for claims professionals when fine art, historical architecture is damaged.**

When assessing any insurance claim, the first thing a claims professional should do is look at the value of the various items in question. But when some of those items are priceless, the process becomes more complicated.

Assessing fine art and other often-irreplaceable items that have values more complicated than a price tag is a complex part of the insurance claims business. Fine-art claims professionals are also dealing with objects that have more than a monetary

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value—these items often have sentimental value to the owners or deep historical significance.

Given the subjective nature of the business, what are some of the ways fine-art claims professionals can be successful? Let's take a look.

**Get Expert Advice**

Fine-art claims professionals are often in the unique position of assessing items with no set worth, and they have to use their expertise and passion for fine art to make informed decisions about claims. To perform the role properly, claims professionals must understand the value of the art by consistently re-searching art, its history or background, and what it takes for different pieces to be constructed.

While claims professionals should always reassess their own knowledge on subjects relevant to their sectors, it is also necessary to assemble a team of specialists to fully understand a claim. When evaluating items that can be hundreds of years old or more, it is crucial that preexisting issues be identified before any evaluation is made. Claims professionals should work with experts in sculpture, art techniques from different centuries, stained glass, fabrics, painting, frames, ancient instruments, and more to identify these pre-existing issues, as well as to help assess the value of the items.

Working with these professionals can give a claims professional much more insight into a specific art sector than the claims professional could gain on his own. This also will allow claims professionals to evaluate a claim more effectively with distinctive precision and accuracy.

**Focus on Restoration and Recovery**

While in other claims the client is sometimes okay with losing the item or items in question and simply recouping the monetary value, that is not the case with fine arts. Because these items have such high worth, sentimental value, and deep historical significance, restoration and recovery take top priority. This is especially important when considering the evaluation methods and processes that an undertaking of this level goes through when it comes to restoration.

Claims professionals need to be prepared to offer a range of restoration options to refurbish the assets and revive the item. As with assessing the value, relying on experts in the restoration of specific objects is crucial to successfully repairing the item in question. Often, a piece cannot be removed from the damaged area for various reasons, so swift action must be taken to preserve the remaining art—keeping the piece fully intact and ensuring its value remains the same.

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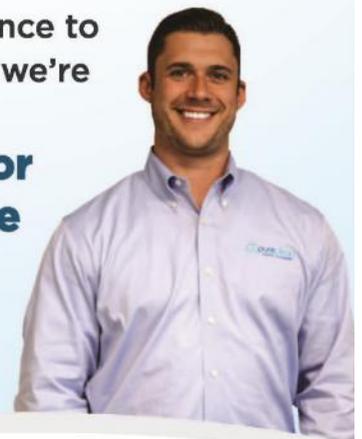
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Restoration of fine art is a complex process, requiring extreme care and patience. Specialists often use a combination of meticulous manual repair techniques and cutting-edge technological methods. The end goal is to keep the piece as close to its original form as possible, which is ultimately the most important task for the insurer.

### Architecture as Art

When disaster strikes a building that houses fine art, the steps are clear when it comes to the claims process: remove the items from the compromised area as quickly as possible and get them to a safe place where they can be evaluated and repaired as needed. But what is a claims professional to do when the entire building itself is considered art?

In these cases, different steps must be taken. The cause of the damage needs to be stopped and, ideally, it must be done with limited additional damage to the building and its precious contents.

Restoration can also be much more complicated. If the building is extremely old, the number of craftsmen who are skilled in the techniques used to construct it may be very limited. This can cause issues in restoring the building to its original state, and these skills may need to be relearned in a short time in order to make proper repairs. While this can complicate claims matters, the insurer must act swiftly in order to make sure all measures are taken to protect the overall architectural value of the building itself.

### Remain Sensitive to Sentimental Value

Although the job of a claims professional is ultimately to gather information and details to assess the validity of a claim and find a fair settlement price, emotions can run high when dealing with items that have sentimental, historical, spiritual, or some other special value to either the owner or the public. In the public eye, every decision could be scrutinized, so it is important that, when detailing the steps taken, all information passed along is accurate. The media and the public have the ability to heighten a claim's situation, so the insurer needs to be confident in its approach, language, and demeanor when taking on these types of high-profile cases.

Claims professionals must also remain sensitive to these feelings when assessing value and communicating final recommendations. Sentimental value sometimes must be taken into consideration when evaluating a claim. The most important thing to do is to communicate with the claimants effectively and sensitively. While the process itself is ultimately about money, making clients feel comfortable and listened to can go a long way.

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Fine-art loss adjustment is not a simple business. Assessing the value of priceless items requires specific expertise and a dedication to the subject matter, with many outside factors coming into play. However, if claims professionals are passionate about the field and take the above pieces of advice into account, they can be successful in this extremely interesting and satisfying field. ❖



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