January 2012 Vol. 1 No. 5



At a Glance

PSAA Website www.pugetsoundadjusters.org

Next Meeting: January 20 Time: 11:30am to 1pm Location: Billy Baroo's See inside for more details

Coming Up in 2012

Meeting & Bowling February 17 Symposium & Vendor Fair March 16 Past President's Luncheon May 18

Employment Listings



Check our website for the latest offerings: www.PugetSoundAdjusters.org

President's Choice Charity Friendship Adventures

www.friendshipadventures.org

Photographic Documentation of Property Claims

— By John Harbaugh, LWG Consulting PSAA Vendor of the Month for January

When at a loss site part of the information we may collect are photographs. You don't have to be a professional photographer but your pictures should be worth a thousand words. Photos can be an invaluable addition to your documentation.

Know Your Subject

To be admissible in court pictures must be legible and provide a reasonably accurate representation of the subject.

Ask before you photograph. It may be against company policy to photograph in certain locations. If photographs aren't permissible you may have to fall back to a thousand words!

Photograph equipment from different angles, not just the damaged side. Photograph nameplates or signage that contains any information about the equipment.

Take "big picture" pictures. Wide angle shots can physically place equipment within a building and in relation to other equipment.

Know Your Camera

Using a camera can be as simple as setting it to Auto and shooting. While manually programming the camera offers an almost unlimited number of settings. Familiarize yourself with your camera, before the inspection.

(See Photographic Documentation... continued on page 3)

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PSAA Spring Symposium & Vendor Fair Agenda & Registration pages 8 & 9



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PSAA 2011-12 Liaisons

Holiday Party:

Deborah Jette; Erin Montgomery

Bowling:

Aundrea Boyd; David Kean

Symposium:

Heather Stariha; Roger Howson; Tanya Padur; Joel Booth

Golf North/Seattle:

Deborah Jette; Tanya Padur

Golf South/Tacoma:

Heather Stariha; Lizzy Adkins; Terry Cook

PSAA Luncheon

Date: January 20, 2012

Time: 11:30am to 1:00pm

Location: Billy Baroo's Bar & Grill

(at Foster Golf Links) 13500 Interurban Ave W

Tukwila, WA

206/588-2763 www.billybaroos.com

Menu: Pasta Bar

Cost: Members \$20 Vendors \$25

Speaker: TRNKA Engineering, Halo Construction and Smith

Freed & Eberhard will team up to discuss *Window* and *Roof Flashing* — *How to do it right, how it's* commonly done wrong, and recovery/legal issues

Facebook

- Rick Wathen of Cole, Wathen, Leid & Hall will offer

a Liability Legal Update

Please RSVP

www.PugetSoundAdjusters.org www.facebook.com/pugetsoundadjusters www.twitter.com/psadjusters



Now pay using PayPal at our website: www.pugetsoundadjusters.org

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

1:00 p.m. End of Meeting

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

PLEASE SUPPORT OUR VENDOR PARTNERS

F PSAA Executive Assistant & Publisher



Newsletter Publishing • Executive Assistance • Event Planning Website Development/Maintenance and more! FAIR USE NOTICE: This publication contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. News and informational articles posted here are for the non-profit purposes of education and news reporting. We believe this constitutes a 'fair use' of any such copyrighted material as provided for in 17 U.S.C § 107.

Puget Sound Adjusters Association

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Solid Foundations & Lasting Relationships

PSAA Presidents

Deborah Jette Heather Stariha Grange Insurance Allied/Nationwide Insurance

Happy New Year! Another year gone by....it seems just like it was yesterday that we were all preparing for the disaster of Y2K and now it's 2012. Time sure flies when you're having fun!

And what a fun year it's been for the members and vendors of PSAA! We are only four months into our new association and we've had three meetings, a bowling tournament and a holiday party—all of which have been hugely successful and FUN events!

I started thinking about the past year and realized that PSAA, having been merged from the former Seattle and Tacoma Claims Adjusters Associations, has lasted longer than many celebrity pairings in 2011. Here are just a few of the celebrity relationships that PSAA has outlasted so far:

- Kim Kardashian and Kris Humphries—even a \$10 million wedding couldn't keep this KK couple together.
- 2. Hugh Hefner and Crystal Harris—who couldn't see this one coming? Although I don't see the age difference being such a problem between SCAA and TCAA.
- 3. Sinead O'Connor and husband—she wasn't even married long enough for the news to print his name.

It makes me proud that PSAA started with such a solid foundation and will be around long after anyone even remembers the Kardashians!

And speaking of solid foundations, our January meeting will be all about it with a presentation from TRNKA Engineers, Halo Construction and Smith Freed & Eberhard on "Window & Roof Flashing How To's." We will also be having a Liability Legal Update from Rick Wathen of Cole Wathen Leid & Hall. So mark January 20, 2012 on your calendar for our next meeting and bring a friend! Don't forget to RSVP to the January meeting at pugetsoundadjusters.org — and be sure to "Like" us on Facebook!

We've also got bowling coming up on February 17, so get your team ready and polish those balls! See page 27 for the registration form or find it online at

www.pugetsoundadjusters.org/events. While online, look for the registration form for the March 16 Annual Symposium & Vendor Fair and get registered early! For a lineup of workshops and other information on the symposium see our website.

Future agenda items for the PSAA include the Past President's Luncheon on May 18, and two golf tournaments — North Shore Country Club in Tacoma on June 8, and Foster Golf Links in Tukwila on June 15.

Photographic Documentation...

(Continued from front page)

Lighting can vary drastically. The flash may cause reflections that could overexpose the shot. You may need to manually program the camera, and doing this well comes from experience.

Use a zoom lens if you cannot get close to the equipment. Higher resolution photos will allow for magnification and provide greater picture detail.

Review the picture on the view screen. If it doesn't represent your subject like you want, just take another. But don't delete the bad picture; issues of deleted pictures can come up in court.

A compact camera is easier to carry than a larger camera, especially in tight spaces. It can be worn on the belt or in a pocket.

And it's a good idea to carry a spare battery and memory card. There is nothing worse than seeing the low battery indicator just as you start your inspection.

Document Your Pictures

Accurately identify and log each picture. Change the camera's picture naming convention to make the photos more descriptive. For example, naming pictures "Acme Insured 001" identifies shots better than the camera's default name like "_DSC001".

Identify and label the pictures in your notes. Use the camera's voice memo feature to record three to four seconds of additional information.

Most digital cameras can record video. Like wide angle photos, video can record the location of equipment or features such as electrical conduits or pipes that lead to or from the equipment.

Modifications to Pictures

Pictures are part of the legal documentation of (See Photographic Documentation... continued on page 4)

Vendor Partner Corner

With Michelle Lowe (ServiceMaster Tacoma) and David Kean (Sterling Group DKI)

Types of Water Losses

According to the ANSI/IICRC S500, the remediation response should be based on the category. The ANSI/IICRC S500 identifies three categories of water:

Category 1: Clean water, such as a leak from a domestic water supply or water heater

Category 2: Grey water/non-potable water that is somewhat contaminated, such a water from a dishwasher or sink drain

Category 3: Black water (sewage) that is highly contaminated, such as water from a flood or a sewage back-up

Building materials affected by Category 1 water may be dried in place if it is appropriate to do so. Category 2 and 3 losses are expected to contain contaminants such as fecal coliforms, so they generally require the removal of porous materials (carpet, wallboard, insulation) followed by the drying and sanitation of remaining building materials. It should be noted that Category 1 and 2 water can change to Category 3 water if it is left untreated for a sufficient length of time.

In indoor environments where kitchens, children, or immune compromised individuals may be present, it is prudent to conduct a program of post-remediation swab sampling to confirm that there is no remaining fecal coliform contamination prior to restoration. To help manage risk, an Industrial Hygienist may be employed to assist in determining the extent of water-affected building materials, provide remediation guidance, and conduct post-remediation testing.

— Information provided by Michelle L. David, MS Industrial Hygienist, AMEC

Please feel free to contact us:

Michelle Lowe, ServiceMaster of Tacoma, (253) 307-8625, mlowe@smtacoma.com; Dave Kean, Sterling Group, DKI (253) 228-6190, davidk@sterlingdki.com.



"What has two legs and can be seen running fast every third Friday of the month? An adjuster on their way to an PSAA meeting!"

January 20 — Be there!



Case Study

SMITH FREED & EBERHARD P.C.

Your Litigation Partner™

Clash of the Clauses: Who Pays When Two Insurers Have 'Other Insurance' Clauses?

by **Kyle Riley**

Claims Pointer: When two insurance policies both provide coverage to one insured following an accident, and both policies have excess coverage clauses at the same coverage level, those clauses cancel each other out and both insurers are liable for a pro rata share of the judgment.

Occasionally, two insurance policies will provide coverage to one person after a car accident. This creates a problem when both policies purport to be excess to the other, and neither wants to pay as the primary insurer. The Washington Court of Appeals, in <u>Safeco Insurance Company of Illinois v. Country Mutual Insurance Company</u>, recently had the opportunity to decide who is liable to the insured when excess clauses collide. (Case No. 65924-3-I, October 24, 2011).

Jonathan Kooistra was in a car accident while driving a car other than his own with the permission of

(See Case Study... continued on page 6)

Photographic Documentation...

(Continued from page 3)

the claim, don't modify the pictures other than formatting it for print. Keep an original set of photos that haven't been altered. And don't delete any pictures, even the shots of your feet.

Be Careful and Safe

We often work in cramped or dangerous locations. Ask before approaching any potential hazard such as equipment using high voltage or with moving parts.

And, while setting your shot watch where you walk. Don't hit your head on an overhead pipe or trip over low obstacles. And don't walk off the roof! •

— LWG Consulting is a Vendor Partner of PSAA and was selected as Vendor of the Month for January. Please see their ad on page 18. Contact John Harbaugh at iharbaugh@lwgconsulting.com.

EDUCATION AND STRESS RELIEF IN THE SAME DAY!

PSAA FEBRUARY MEETING & BOWLING TOURNAMENT

ACME Bowling, Billiards & Events
100 Andover Park West
Tukwila, WA 98188 ~ 206-340-ACME

FRIDAY
FEBRUARY 17, 2012
MEETING & LUNCH
11:30AM TO 1:00PM

"CRASH & BURN" WITH
BRAD PROBST OF
ARCCA INC.
AND A LEGAL UPDATE
WITH MATTHEW MUNSON
OF THORSRUD CANE &
PAULICH



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See below for other options and who to contact for further information

Please complete the registration form below and submit it with your payment prior to February 10, 2012!

REGISTRATION*						
	\$20 Lunch Only \$25 Bowli	ng Only\$4	40 Lunch/Bowling (single)	\$200 Lunch/Bowling (team of 6)		
Name:		Company:	Email & Pho	ne:		
Name:		Company:	Email & Pho	ne:		
Name:		Company:	Email & Pho	ne:		
Name:		Company:	Email & Pho	ne:		
Name:		Company:	Email & Pho	ne:		
Name:		Company:	Email & Pho	ne:		

*All bowlers need to be Members or Vendor Partners of PSAA. Must have at least two (2) adjusters per team. Total \$ _____

Mail form and check or paypal receipt to: PSAA c/o Aundrea Boyd, PO Box 58083, Tukwila, WA 98138-1083

Questions regarding Bowling/Lunch/Meeting: Contact Aundrea Boyd at aundrea.boyd@countryfinancial.com

Sponsorships available: Bottomless Beverage \$300; Lunch \$300 (shared); Dessert (some restrictions apply); Trophies; Prizes; Raffles. For Sponsorship information contact David Kean at davidk@sterlingdki.com.

Case Study... (Continued from page 5)

the car's owners. Kooistra was insured by Country Mutual Insurance Company, and the car's owners were insured by Safeco Insurance Company of Illinois. Kooistra's policy provided him with coverage when he drove non-owned vehicles, and the other policy provided coverage to anyone using the vehicle with permission. As such, the accident gave rise to potential coverage to Kooistra under both policies. After the accident, Safeco made a liability payment for property damage. Country Mutual refused to share the costs. Safeco then sued Country Mutual for contribution. Both parties moved for summary judgment, and the trial court dismissed the case, finding Country Mutual's policy was excess to Safeco's policy. Safeco appealed to the court of appeals.

On appeal, Safeco argued that both insurance policies had "other insurance" clauses that made one policy excess over the other, thus each clause should be disregarded and each insurer should pay a pro rata share of the amount owed. Country Mutual disagreed, and argued that Safeco's policy was primary and not at the same level as Country Mutual's, thus making Country Mutual's policy excess and exempting it from liability for the loss. The Court of Appeals agreed with Safeco, and after review of both policies held that each had "other insurance" clauses at the same coverage level (i.e. both were primary, and neither was an excess policy). The Court found that when two policies have these clauses at the same level, they are generally disregarded as mutually repugnant, rendering each insurer liable for a pro rata share of the judgment. As Country Mutual and Safeco's policies cancelled each other out, the Court held Country Mutual was liable to Safeco for its pro rata share, and the case was reversed and remanded. .

NOTE: This opinion has not been published. It is provided to demonstrate how the court approaches the issues involved in the case. It cannot be cited as authority to a court of law.

Full case available at: www.courts.wa.gov/opinions/pdf/65924-3.unp.doc.pdf

<u>Kyle Riley</u> is the partner who leads Smith Freed & Eberhard's Seattle, WA office. He specializes in defending personal injury claims, commercial liability claims, and insurers who face bad faith allegations. Please feel free to contact Kyle at (503) 576-7575 with any Washington legal questions.

This article is to inform our clients and others about legal matters of current interest. It is not intended as legal advice. Readers should not act upon the information without seeking professional counsel.



Claims Conversation

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

I'm spending all night New Year's Eve alone in my youngest daughter's shabby apartment sleeping on a couch that's seen too many dorm rooms while she and five of her girlfriends are off celebrating.

Earlier in the evening I watch quietly while two police officers take down statements and contact information from each of the young ladies (every one of them is just 20 years old) while they make themselves even more beautiful in tiny black dresses two sizes too small and several inches too short. Those two officers patiently work through their law enforcement duties amidst the frantic flurry of party preparation with hair being brushed, sprayed, and curled, faces being painted, plucked, and blushed, and zippers running up and down while outfits are tried and discarded. One young lady even asks one of the police to please help zip but he declines for unspecified her up, "departmental regulations".

After they've collected all of the necessary information and written their report, the police tell me they've done all they can for now. They ask the girls which party they're attending and where exactly it's being held before reminding them that they're all under age, and that none of them better plan on driving that night. The girls are warned (nicely) that a squad car might cruise by the party later tonight.

When they're all ready to go (only an hour after they were scheduled to arrive where they're going) each one of them thanks me, hugs me goodnight, and promises they'll have a good, but careful time. The sudden silence of their absence is a stark contrast to the earlier excitement, so I settle in to read E. L. Doctorow's the March to while away my first New Year's Eve in 28 years that my wife Barbara and I are apart. In five more hours we'll share a telephone kiss to bring in a much better 2012.

The apartment's flimsy front door rattles whenever the entry door to the building opens. Occasionally, for no apparent reason, the apartment door even blows completely open. My feeble repairs are a mockery to competent carpentry, but my only available tools are a small commemorative stone with my daughter's name written in calligraphy, a few bent finish nails, and broken, splintered wood from the door jamb. In its current condition the door serves no useful security purpose, but that

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doesn't mean I want it flapping wide open all night.

My daughter and her friends won't be returning to the apartment until I've repaired the front door and more thoroughly secured the premises. Since everything is closed on New Year's Day they'll be sleeping elsewhere for another couple nights. And I'll be sacking out on this lumpy leather couch a while longer.

I am waiting for the young man who kicked in the front door to come back. Besides lacking carpentry tools, I am also without weaponry of any kind. The young man is thirty years younger, two inches taller, and twenty-five pounds heavier; and I am looking forward to pounding the snot out of him.

He's my daughter's ex-boyfriend. He doesn't understand that "no" means "no", and "goodbye" means "go away". He also doesn't understand that putting your hands on another person is felony assault, and that putting your hands on my daughter is suicide. (The police were very clear in explaining to me that felony assault also applies to me putting my hands on the ex-boyfriend.)

New Year's Eve is the very first time my wife and I find out that there's been a problem with the exboyfriend. My daughter's roommate and several of her friends call us because my daughter is too embarrassed and scared to tell us what's going on. The problem is that my daughter thinks that domestic violence is something that doesn't happen to girls or women from good families, and it certainly can't be domestic violence if the perpetrator is (usually) a decent human being from an upstanding family. The reason it took her friends so long to contact us is that they hold those same misconceptions about what abuse and abusers are supposed to look like.

I've known all of these young women since they were in Grade School, and they've all known this

young man since he was a few years ahead of them in Grade School. To me these twenty year old women are still the little girls I've known for 15 years. And, to them, he's still the boy they grew up with. Even now after all he's done, none of them (except my daughter) are afraid of him.

The day after New Year's I am back at the apartment with my own tools repairing the door, door jamb, and lock set. I buttress the entry, fix the lock on the sliding glass door leading to the balcony (if you could call something this small a balcony), and give my daughter and her roommate a pepper spray to attach to their key chain.

The roommate is unconcerned. She acknowledges that the ex-boyfriend hit and kicked my daughter, pulled her hair, and even held a pillow over her face, but the roommate assures me that he would never DARE try anything like that with HER because they've been friends for too long. All of the young women from the New Year's Eve are afraid FOR my daughter, but they have no fear OF the exboyfriend. In fact, I'm not convinced that my daughter's even afraid of her Ex; so much as she's embarrassed by the stigma of being thought of as a "victim" of domestic abuse. No one in OUR family is a "victim" of anything.

I think they call that cognitive dissonance.

Speaking of cognitive dissonance, the ex-boyfriend DOES show up back at the apartment while I'm there. He's being escorted by my daughter's roommate's boyfriend (are you following this?) because the roommate's boyfriend is long-time friends with the ex-boyfriend, and he's concerned for his friend's safety because of what I might do. The roommate's boyfriend says he's there to make sure that I "don't go off" on my daughter's Ex.

A lot more happens, but that's a whole other story.



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Welcome Back



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First Annual

Spring Symposium & Vendor Fair March 16,2012

Continuing the tradition of SCAA & TCAA in providing educational opportunities for all Adjusters

Hilton Seattle Airport & Conference Center ~ 17620 International Blvd., Seattle, WA

8:00 – 9:00 am Registration ~ Continental Breakfast ~ Vendor Fair Opens

9:15 – 9:30 am Welcome from the Presidents

— Deborah Jette, Grange Insurance, and Heather Stariha, Allied/Nationwide Insurance

MORNING SESSION

9:30 - 11:00 am "You Don't Look or Sound Anything Like that Gecko"

- with Shannon Kavanaugh of Go To Market Strategies, Inc. and CEO of Choices

You probably went into claims because you didn't want to sell insurance. Guess what, that's exactly what you're doing. So you may as well be good at it. The billions of dollars in advertising spent annually by the insurance industry isn't worth a plugged nickel if the policyholder's first claims experience is unnecessarily unpleasant. Marketing maven Shannon Kavanaugh represents *Choices*, a locally based non-profit with a global presence that works with 8th graders to keep them motivated, focused, and staying in school. Everything you need to know about being the best claims (and marketing) professional possible you leaved in 8th grade. If Shannon can make school exciting for 8th graders, imagine what she'll do for adjusting.

11:00 - 11:30 am Networking Break ~ Vendor Fair

11:30 - 12:30 pm Lunch Break ~ Vendor Fair

AFTERNOON BREAKOUT SESSIONS

Special Hotel Room Rates

\$149 Single ~ \$159 Double Ask for the PSAA room block when making reservations ~ Hilton Seattle Airport 206/244-4800

12:30 – 1:15 pm "Using Video/Surveillance to Evaluate, Settle and Win Cases"

- with Roy Umlauf of Forsberg & Umlauf

This is the golden age of casualty claims investigation; with the abundant availability of Facebook, smart phones, YouTube, and 24/7 surveillance video, your claimant's life is an open book. But you've got to know where to look, what to look for, and what to do with it once you've found it. Roy Umlauf will provide an entertaining and educational insight into 21st century surveillance, depositions, and investigation. He is going to synthesize this entire process in such a way that you will never again nod off during a deposition.

"Where Did that Water Come From?"

- with Halo Construction, TRNKA Engineering, and Smith Freed & Eberhard

This panel of experts will teach us all we need to know about flashing, window installs and other common construction defect issues that adjusters face every day. Join us for a live construction demonstration by Halo with commentary on what to look for by TRNKA engineers, while Smith Freed & Eberhard attorneys help us untangle the "who's on first" of liability in construction defect and improper construction cases.

1:15 – 1:45 pm Networking Break ~ Vendor Fair

1:45 – 2:30 pm "The Big Risk: Seattle's Big Dig"

with Brendan Winslow-Nason of Cozen O'Conner

WA State Dept. of Transportation is going to demolish the Alaskan Way Viaduct, bore a tunnel under the Downtown Seattle corridor, drill alongside the Elliott Bay sea wall, and construct a four lane, heavy traffic highway deep underground. What could possibly go wrong? Those serious subrogation folks at Cozen O'Conner are going to tell us about all kinds of things that could, would, and should happen to our insureds and claimants buildings once the WSDOT really gets started on four years of mischief.

"I'm Not Ignorant, I Just Write Like I Am"

— with Rory Leid and Rick Wathen of Cole, Wathen, Leid & Hall

A judge once advised, "Never put anything in writing that you wouldn't want read aloud to a jury; or worse, blown up to five times its size for everyone in the courtroom to read." Good business writing has never been more important. Unfortunately, the quality of our written communication has never been so bad. We used to only have to worry about the quality and content of our outgoing letters. Not anymore! Emails, texts, activity log notes, internet postings, and any other digital notes on our computer are grist for the litigation mill. We are going to be schooled in the lost art of writing what we mean and writing it like we mean business.

2:30 – 3:00 pm Closing Remarks & Raffle

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Spring Symposium & Vendor Fair ~ March 16, 2012



Hilton Seattle Airport & Conference Center ~ 17620 International Blvd., Seattle, WA

~ Important Instructions for Registering ~

This form must be accompanied by either a check made out to PSAA or a Paypal receipt if you pay online with a credit card.

Here's how to pay:

- Pay online with credit card at www.pugetsoundadjusters.org/symposium (Print your receipt)
- Mail this form and include check payable to: PSAA, PO Box 87, Dexter, OR 97431
 - Fax this form and Paypal receipt to: PSAA, 541/937-4286
- Scan and email this form and Paypal receipt to: PSAA, info@pugetsoundadjusters.org

Questions?

For registration and vendor/sponsor questions please contact Barb Tyler, Symposium Coordinator, at npassist@msn.com or 541/937-2611.

You may also contact PSAA Co-President Heather Stariha at starihh@nationwide.com or 253/864-7145

Registration includes:

Workshops, continental breakfast, lunch, parking, and symposium workbook

\$50 PSAA Members, PSAA Vendor Partners and Non-Member Adjusters (\$60 at the door) **\$60** Other Non-Members & Vendors (\$70 at the door)

Note: Registration fees are nonrefundable but are transferable.

If you cannot register prior to March 9, 2012, then please plan to pay at the door.

Please mark your Break-Out Session choice(s) below — One per session

Afternoon Session 12:30pm to 1:15pm Afternoon Session 1:45pm to 2:30pm	·	TRNKA/Halo/SFE Rory Leid & Rick Wathen					
Please print legibly							
Name	Company/Title						
Address	City, State, Zip						
Phone	Email						
☐ I would lik	e confirmation that my registration has been re	eceived					
☐ I am a member of PSAA ☐ I am a Vendor Partner of PSAA ☐ I am interested in joining PSAA, please send information							