



**Risk and  
Insurance  
Management  
Society, Inc.®**

*RIMS NEWS*  
*MARCH*  
*2003*

**THE AWARD WINNING HOUSTON CHAPTER**

**Outstanding Programming & Member Services, Advancing the Risk Management Profession and Overall Chapter Excellence**

February Luncheon Highlights



Ms. Eillen Quinn, Assistant Director, Risk Management for Texas Children's Hospital (left) presented her risk management program during the February luncheon. Ms. Quinn is the Houston Chapter's Risk Manager of the Year 2002.



(above) Ms. Eillen Quinn is being presented with a gift for being the Houston Chapter's Risk Manager of the Year 2002.

**Published by  
The Houston  
Chapter  
of the Risk &  
Insurance  
Management  
Society, Inc.**

Consumer Protection in Texas

Mr. Timothy R. Hightower, Hays, McConn, Rice & Pickering, P.C., is the speaker for March.

Ethics affect every aspect of our daily lives and play an integral role in the insurance world. March is CPCU's Ethics Month; RIMS, along with CPCU, will explore the impact and interaction of ethics within our profession.

Timothy R. Hightower, Hays, McConn, Rice & Pickering, P.C. has a pre-law background in insurance claims and risk management. He has tried a wide variety of cases in Houston, Harris County, Texas, as well as representing defendants in surrounding counties. He continues to focus his practice in civil litigation corporate representation, insurer representation, fraud preemption/investigation and personal injury.

One hour of Continuing Education Credits has been applied for by CPCU. This topic will be of interest to Risk Managers, Underwriters, Adjusters, Safety Personnel and Brokers.

Carol Barnes (right) recognized and thanked our Past Presidents (below) for their service to the Houston RIMS Chapter. An anniversary celebration is scheduled to take place in December.



Officers & Directors

President  
PAM CHAVEZ, ARM, CIC, CRM  
Jacobs Engineering Group  
832.351.7144  
pam.chavez@jacobs.com

First Vice President  
COLLEEN CUMMINGS, ARM  
The Hanover Company  
713.580.1209  
ccummings@hanoverco.com

Treasurer  
JULIA KOVACH, ARM  
Houston Chronicle Publishing Co.  
713.220.7607  
Julia.Kovach@chron.com

Vice President/Secretary  
ROBERT CARD, ARM, CPCU, AR  
Philip Services Corp  
713.985.5322  
rcard@contactpsc.com

Vice President/Assistant Secretary  
GINNY PENZELL, ARM  
El Paso Corporation  
713.420.4814  
ginny.penzell@elpaso.com

Chapter Liaison  
MONICA OLIS  
The Friedkin Corp.  
713.580.3283  
molis@friedkin.com

Education  
VIRGIL MEAD, ARM  
Nabors Industries, Inc.  
281.775.8168  
virgil.mead@mail.nabors.com

Legislation  
MARSHA PHILLIPS  
Jacobs Engineering  
832.351.7149  
marsha.d.phillips@jacobs.com

Job Placement  
TONI GREEN  
NL Industries, Inc.  
281.423.3357  
toni.green@nli-usa.com

Membership/Attendance  
JIM LYON, CPCU  
Philip Services, Corp.  
713.625.7174  
jlyon@contactpsc.com

Public Relations/Newsletter  
SONDRA K FAUL, CIC  
The University of TX HSC-H  
713.500.3392  
Sondra.K.Faul@uth.tmc.edu

RIMS Delegate  
CONNIE FOLAND, ARM, CPCU  
Gulf Coast Regional Blood Center  
713.791.6348  
cfoland@giveblood.org

Past President  
ELLA ANDREWS  
Affiliate Member  
281.437.3856  
ellaandrews@houston.rr.com

Associate Directors

Education  
TOM MACE  
Nabors Industries, Inc.  
281.775.8116  
tom.mace@mail.nabors.com

Membership  
VICTOR PIVETTA  
Houston ISD  
713.871.9365  
vpivetta@houstonisd.org

Legislation  
SUSAN SANDERS  
Philip Services, Corp.  
713.625.7015  
ssanders@contactpsc.com

**From the President's Desk**

March is a very busy month here at Houston RIMS. This month we will have our make-up golf day from our not once, but twice rained out fall conference golfing event. It is still not too late to register if you missed the opportunity in the fall. Please contact Colleen Cummings if you have not previously registered and would like to join us. I am sure it will be a day full of fun and fellowship with the Houston risk management community.

Our meeting this month will be held on **Tuesday, March 18th at the Briar Club**. We will be joining our friends at CPCU. Mr. Timothy R. Hightower, Hays, McConn, Rice & Pickering, P.C. will speak about Consumer Protection in Texas.

This month the Houston board members will attend the annual retreat to begin the process of planning our goals for the rest of the year. We have a very creative group this year and I think you will see some innovative ideas and activities presented in the very near future!! We will report on the retreat in next month's newsletter.

Finally, if you are planning on attending the Society's annual meeting in Chicago in April, we will have two tables set aside for the morning business meeting on April 7<sup>th</sup>. Please send me an email at [pam.chavez@jacobs.com](mailto:pam.chavez@jacobs.com) if you are planning to attend the morning meeting on the 7<sup>th</sup> and would like to sit with the Houston Chapter.

I am looking forward to seeing you at one or more of the events this month.

Sincerely,

*PAM*

**The Houston Chapter has the privilege of welcoming the following new Corporate members:**

- STP Nuclear Operating Company
  - o George Harrison, Manager, Financial Services
- Consolidated Graphics, Inc.
  - o James Pessagno, VP Risk Management
- Imperial Sugar Company
  - o Scott Glidewell, Claims/Risk Manager
  - o Bill Schwer, Exec. VP & General Counsel
- JM Family Enterprises, Inc.
  - o Chris Triggs, Director, Risk Management
- RiceTec, Inc.
  - o Alyssa Lantz, Asst. Controller
  - o Kathy Havard, Sr. Accountant

**We would also like to welcome our new Associate Members:**

- Jack Melton, Jr., Executive VP & COO, North American Solutions
- Javier Mirabal, Operations Manager, L.A., Steege Kingston
- Samantha Walman, Act Service Company
- Bob Stone, Highlands Insurance

## State Disability Rules Upheld

The California Supreme Court upheld Thursday the state's broad interpretation of what it means to be disabled and entitled to protection against discrimination at work, a ruling that could open thousands of legal cases for re-examination. The ruling in *Colmenares v. Braemar Country Club Inc.* affirms that California's definition of disability goes far beyond federal guidelines, which require that the worker be "substantially" limited in a life activity.

California's statute omits that qualification, so individuals with a condition that affects a life or work function can be considered disabled. This definition will effectively eliminate arguments over whether an individual is disabled and therefore change how cases are litigated, legal scholars predicted. It ends up focusing the argument on whether an accommodation is reasonable and whether the worker can perform the job. Lawyers representing employers said the state law is another example of how California earns its reputation for fostering an adverse climate for business. In this case, they say, California employers will see a bigger bite on their bottom.

Plaintiffs' attorneys were overjoyed by the Colmenares decision, noting that protections under the federal Americans with Disabilities Act have been eroding. "The U.S. Supreme Court in the past four years has been restricting those who may receive protection under the ADA," said Sacramento attorney Jill Telfer. "But in California, we're out to protect the disabled. We're doing great things here in California." California Attorney General Bill Lockyer voiced a similar sentiment in a prepared statement: "All Californians have always and will continue to receive full protection and access to legal recourse if they are refused jobs, fired or harassed in the workplace based on a physical disability."

Thursday's decision will allow Francisco Colmenares to get his disability discrimination case reconsidered. Because of a 1981 back injury, Colmenares' physician said he could do only light work on his job at the Braemar Country Club in the Tarzana area of Los Angeles. In 1997, however, a supervisor reassigned Colmenares to a job involving heavy labor and when he was unable to do the work, he was fired.

Colmenares — who had worked for the country club for 25 years — sued, claiming the company failed to accommodate his disability. But a lower court ruled that Colmenares was not disabled because he didn't fit the federal definition of being "substantially limited in a major life activity." The California Supreme Court ruled, however, that Colmenares' disability should have been considered under the less restrictive language of the California law, known as the Fair Housing and Employment Act, even though that language wasn't clear until a 2001 amendment. Because the court said the amendment was a clarification of the law and not a new rule, legal experts said, the state standard would apply to pending cases filed by Colmenares and other plaintiffs. Lawyers estimate this could affect thousands of lawsuits.

"California is going to the extremes in its protection of the 'disabled,'" said Catherine Corfee, an attorney with Cook Brown in Sacramento. "This (decision) will open it up to all kinds of abuses." Corfee said that anti-discrimination law protects people in discrete categories — race, gender or sexual orientation — for example. "But the disability category is so loosey-goosey and over-broad that everyone falls into it. It's not a category anymore."

The U.S. Supreme Court, on the other hand, has leaned in the other direction with a strict interpretation of disability. The federal standard is so high, said some legal experts, that if a person can prove that she is substantially limited, she probably wouldn't be able to perform the essential functions of the job anyway. Then the protections wouldn't apply. (The above taken from an article by Melanie Payne, staff writer for the Sacramento Bee. Published February 21, 2003.)

Meeting Notices, Newsletters and other chapter correspondence are now sent out by **e-mail**. If you are a deputy member and are not receiving yours please let us know by contacting Jim Lyon, Membership Director. All others, Associates and Non-Members, please contact Monica Olis. Deputies can update/correct information by logging on to the Society web site: [www.rims.org](http://www.rims.org).

### Houston Area Job(s) Listing for March 2003

#### **Air Liquide America – Financial Analyst (3/1/03) Associated Building Services – Regional Safety Manager (2/12/03)**

- ❖ Any job listing descriptions, contacts, etc. can be found at The Houston RIMS website: <http://houston.rims.org/ChapterWebsite/RIMSChapter.cfm?CID=328>
- ❖ For further information regarding positions or to place a job opening for your company in our newsletter, contact Toni Green, Director - Job Placement, via email at [toni.green@nli-usa.com](mailto:toni.green@nli-usa.com) or by telephone at (281) 423-3357.
- ❖ For information regarding National RIMS listings, contact Jennifer Berman at RIMS New York at (212) 286-9292 or email: [jberman@rims.org](mailto:jberman@rims.org).
- ❖ Also, look online at the Houston Chronicle's classified web site under employment. Do a key word search for Safety or Risk Management: [www.houstonchronicle.com/classifieds](http://www.houstonchronicle.com/classifieds) or look online at the Houston Press's classified web site: [www.houstonpress.com/classifieds](http://www.houstonpress.com/classifieds).

Sondra K Faul  
RIMS Newsletter Editor  
c/o University of TX, HSC-H  
P O Box 20036, UCT 1012C  
Houston TX 77225

HOUSTON CHAPTER OF RIMS  
MARCH 2003 NEWSLETTER



UPCOMING EVENTS

RIMS Luncheon Meetings are at 11:30 am

**2003**

March 17, 2003

**Golf & Awards Dinner at**

**The Houstonian, 59 @ The Grand Parkway  
(really at FM 1464 & Old Richmond Road)**

**Tee Time is 12:30**

March 18, 2003 (CPCU joint meeting)

**Meeting at The Briar Club**

April 6-10, 2003

**RIMS Annual Conference-Chicago**

**No Chapter Meeting for April**

May 21, 2003

June 18, 2003

July 16, 2003

August 20, 2003

Check the web Site: [www.rims.org](http://www.rims.org) >chapters  
>chapter web sites > Houston.  
Watch for event information.

Attention All Associate Members!

The Houston Chapter of RIMS is very pleased to count you among our active members and we are working hard to update our records of our Associate members. It seems however that we do not have up to date information on many of you. If you are a National RIMS Associate and a member of the local chapter, then we ask that you update your contact information on the RIMS website at [www.rims.org](http://www.rims.org) as well as notifying your local chapter of those changes. If you are an Associate of the Houston Chapter exclusively, then again we ask that you contact your Houston Chapter Liaison or any Board Member to notify us of any changes in how to reach you.

In our effort to update our records, many of you may be contacted to verify your membership information so please bear with us as we work on this. Going forward, we would appreciate your help by updating the Houston Chapter board any time you change your contact information. Also, we encourage you to contact your local Chapter Liaison or any of the Board Members if you have any questions or suggestions for the Houston RIMS Chapter. We would be happy to hear from you and to assist you as well as we can.

Your 2003 Chapter Liaison is Monica Olis who can be reached at 713-580-3283 or e-mailed at [molis@friedkin.com](mailto:molis@friedkin.com).

**MEETING PLACE**

**(March Only)**

**The Briar Club**

**2603 Timmons Street**

**(Corner of Westheimer & W. Alabama)**

**Houston, TX 77027**

**Phone # 713.622.3667**

**Parking is available across the street  
from the club**

**Reservation Deadline**

is **Friday March 14th, 2003 at 4pm.**

Please send your response, by e-mail to [ginny.penzell@elpaso.com](mailto:ginny.penzell@elpaso.com) or fax the notice to her, at 713.420.6350

The Luncheon Registration form is available on the chapter web site at [www.rims.org](http://www.rims.org) choose "chapters" then "chapter web sites" then "Houston" look for the "Monthly Meeting Notice" on the list to the left.