President’s Message

This November is going to be an exciting month for the Great State of Michigan with a very close governor race going on. I hope everyone will exercise their right to vote on November 4th. Speaking of voting, the Nomination Committee has submitted its slate of officers to serve MIPRIMA for the 2015 Calendar Year. This slate will be elected at our annual meeting held at the beginning of the Fall Conference on Thursday, November 6th at St. John’s Conference Center.

As I complete my term as President I am thankful for a supportive board, committees, members and professionals that have made 2014 such a success! We have had two great Educational Conferences and a successful scholarship golf outing. Thank you all!

Please remember to register for the MIPRIMA Fall Conference, which will be at the St. John’s Conference Center in Plymouth on Thursday, November 6th. Our planning committee has put together a great Fall Educational Program. I hope to see you there.

Sincerely,
Paul Van Damme
2014 MIPRIMA President
City of Roseville Risk Manager

MIPRIMA 2014
Fall Educational
Conference
See page 3.
MIPRIMA Nominating Committee

The nominating committee submits the following slate of officers to serve MIPRIMA for the 2015 Calendar Year. This slate will be elected at our annual meeting held at the beginning of the Fall Conference on Thursday, November 6, 2014 at the St. John’s Conference Center.

**President** Charlie Stevens, Michigan Municipal Risk Management Authority

**Vice President** Rick Hensley, City of Battle Creek

**Secretary** Drew Dunsky, Road Commission of Oakland County

**Treasurer** Michelle King, City of Flushing

**Past President** Paul Van Damme, City of Roseville

**Trustee** Ellen Ortopan, City of Southfield

**Trustee** Jim Craig, Middle Cities Risk Management Trust

**Trustee** Vacant

We are currently seeking a nominee for the vacant trustee position and hope to present as an addition from the floor. If you are interested in serving our profession, please contact Rick Hensley at 269-966-3407.
MIPRIMA 2014 Fall Educational Conference

Thursday, November 6, 2014
8:00 AM - 4:00 PM
St. Johns Golf & Conference Center
44045 Five Mile Road
Plymouth, Michigan 48170

Add to My Calendar
REGISTER FOR THIS MEETING

Agenda:

8:00 – 9:00  Registration & CONTINENTAL Breakfast

9:00 – 9:15  Opening remarks
            Paul VanDamme, MIPRIMA President

9:15 – 10:15  Understanding the Risk of Public/Private Partnerships -- Jeffrey Welsh, Munich Re

Public-private partnerships are vendor relationships. Join us to learn about "P3" agreements as Jeff Welsh, CPCU, AU, Senior Vice President, Munich Re America, Inc., provides a basic primer on contracts and contracting parties, risk transfer, contractual liability, ISO forms and state of P3 in Michigan. This session offers key take-a-ways for the public risk manager to help make sure your entity is covered.

10:15 – 10:30  BREAK

10:30 – 11:30  The Calhoun County Public/Private Health and Wellness Center Collaboration
            Rick Hensley, Risk Manager, City of Battle Creek
            Kim Archambault, Human Resources Director, Calhoun County
            Scott Philion, Senior Manager, Business Development, Toyota Tsusho America?


12:30 – 2:00  Securing the Cooperation of Elected Officials -- Tommie Jo Marsilio,
            Director of Contracts and Compliance, Ohio Turnpike and Infrastructure Commission

In this session, we will establish new skills to effectively communicate with elected officials. We will explore the unique perspective of risk professionals and how it compares to that of an elected official. We will find common ground and common priorities for risk professionals and elected officials. For folks that keep having great ideas and cannot get them implemented, this is the session they need!

2:00 to 2:15  BREAK

2:15 to 3:15  Drones aka UAVs -- New Technology, Risk, & Regulation
            Sergeant C. Sell, Road Patrol Supervisor, Livingston County Sheriff Department
            Lieutenant Pat Lawrence, Aviation Unit, Michigan State Police
            Sergeant Matt Rogers, Aviation Unit, Michigan State Police

MIPRIMA 2014 Fall Educational Conference
Keith Friede VP Gallagher Benefit Services, Inc. presented "Employment Law for Managers"

Charlie Stevens, William Reising & Rhonda Stowers

Attorneys Bill Reising & Rhonda Stowers Presenting "Risk Management Legislative & Case Law Updates"

Donna Cianciolo & Leslie Locke Mackinaw Island Summer Conference

MIPRIMA Summer 2014 Conference Classroom

Drew Dunsky

Rick Hensley & Donna Cianciolo
Michelle Hibbard & Laura DeLuca
Enjoying the ride over to Machinaw Island!

Michelle McHale presenting "Detecting Fraud - Municipal & Internal Controls"

Carol Green OTRL, CBIST presented "Promoting Productivity & Employee Morale with Humor"
She also shared a great quote, "Build your life wisely life is a do it yourself project"

Gail Young and Dan Hurley - Midwest Employers Casualty Company - presented "Preventing & Managing Catastrophic Claims - Case Studies"

President Paul and Family

Cheri Gelnak & Don, Mackinaw Island

Jodi & Drew Dunsky, Leslie Locke and Alexis & Paul VanDamme

Chad Johnson

Drew Dunsky (Board) & Bill Brown

Judy Thomson (Committee) & Ellen Ortopan (Board)
Distracted Driving
The views set forth below are those of the author, and do not necessarily reflect the view of the MiPRIMA Organization

On May 26th 2014 at 3:15 in the afternoon, my sister was driving to pick up our mother to take her to Bingo a mile from my sister’s home, a distracted driver took my sister from me. This is now personal.

Distracted driving is any activity that could divert a person’s attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. These types of distractions include:

- Texting
- Using a cell phone or Smartphone
- Eating and drinking
- Talking to passengers
- Grooming
- Reading, including maps
- Using a navigation system
- Watching a video

But, because text messaging requires visual, manual, and cognitive attention from the driver, it is by far the most alarming distraction.

The best way to end distracted driving is to educate all Americans about the danger it poses. On this page, you’ll find facts and statistics that are powerfully persuasive. If you don't already think distracted driving is a safety problem, please take a moment to learn more.

Facts and Statistics:

- The number of people killed in distraction-affected crashes decreased slightly from 3,360 in 2011 to 3,328 in 2012. An estimated 421,000 people were injured in motor vehicle crashes involving a distracted driver; this was a nine percent increase from the estimated 387,000 people injured in 2011.
- As of December 2012, 171.3 billion text messages were sent in the US (includes PR, the Territories, and Guam) every month. (CTIA)
- 10% of all drivers under the age of 20 involved in fatal crashes were reported as distracted at the time of the crash. This age group has the largest proportion of drivers who were distracted.
- Drivers in their 20s make up 27 percent of the distracted drivers in fatal crashes. (NHTSA)
- At any given daylight moment across America, approximately 660,000 drivers are using cell phones or manipulating electronic devices while driving, a number that has held steady since 2010. (NOPUS)
- Engaging in visual-manual subtasks (such as reaching for a phone, dialing and texting) associated with the use of hand-held phones and other portable devices increased the risk of getting into a crash by three times. (VTTI)
- Five seconds is the average time your eyes are off the road while texting. When traveling at 55mph, that’s enough time to cover the length of a football field blindfolded.

Talking on a cell phone while driving: (CDC Researched)
- 69% of drivers in the United States ages 18-64 reported that they had talked on their cell phone while driving within the 30 days before they were surveyed.

Texting or emailing while driving
- 31% of U.S. drivers ages 18-64 reported that they had read or sent text messages or email messages while driving at least once within the 30 days before they were surveyed.

What is being done?
- Many states are enacting laws—such as banning texting while driving, or using graduated driver licensing systems for teen drivers—to help raise awareness about the dangers of distracted driving and to keep it from occurring. However, the effectiveness of cell phone and texting laws on decreasing distracted driving-related crashes requires further study.

continued...
Michigan Supreme Court Election

The first Tuesday in November, we will again cast ballots for Michigan Supreme Court Justices. Two incumbent Republicans are running for re-election: Justices Brian Zahra and David Viviano. A third Republican, James Robert Redford of East Grand Rapids, has been nominated to run. Redford is currently serving as Kent County Circuit Court Judge.

The Democrats will also offer a field of three: Richard Bernstein, son of Sam Bernstein; Deborah Thomas, currently serving as Wayne County Circuit Court Judge; and William Murphy, currently serving on the Michigan Court of Appeals.

Also in the race are Kerry Morgan, a Libertarian, and Doug Dern, representing the Natural Law Party.

This election presents the possibility that a three to zero Democratic sweep would give the Democrats control of the Michigan Supreme Court.

Hannay v. Dept of Transportation

An interesting case is before the Michigan Supreme Court; oral argument was held on October 8, 2014, and can be heard at the court’s website: www.michbar.org/courts/virtualcourt.cfm

The case involves the governmental immunity statute’s definition of “bodily” injury and whether this includes damages for wage loss and for pain and suffering. Traditionally, the exceptions to immunity have been “narrowly” construed. A ruling by the Supreme Court to “narrowly” construe this term could significantly reduce the value of residual bodily injury claims in future auto accidents. The City of Flint has a companion case, Hunter v. Sisco, and that oral argument can also be heard at the website listed above.

The Michigan Supreme court has allowed cameras in the courtroom for some time. Only their own cameras are allowed, but the videos are posted on the court website for all to review at whatever times are convenient.

U.S. Supreme Court

TV comedian John Oliver, while doing a piece on the U.S. Supreme Court’s (SCOTUS) position on allowing cameras in its courtroom, has created an internet sensation among lawyers on the web. Oliver was lampooning the Court for being open to first amendment rights in most places, but then closing down the right to protest on the commons in front of their court. He then did a riff on cameras in the courtroom and ended with a now famous clip in which audio of actual SCOTUS proceedings was matched to video of talking dogs. The dogs were dressed in robes and sitting (at least some of the time) behind a mocked-up bench. He then challenged viewers to use his dog images and create their own soundtracks. These court dog clips now abound on the internet. www.abajournal.com/news/article/comedy_show_tackles_boring_scotus_arguments_with_real_dogs_dressed_as_justi

8-11 Rain Event

On August 11, 2014, heavy rains hit southeastern Michigan and overwhelmed many municipal systems. News reports estimate that over 30,000 citizens had water in their basements in the suburban Detroit area. The region has been declared a FEMA disaster area. Many citizens are responding by filing PA 222 notices with their local municipalities. This is creating a strain on local communities as they attempt to handle record volumes of notices.

Bottom line: Do Not Text and Drive, because it soon may be personal to you as well. Thank you.

AJ Hale, Safety & Loss Prevention Manager, CompOne Administrators Inc. Phone# 269-339-1544

References: OSHA, MIOSHA, DOT, CDC, FMCSA, NHTSA

Legislative Committee Update

The views set forth below are those of the Committee Chairman, Michael Ellis, and do not necessarily reflect the view of his employer MMRMA, MiPRIMA, or other Legislative Committee members.

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Some citizens have purchased homeowners policies covering water in their basements. While this would seem to reduce claims against the communities, in many cases the insurance companies are making claims on behalf of their insureds. Thus, citizens having their own insurance does not really reduce the number of claims presented.

It appears that we are in for another round of class action lawsuits testing the limits of PA 222.

**House Bill 5785**
For years, Michigan courts have been passing along part of their operational costs by assessing these costs against criminal defendants. In June 2014, the Michigan Supreme Court held that the courts could only impose those costs that were identified in statute. This created a serious problem for court funding and a fix was desperately needed. The legislature responded with HB 5785, which was pushed through and signed by the governor on October 22, 2014, with immediate effect.

**Obsolete Laws**
Last Spring the City of Grand Rapids made national news when City Attorney Catherine Mish started a project of cleaning out old laws and asked the city council to revoke an old and unenforceable section of code, which stated that “no person shall willfully annoy another person.”


The national news liked the story; we even heard Mish being interviewed by Audie Cornish on NPR. On the surface, it appeared to be another case of clearing out the clutter. Everyone is in favor of reduced clutter.

In a completely unrelated story, House Bill 5824 was introduced on September 18, 2014; it states “Sec. 5k. (1) A city shall not retain or adopt an unenforceable ordinance” and establishes a civil fine of not more than $10,000.

If passed, this provision would be inserted into “the home rule city act.”

2014 Corporate Sponsors

Insurance Companies or Agencies
- Gallagher Benefit Services, provides benefit planning services. Mary Beth Bullen (248) 430-2778.
- IBEX Insurance Agency is an all lines independent insurance agency. Keith Potter (248) 538-0470.
- Marsh USA is the world’s leading risk and insurance service firm. Cheryl Smith (517) 393-6513.

Attorney Firms
- Cummings, McClorey, Davis & Acho, P.C. mission is simple - we must help our clients be successful and improve their bottom line to assist our clients to achieve their business objectives with the least amount of legal risk. Joseph T. Seward, (734) 261-2400.
- Johnson, Rosati, Schultz & Joppich, P.C. is a full service law firm. Chris Johnson (248) 489-4100.
- Lacey & Jones, LLP. The firm’s practice is divided into three practice groups: 1) Workers’ Compensation Litigation, Appeals and Legal Research; 2) Civil Litigation; and 3) Employment Law, Commercial, Litigation and Labor Law. Dawn Drobnich (248) 283-0740.
- LeVasseur & Levasseur. Our mission is to lead our clients through the shark-infested waters of worker’s compensation litigation by defending their asset to the very letter of the law, Denice LeVasseur (248) 356-8600.
- Pedersen, Keenan, King, Washberg & Andrzejak, P.C. is a full service law firm. Diverse defense of personal injury, property, and contract cases. Paul Pedersen (248) 363-6400.
- Plunkett & Cooney, P.C. is Michigan’s leading litigation defense and trial practice law firm. William Reising (810) 342-7001.

Claims, Investigative and Financial Service Companies
- CorVel, providing network solutions, case management and bill review. Lisa Deehan (517) 381-1531.
- CompOne Administrators Inc. an FDI Group Company, Third Party Administrator for Workers Compensation, Long-Term Disability and Short-Term Disability claims adjudication and management. Bruce Stubbs (248)-344-2267.
- Milliman, offers a wide range of insurance and financial consulting services. Their contact is Gary Josephson at 262-796-3305.
- Plante & Moran, PLLC, public accounting and business advisory firm. Terry Olejnik (248) 223-3388.
- The ASU Group service line includes adjusting, case management, third party administration and medical bill review. Chad Johnson (517) 381-7923.
- Global Options, International Claims Cost Containment Solutions