

# Network Success

Business to Business News from San Anselmo

Volume 7, Issue 1

February/March 2010

## New Laws That May Impact Your Business

The CalChamber released the following list of new laws effective late 2009 and in 2010:

### New Form I-9

Revised August 7, 2009, the new Form I-9 contains an updated list of acceptable documents that employees must present upon hiring. The new form also bears a note that all documents presented to establish identity and/or ability to work in the United States must not be expired.

### E-Verify Required for Federal Contractors

Federal contractors and subcontractors must use the E-

Verify system when hiring employees. Other employers may use the verification system if they wish to do so. E-Verify compares Form I-9 document information against federal government databases to verify employment eligibility.

### Increase in State Withholding

State withholding increased on November 1, 2009. There is a 10 percent mandatory increase on employee withholdings, a 0.6 percent increase in supplemental wage withholding and a 1.2 percent increase on wage stock options and bonus payments.

### Laws

Continued on page 11



### Mandatory Change to Employment Notices Poster 2010

Get your 2010 poster to make sure your business stays in compliance. Even if you only have one employee, you can be fined \$17,000 for not posting required notices. All 16 notices are included in one convenient poster. To order, visit [www.SanAnselmoChamber.org](http://www.SanAnselmoChamber.org), Business Center, Compliance Products.

## Increase Your Chances of Getting a Business Loan

Tips from Beth Reizman of Bank of Marin

Commercial banking manager at Bank of Marin, Beth Reizman, recommends focusing on several fundamentals to prepare your business for a loan request.

"When businesses need to borrow, the first thing they should look for is a well-capitalized, healthy bank with high liquidity, strong credit quality and low non-performing assets," says Reizman. Banks that are distracted with problem loan issues may not have the time, resources, or liquidity to spend on new business opportunities. Needless to say, Reiz-

man thinks strong community banks like Bank of Marin are the best sources for credit and also stresses that both parties need to be flexible and honest when dealing with requests for credit.

Here are several strategies Reizman suggests to make your business loan-ready:

**Credit Worthiness:** It's important to know that commercial banks usually require a business to be profitable for three years in order to consider extending credit. A reasonable level of capital and liquidity is also important. Bankers will also be assessing the experience

of the owners and managers, and their commitment to the business. If a business is in a start-up mode (in operation for less than three years), an SBA lender is probably the best option.

**Credit History:** Check your business and personal credit rating. If anything is amiss, make sure you correct it and have a solid credit rating before approaching a lender. If you do have a late payment and know why it is in your credit file, then offer your bank a reasonable explanation.

### Loan

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## SHOP SAN ANSELMO

**\$100 spent at a local, independent store returns \$68 to the community. If you spend at a national chain, it's only \$43. Buy on the Internet and Nothing Comes Home!**

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# Network Success

Business to Business News from San Anselmo

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Delivered by:

**Marin Independent Journal**

## Members in the News

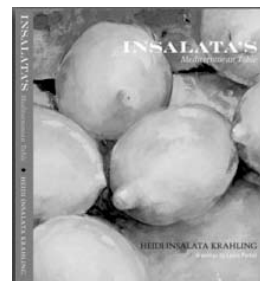
**Well done Rose Construction!** On being selected as the general contractor for the Marin Sanitary Household Hazardous Waste Facility Project which includes site improvements, flow of traffic changes, hazardous facility containment changes and upgrades to the offices and employee facilities. The project was recently featured in the *Marin Independent Journal* and will be completed by the end of March. The project architect is Fred Divine & Associates. *Rose Construction, 39 Belmont Ave., Fairfax, 415-454-9994, www.Rose-Construction.com.*



Members of the Independent Order of Odd Fellows congratulate Vince Chiu, Chester Hunter Merit Scholarship award winner; (left to right) George Largomarsino, Ken Azevedo, Mike Gerke, Bob Chapman, Al Springstead, Chiu, Josh Milan, Oscar Hernandez, Jon Marchant.

**Ace Printing & Mailing Services** helped publish the **Pinups for Purpose Calendar**, featuring tastefully retro pinup photos of local breast-cancer survivors. Calendar sales go toward supporting Bay Area breast cancer charities, as well as To Celebrate Life Breast Cancer Foundation and the Sutter North Bay Women's Health Center. "We set a goal to raise \$30,000 from the sale of calendars in 2010," says Jeanette Vonier of Elegant Images Photography. "The single price for a calendar is \$15, however, we have developed ways for other Bay Area charities to sell the calendar, and earn revenues to fill their coffers for their particular cause as well. Pinups for Purpose is under the non-profit umbrella of MarinLink. For info, visit [www.PinupsforPurpose.com](http://www.PinupsforPurpose.com). *Ace Printing & Mailing Services, 1925 E. Francisco Blvd., Ste. 15, San Rafael, 415-460-2800, www.AcePMS.com.*

Head to the kitchen with a copy of "*Insalata's Mediterranean Table*," **Heidi Krahling's** new cookbook featuring over 120 of the sumptuous recipes she has tantalized her customers with for 13 years as chef and owner of **Insalata's**. The cookbook is not only a feast for your taste buds but also for your eyes—recipes are paired with the vivid, sensuous artwork of Laura Parker, whose art adorns the walls of **Insalata's**. Available for purchase at the restaurant. *120 Sir Francis Drake Blvd., 415-457-7700, www.Insalatas.com.*



Chamber member **Bob Chapman** joined his fellow **Marin Independent Order of Odd Fellows** members in voting college freshman **Vince Chiu** winner of the newly created Chester Hunter Merit Scholarship award. Chiu was selected because of his community activism, academic excellence and good character. Chiu will be the resident scholar at the **Hunter House in San Anselmo** while he completes his studies at the College of Marin. Good luck Vince!

**Rosanne Angel of Golden Benefits—Long Term Care Insurance** has changed her e-mail address to [4roseangel@gmail.com](mailto:4roseangel@gmail.com). Please make a note of it! [www.GoldenBenefits.com](http://www.GoldenBenefits.com).

The **San Geronimo Golf Course restaurant** received high marks in a recent *Marin Independent Journal* review for their German brews, sausages, and "breathtaking views" of the revamped course. We invite you to check it out! *5800 Sir Francis Drake Blvd., San Geronimo, 415-488-4030, www.GolfSanGeronimo.com.*

**Élan Health & Fitness Center** received San Anselmo's **Green Award** from the Town's Quality of Life Commission. The commission is charged with promoting sustainability in San Anselmo and securing a high quality of life by simultaneously meeting environmental, economic and community needs. Congratulations to **Élan**

Member News Continued on page 4

## Submission Deadlines

All chamber members can submit business news and promotions for inclusion in our two publications, *Network Success* and "Member News" e-blasts. The submission deadlines are as follows:

- **Network Success** April-May Issue: March 12. Mailed bimonthly for free to residents, businesses, and chamber members in the San Anselmo community.
- **"Member News"**: See e-blast for next date. E-mailed every other Friday to all chamber members, town officials and residents in the chamber's database.

Please send content to [info@sananselmochamber.org](mailto:info@sananselmochamber.org)



# Live, Shop, Change San Anselmo: A Late Christmas Carol

*A Message from the Chairman of the Board, Jay Luther*

*"... answer me one question [said Scrooge to the Ghost of Christmas Yet to Come]. Are these the shadows of the things that Will be, or are they shadows of things that May be, only?"*

*Still the Ghost pointed downward to [Scrooge's own] grave by which it stood.*

*"Men's courses will foreshadow certain ends, to which, if persevered in, they must lead," said Scrooge. "But if the courses be departed from, the ends will change. Say it is thus with what you show me!"*

— Chas. Dickens,  
"A Christmas Carol"

This being Marin and all, I proposed a simple mantra for our town at the Chamber's Annual Luncheon/Annual Meeting last December:

**Live San Anselmo  
Shop San Anselmo  
Change San Anselmo**

**Live San Anselmo** by walking its streets, learning its history, going to its Town Council meetings, talking with those who love it—and doing all the other things that make you realize what it means to be in a vibrant town. Realize how precious it is.

**Change San Anselmo** by moving it toward a sustainable—and enticing—future which secures the best of the present and expands our present local charm throughout our public and commercial space.

**Oh, and shop San Anselmo!** How can this silly commercial sloganeering help in any way? Really, isn't this just blah, blah, "Chamber talk" blah?

Well, no. This is the life and the core of our town. If you want to send me an e-mail, I'll be delighted to send you links to the constantly replenished storehouse of national and local Chamber handouts on how supporting local mer-

chants truly builds a strong local economy, maintains community character, etc. And while it's all true, these handouts are as exciting as the fall 1989 seed manual in your dentist's reading bin.

Let's personalize it a bit. I was one of the judges for our Town's holiday window displays. We were working on terribly short reporting deadlines, since displays had to be completed by December 1 and our reports were due on December 2. So at 8 p.m. on December 1, I was walking from one closed store to its usually closed neighbor. The good news was that there were some really great windows; I really wish that there could have been 10 awards instead of just five to honor the outstanding work. But the bad news was that there were a lot of dark or barely decorated windows, too. And inside and on the street, there were few customers. These storefronts weren't crying "Happy Holidays!" They seemed to be saying, "There's a recession on. We can do no more." Enter the Ghost of Christmas Yet to Come, stage left.

Okay ... eight or nine o'clock in San Anselmo is not exactly New Year's Eve in Times Square. There's never been a lot of town activity at that time, and that's the way a lot of us like it. Moreover, some window displays went up after the deadline. So my little moment of seeing the Ghost of Christmas Yet to Come could easily have been coincidental, illusory or just plain wrong.

Coincidentally or not, as the season progressed, the Chamber received reports that many local businesses were seeing sales downturns in the 20-25 percent range. And local businesses are small

businesses. That's also the way we want it. But for small businesses, a big downturn is unsustainable in the long term, and sometimes in the short term as well.

So here's the lesson: A big piece of living San Anselmo, and changing San Anselmo is shopping San Anselmo. Un-patronized businesses quietly go away, leaving no trace but empty windows and the memory of people whose company we enjoyed and whose efforts were so helpful to local committees and events. The life of the town is diminished. And before we can work for positive change for the future, we have to fill the hole that is left when the moving vans depart and the "closing sale" signs are pulled down.

In "A Christmas Carol," the Ghost of Christmas Yet to Come never speaks, and only silence follows Scrooge's "say it is thus!" Fittingly, it is Scrooge who answers his own question by recognizing that if he changes, an empty future may become very full indeed.

**Shop San Anselmo.** Browse a book. Scarf a burger. Buy your weekly supplies. Go to the gym. Sip a latte. Bed and breakfast yourself with the Sunday Times. Get a big antique or just a knick or a knack. Take a picture. Rent a DVD. Buy some art. Get some clothes. Buy a new pair of shoes. And on and on. You can do all these things, and many more, in San Anselmo—but your money stays and re-circulates in the hands of your friends and neighbors. Make up your mind that whenever you have a choice of where to shop, you'll do it here! It's an investment in your extended town family, your neighborhood and your future.

## Being an Ambassador Pays

By Kris Kelson  
Chamber Ambassador  
Committee Chair

**N**etworking, business contacts, community involvement—these are just a few of the reasons to join the Ambassador Committee. This is an exclusive opportunity for chamber members to grow their businesses and stand out in the community.

The ambassadors are the public relations arm of the Chamber—a group of motivated, enthusiastic and articulate business people who serve as the backbone of the Chamber's membership programs. They represent the Chamber at civic and social functions and are the face of the Chamber in the community. Ambassadors are the first to welcome new businesses

to the community through grand openings, mixers, and ribbon cuttings. We greet you with a smile and volunteer at Chamber events. Most importantly, ambassadors are fundamental to the support of new and continuing Chamber businesses.

Being an ambassador gives you access to business contacts you may not meet otherwise and opportunities to uncover new leads to help grow your business. Relationship-building is a key benefit to being an ambassador and an excellent means of helping each other succeed in today's economy.

Keep your finger on the pulse of local business and expand your networking contacts by teaming up with the Chamber's ambassadors today!

## Guess who decorated the White House for the holidays?



Local Flora's Samantha Payne at the White House.

San Anselmo's own **Samantha Payne, Local Flora manager!** Here's how it came to pass ... Years ago, in-house White House florist, Kim Merlin, worked with Payne on Indiana Jones 4 for **Dreamworks**. Payne and Merlin constantly talked "floral art" during their Dreamworks stint, and Merlin appreciated Payne's creativity and quality of work. After winning the presidential elections, Michelle Obama asked Merlin to become the official White House florist. Meanwhile, **Payne** found her way to **Local Flora**. Fast forward to 2009 ... Merlin knew she wanted Payne by her side to decorate the White House for the holidays. After passing all security scrutiny, Payne used her miles to fly to Washington D.C. on Thanksgiving, and reported to the White House by 7:30 a.m. the next day. Payne joined a small crew of designers who worked tirelessly for six days to turn the White House into one of the most beautifully decorated homes in the country. **Tremendous congratulations to Samantha!** Stop by Local Flora to hear all about it! *100 Red Hill Ave., 415-459-4490, [www.MarinFlora.com](http://www.MarinFlora.com).*



**Health & Fitness Center** owner, **Joyce Brown**, for meeting and surpassing the Commission's environmental, economic and community standards. 230 Greenfield Ave., San Anselmo, 415-485-1945, [www.ElanFitness.com](http://www.ElanFitness.com).

**Taylor Crouch**, a San Francisco Theological Seminary and Sir Francis Drake High School student, was one of five recipients of the **Youth Volunteer of the Year award** at this year's **Heart of Marin Awards**. The San Anselmo Chamber of Commerce **congratulates Crouch** for his

outstanding youth leadership and volunteerism. **Tamalpais Bank** is a founding sponsor for this event, recognizing outstanding Marin nonprofits, leaders and volunteers.

**Hershon Hartley Design** received acclaim in *Marin Magazine* for "creating products for purchase for your home. With offices in both Marin County and Lake Tahoe, they are inspired by the bold landscapes of Northern California in creating everyday items designed as functional art." 245 Sir Francis Drake Blvd., 415-459-4004, [www.HershonHartley.com](http://www.HershonHartley.com).

**The Potting Shed's winter hours** are as follows: From now until March 19, Tuesday-Saturday, 11 a.m. to 5 p.m.; closed Sundays and Mondays. 55A Bolinas Rd., Fairfax, 415-455-9459, [www.potting-shed.com](http://www.potting-shed.com).

**Robert Hunter** is volunteering with **Bridge the Gap College Prep Program (BTGCPP)**—[www.btgtutoring.org](http://www.btgtutoring.org)—and would like your help. BTGCPP is an evening tutoring program in Marin City, more than 15 years old, offering a full-service, after-school program for school-age children. The program provides comprehensive academic support committed to getting every child in Marin City through college. To keep the program viable please help with their Wish List: microwave; coffee maker; 3 wall clocks; children's books (K-3, 4-5, 6-8); computer laptops; K-3 puzzles; educational games; building toys; individual CD players for listening center; 2 portable CD players; vacuum cleaner; gift card for supplies; dictionaries and thesauruses; and calculators.



Above: The award-winning yard.

Left: Jan Gross receiving the Trophy Award from the California Landscape Contractors Association

**Bravo Heritage Landscapes!** For receiving an Overall Safety Achievement Award from the Professional Landcare Network (PLANET) at the association's recent Green Industry Conference awards banquet in Kentucky. The award, part of PLANET's annual Safety Recognition Awards Program, honors those companies with thorough, high-performing safety programs that create and maintain safe work environments in the green industry. It is designed to reward green industry companies that consistently demonstrate their commitment to safety. **Heritage Landscapes** was evaluated on number of accidents, number of days that employees were away from work, and number of employee injuries and illnesses. In addition, a checklist was used to rate the company's complete safety program. "Safe work environments show our employees and clients that we care," says Owner Jan Gross. "We will continue to promote safe work habits by our employees on a daily basis because we recognize the importance of safety in the workplace. This recognition of our good safety record will put **Heritage Landscapes** head and shoulders above the competition." 21 Ross Ave., 415-458-8151, [www.HeritageLandscapes.net](http://www.HeritageLandscapes.net).

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**Kris Kelson**  
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**COMPANY**

## Spring 2010 Events

**February 18 - Diana Stobo**  
Raw Foods Nutritionist, author "Get Naked Now"

**March 4 - Paul Kingman**  
Olympic Bronze Medalist  
"Overcoming Distraction, Maintaining Focus  
and Maximizing Results"

**March 20 & 21 -**  
**Dude Girl Trunk Show**  
Fabulous Clothes & Special Surprises!  
Pre-Sale March 19th



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# Welcome New Members

## The Aware Body

### Mary Serphos

1119 San Anselmo Ave.  
San Anselmo, CA 94960  
(415) 415-5490  
www.TheAwareBody.com  
maryserphos@hotmail.com

As a holistic nutrition professional, Mary reaches out to counsel and coach women, men and families with a supportive, nonjudgmental, individualized approach. Mary is passionate about her work and is dedicated to helping people improve their lives.

## Best Western

### Corte Madera Inn

Bill Blackburn CHA,  
General Manager  
56 Madera Blvd.  
Corte Madera, CA 94925  
(415) 924-1502  
www.CorteMaderaInn.com

A lush, five acre resort-like setting in the heart of Marin

County, the Best Western Corte Madera Inn is just minutes from the excitement of San Francisco and the beauty and natural wonders of Marin, Sonoma, and Napa Counties. Relax in our heated pool and two whirlpool spas, practice your stroke on our professional putting green, or enjoy a picnic under the trees without ever leaving the Inn. The Corte Madera Inn is ideally located near three superb shopping centers, the majestic Muir Woods and the world famous bayside communities of Tiburon and Sausalito. Spend an afternoon wine tasting in nearby Sonoma and Napa Valleys or explore the sandy beaches and mountain trails of the Point Reyes National Seashore. Take a scenic drive or bicycle ride through the rolling hills of west Marin topped off with massage from our in-house masseuse. Whatever your choice, our staff is anxious to make your stay at the Corte Madera Inn as enjoyable and memorable as possible.

## Blissfully Yours

### Connie Wong

718 San Anselmo Ave.  
San Anselmo, CA 94960  
(415) 459-8978  
www.BlissfullyYours  
Boutique.com  
blissfullyyours@att.net

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## Farmers Insurance

### Anne Shaw

(415) 686-8491  
www.Farmers.com  
ashaw@farmersagent.com

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Anne Shaw

their individual needs. We guarantee quality in all our work and, most importantly, timely results. Please use our website as your full resource guide. We have included most of our products and discounts to suit your interests along with a questionnaire form that you can fill out to receive a free quote.

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## Law Office of Susan Marchant Angel Susan M. Angel

810 E. Street  
San Rafael, CA 94901  
(415) 453-5000  
www.AngelAttorney.com  
scott@angelattorney.com

At the Law Offices of Susan Marchant Angel, we pride ourselves on integrity, client satisfaction, and community involvement. We emphasize estate planning, real estate law, evictions, probate and trust administration, and business law. Susan Marchant Angel and associate attorney, Scott Lafranchi, invite you to contact us for all of your legal needs in Marin County. If your question is outside our areas of experience, we will refer you to someone who can help you.

## Mod Proper Events Allison Chapman, Wedding & Event Planner

P.O. Box 2229  
San Anselmo, CA 94979  
(415) 828-5451  
www.ModProperEvents.com  
allison@modpropererevents.com

Mod Proper Events is a full service wedding and event planning company, *specializing in Marin weddings*. Our services range from day-of coordination to full planning packages. We are dedicated to making each event a sensation—through attention to detail and by bringing unique visions to life! We are here to guide our clients, to alleviate the stress of planning, and to be involved in as many or as few of the decisions as desired. From vendor selection to budget planning, we offer our expertise to best compliment the event. Please visit our website or contact Allison directly for more information!

## Peace Love & Grilled Cheeses – A Hair Salon

### Jennifer Donnellan

224 Greenfield Ave.  
San Anselmo, CA 94960  
(415) 459-4247  
www.PeaceLoveandGrilled-  
Cheeses.com  
thirdjen@hotmail.com

So what is up with the name? You might be asking yourself. The name was a saying my girlfriends and I made up to reflect having a good time and being happy. When I decided to remodel the salon and change our image from 3rd Generation Hair Salon, I wanted a name that would grab your attention, make you ponder a moment and put a smile on your face. "Peace, Love & Grilled Cheeses" is whatever you want it to mean and is interpreted differently by each person. It is very much like the work we do in the salon. We take each individual and assess their personality, work environment and time constraints and create a style that is perfectly suited for them. Our stylists can then custom formulate a color that is designed for that haircut, from multi-color weaves to just a few highlights.

**LIVE  
SHOP  
CHANGE  
SAN ANSELMO**

*You are Cordially Invited to Attend the 14<sup>th</sup> Annual*



MARIN  
valentine's  
BALL

**I Left My Heart in San Francisco**

*Presented by*  
**Brayton Purcell**

**Saturday, February 6**  
**Marin Civic Center Exhibit Hall**



**Black Tie Optional • Dancing to the Music of "Tainted Love"**  
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*For Event & Ticket Information*  
**marinvalentinesball.org or call 883.6222**

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## Chamber Announcements and Activities

### San Anselmo Chamber President Appointed to Marin Economic Forum Board of Directors

Chamber President/CEO Connie Rodgers was appointed by the Marin Council of Chambers to the county's newly formed Marin Economic Forum (MEF) headed by Dr. Robert Eyler. MEF is a public-private partnership formed to meet the county's goal for maintaining a sustainable economy focusing on Marin's desired targeted industries. For example, MEF will address Marin's economy and lack of jobs as a top priority. The forum cannot advocate for public policy options, but can provide information, much

as an environmental impact report does in public decision-making.

**Mission:** Coordinate Marin's economic stakeholders; Educate Marin on economic trends; Integrate opportunities to aggregate resources for local businesses to lower costs or increase revenues, such as small businesses joining together to provide health care for their employees at lower cost, or benefiting from a common disaster relief plan; Engaging the community by hosting roundtable meetings among economic stakeholders; Developing policies for local



Robert Eyler, Ph.D.  
Economic Sustainability  
Coordinator, Marin County

governments that illustrate the benefits of local economic health as an integrated element of their overall civic goals.

### Free Business Workshops Planned

A series of FREE, hands-on workshops geared toward the San Anselmo business community are planned for 2010. The Chamber and Wells Fargo Bank sponsored workshops will give you access to experts in "debt

relief" and in writing, funding and marketing business plans. All workshops will take place at Wells Fargo Bank, 3 Tunstead Ave., San Anselmo. Please visit the chamber website for more details: [www.SanAnselmo-Chamber.org](http://www.SanAnselmo-Chamber.org).

### Welcome New Chamber Board Members

Sean Fitzgerald  
Wells Fargo Bank

Connie Pelissero  
Cedarchest

### Get San Anselmo Alerts by E-Mail & Text Message with Nixel.com

Up-to-date information provided by the San Anselmo Police Department

Stay instantly informed of trusted, neighborhood-level public safety and community information. You choose the information you want, for the addresses you want, all delivered at no cost, by text message, email and web.

#### To Register

- Go to [www.nixle.com](http://www.nixle.com)
- Click "Sign up now" and create your account
- Enter an e-mail address and cell phone number where you would like to receive messages
- Enter your home address or a nearby intersection (you can enter addition-

al addresses next—see below).

- Click "Sign Me Up"

#### To Customize

- Log in at [www.nixle.com](http://www.nixle.com)
- Click "Locations"
- Click "Add New" to add addresses in your town or around the country. Do your relatives live out of the area? Keep track of what's happening near your loved ones and the places you work, live or visit.
- Click "Settings"
- Select a location from the left-hand menu and subscribe to receive

messages from each agency by checking the "Subscribe" option. Adjust which messages by priority level are sent to your e-mail and/or cell phone. **Please note: you must opt-in to receive messages from your local community groups.**

**Need assistance? Send e-mail to [support@nixle.com](mailto:support@nixle.com) and your question will be answered within 24 hours.**

Our team of engineering, public safety, and communications professionals have worked very hard to develop a system that "connects communities." We hope you enjoy America's new community information service!

## Calendar of Events February through March

Thursday, February 4 • 6 p.m. to 7 p.m.

### Ambassador Committee Meeting

Chair, Kris Kelson

305 San Anselmo Ave., Ste 313, San Anselmo

Tuesday, February 16 • 8 a.m. to 9:30a.m.

### Chamber Board of Directors Meeting

Town Council Chambers, 525 San Anselmo Ave., San Anselmo

Thursday, February 18 • 5:30 p.m. to 7:00 p.m.

### Mixer

Bank of Marin, 100 Sir Francis Drake Blvd., Greenbrae  
Complimentary refreshments. Mix and mingle with your peers, and make valuable business connections.

Thursday, March 4 • 6 p.m. to 7 p.m.

### Ambassador Committee Meeting

Chair, Kris Kelson

305 San Anselmo Ave., Ste 313, San Anselmo

Tuesday, March 16 • 8 a.m. to 9:30a.m.

### Chamber Board of Directors Meeting

Town Council Chambers, 525 San Anselmo Ave., San Anselmo

Thursday, March 18 • 5:30 p.m. to 7:00 p.m.

### Mixer

Wells Fargo Bank, 3 Tunstead Ave., San Anselmo  
Complimentary refreshments. Network with other members and meet the San Anselmo Town Council.

## Business Resources

### U.S. Small Business Administration

San Francisco District Office, 455 Market Street, 6th Floor  
San Francisco, CA 94105-2420  
(415) 744-6820 • [www.sba.gov/localresources/district/ca/sf](http://www.sba.gov/localresources/district/ca/sf)

### Small Business Development Center

SBDC At Santa Rosa Junior College, 606 Healdsburg Ave  
Santa Rosa, CA 95401  
(707) 524-1770 • (888) 346-7232  
[www.SantaRosaSBDC.org](http://www.SantaRosaSBDC.org)

### SCORE

San Francisco SCORE, 455 Market Street, 6th Floor  
San Francisco, CA 94105  
(415) 744-6827  
[www.SFScore.org](http://www.SFScore.org) • [sfscore@SFScore.org](mailto:sfscore@SFScore.org)

### U.S. Business Advisers

[www.Business.gov](http://www.Business.gov)  
Federal government information

### IRS

[www.IRS.gov/businesses/small/index.html](http://www.IRS.gov/businesses/small/index.html)





## Legal Lectern: On Employment Practices Liability Insurance (EPLI)

Jay W. Luther,

Attorney at Law, Law Offices of Jay W. Luther  
(415) 456-6197 [jluther@lutherlaw.com](mailto:jluther@lutherlaw.com)

Oddly are you have no insurance protecting you against employment law suits. Unless the suit involves a highly unusual set of facts, or you have an oddball policy with some kind of bonus coverage, the wimpy language of the usual policy, or its exclusions, will kill any hope that an insurance company is going to be of any help. We used to call the main policy in a business package “Comprehensive General Liability” Insurance. Now it’s the *Commercial General Liability (CGL)* policy. “Comprehensive” coverage has left the building, folks.

In fairness to the carriers, they had a problem, too. There are decades of good statistics and actuarial lore for routine disasters like fire, theft, premises liability and even earthquake and flood. The same is even true for directors and officers liability, with which carriers and businesses now have considerable experience.

But employment practices liability is a new and continually changing bag. Fifty years ago, the employer’s liability to the employee was limited to the occasional breach of contract suit, collective bargaining arbitrations and other management-union spats, the occasional wage and hour dispute with the Labor Commissioner, and workers compensation. Except for workers comp claims, this wasn’t worth the trouble of injuring against, even if insurance had been available.

But starting nationwide in the 60’s, and a little earlier in California, an explosion of employment law took place. Workers’ safety came to the forefront with OSHA and Cal-OSHA. An alphabet soup of statutes were born prohibiting discrimination for race, sex, religion, national origin, age, disability status and, with time, a good many other criteria; California currently has around 40 different statutes prohibiting sundry flavors of discrimination. Particular practices were forbidden, such as sexual harassment in the workplace, while others were encouraged, such as employee “whistle blowing” on employer illegality.

Moreover, the damages for discrimination and related acts, including retaliation against employee complaints, gradually increased to include pain and suffering and punitive damages—the big dollar items. The tort of wrongful termination—still a good claim in California where its “public policy” is violated—wise became a source for major recoveries. The sleepy little wage and hour claim, with a relatively limited exposure for not providing employee breaks or miscalculating overtime, became major class actions. Employee benefit litigation over health, pension and other benefit plans arose under ERISA and COBRA. And on and on. It’s not hard to see why carriers didn’t want the easily predicable profits from their traditional CGL policies gutted by this

newfangled and uncertain litigation.

Nonetheless, there was a demand to provide at least some protection, and some relatively timid policies began to appear, under the banner of “Employment Practices Liability Insurance.” While all will provide *some* protection, this is not one of those purchase decisions that can be done without careful study; there are many coverage differences between the policies being offered. *All* of the policies you will consider will fail to offer coverage that, to my mind, would be available in a more reasonable universe. But that’s just the way it is. You need to talk to an experienced agent who preferably represents several carriers, and quite possibly with an insurance coverage or employment attorney as well so that you can be sure that the particular coverage being offered realistically meets your needs.

Policies are available as standalones and as endorsements to other policies, especially Directors and Officers (D&O) policies. Virtually all EPLI policies will share certain common faults. Unlike CGL insurance, all are “claims made” policies—you must assert the claim against the current EPLI carrier, not the carrier with the coverage at the time the offending acts occurred. Hence, if you drop the coverage, you’re out of luck for anything that’s happened in the past.

Second, this is not an area where you can say, “Oh,

employee X will never file against me, so I’ll save a few bucks in premiums and not report this stuff to the carrier.” If you fail to report any incidents that you think (or should have thought) might give rise to a claim, you can expect that claim to be routinely rejected, or even to have EPLI coverage completely denied.

Third, EPLI is “wasting” coverage, meaning that any amounts spent for your attorneys’ fees will be subtracted from any indemnity payable to the plaintiff. “Millions for defense but not one cent in tribute” is a fine idea, but not when the court awards a few millions in tribute to the plaintiff. Given this, high policy limits and/or umbrella coverage are not a bad idea.

Fourth, intentional conduct, including denial of benefits, punitive damages, fines and penalties will be excluded—which is pretty much required by California law in any event.

Fifth, a lot of statutory claims will also be excluded, such as wage and hour (FLSA) claims under federal law, federal safety (OSHA) claims, and management-union (NLRA) disputes. In addition to these historically uninsurable claims, COBRA and ERISA disputes will also be excluded, though other coverage may be available for this, if it’s important to you. Some policies will try to exclude claims based on State public policy. If they do, I’d avoid them like the plague, since in California, that can be

tantamount to excluding wrongful discharge cases from coverage.

This is what’s bad about EPLI. What’s good? Most EPLI policies will to a greater or lesser extent insure against claims by full time employees for wrongful discharge, discrimination, and sexual harassment. Some will cover claims for negligent hiring, supervision and evaluation, defamation, intentional infliction of emotional distress, and invasion of privacy. That’s a big deal, since it covers about 60 percent of the employment claims that cross my desk. If you can find a policy that offers coverage for negligent failure to provide breaks and miscalculation of overtime required by state law—which are usually excluded—you’re up to the 80 percent level.

Put simply, whatever its quite serious deficiencies, EPLI can cushion what otherwise would be a catastrophic mixture of defense costs and liability exposure. As insurance costs go, it is not terribly expensive, and you should no more be without it than you would be without CGL insurance or, if you’re a downtown San Anselmo merchant, flood coverage. Oh, wait, you say you don’t have ...

*Many thanks to Danielle Dinnerman of San Anselmo's own D.R. Dinnerman Insurance Services for her invaluable help in researching this article. She can talk to you not only about EPLI, but about CGL and flood insurance, too.*



# Reduce Sewer and Drain Losses

By Kris Kelson,  
State Farm Insurance

Each year, sewer and drain backups cause millions of dollars in damage to homeowners. Prevention is the best solution to avoid the out-of-pocket expenses and the inconvenience of a major clean-up. Here are a few ways to avoid sewer and drainage back-up:

## Make sure your drainage system is working properly.

- Gutter downspouts should extend at least 10

feet away from the foundation of the house so water is carried away from the basement walls.

- Clear the gutters at least twice a year to prevent them from overflowing.
- Your yard should be graded to slope away from the house so surface water is drained away.
- If your gutters connect to storm sewers, keep the drain lines clear.

## Anti-backflow devices reduce the chance of base-

ment flooding. Several types of devices with manual and automatic operations are available:

- Check-valve devices allow water and sewage to flow away from the drain, preventing water and sewage from backing up into the drain.
- Gate-valve devices operate like a gate, closing and shutting off the water flow.

## Sump pump systems assist in keeping out unwanted

water. There are several types of pumps, including single pump and dual-level systems. A battery generator can be used to power the pump in case of a power failure. Remember to test your system monthly. It's important to make sure your sump pump outlet is not connected to your home's main plumbing system.

**Sometimes water still gets in.** Items stored in basement areas should be on shelves or kept off the floor. Any

furnishings should be stored on dollies or have casters and arranged away from the floor drains. Consult with a building code official or professional plumber for more steps you can take to reduce the chance of water damage to your home. Speak with an insurance professional about appropriate coverage in your homeowner's policy.

*Kris Kelson is an agent for State Farm Insurance, 305 San Anselmo Ave., Ste. 313, San Anselmo. You can reach her at 415-721-0121.*

## Laws Continued from page 1

### Alternative Workweek Schedules

The law regarding alternative workweek schedules was amended to permit an eight-hour day as a valid alternative schedule. Additionally, the Division of Labor Standards Enforcement (DLSE) issued an opinion letter stating that under some circumstances, an alternative workweek schedule may be in place for less than a full year—for example, during the summer months only.

### FMLA Amendments

Federal legislation changed the definition of which service members are covered for leave under the "qualifying exigency" category. For regular Armed Forces members, "covered active duty" means duty during the deployment with the Armed Forces to a foreign country. Reservists are covered when they are on duty during deployment with the Armed Forces to a foreign country or notified of an impending call to active duty.

### Civil Air Patrol Leave

Employers with more than 15 employees are subject to a new leave for employees who are volunteer members of the Civil Air Patrol.

### Minimum Wage for Exempt Computer Professionals and Licensed Physicians

Rates for exempt computer professionals and licensed phy-

sicians do not change for 2010. The current rates for these professions are Computer Professionals at \$37.94/hour, \$6,587.50/month, and \$79,050/year; and Licensed Physicians at \$69.13/hour.

### Safety

AB 1083 (John A. Perez; D-Los Angeles) adds requirements to the Health and Safety Code requiring all licensed hospitals to annually conduct a safety and security assessment. SB 188 (Runner; R-Lancaster) amends the Code of Civil Procedure to permit post-secondary educational institutions to seek temporary restraining orders and an injunction on behalf of a student or students. This requires written consent of the student(s).

### Out-of-State Marriages

California recognizes out-of-state marriages as legal in California if they are legal in the state where the marriage occurred. SB 54 (Leno; D-San Francisco) provides a same-sex couple's marriage, valid in the state in which it was contracted, will receive the same rights in California as spouses, with the exception of the designation of "marriage."

### Workers' Compensation Cannot Be Denied

Workers' compensation cannot be denied because an employee was killed by a third party in the course of the

employee's work, no personal relationship existed between them and the injury/death was because of third party's personal belief relating to the employee's race, religion, color, national origin, age, gender, disability, sex or sexual orientation.

### CalChamber Offers Seminars on Labor/Employment Laws

Among the training materials currently available is CalBizCentral's HR 201: Labor Law Update seminar, which is available at [www.calbizcentral.com/hr201](http://www.calbizcentral.com/hr201). The 2010 California Labor Law Digest offers legal background information including legislation, court cases and regulatory requirements in plain language organized to make complex laws understandable for businesses.

Upcoming seminars presented by the CalChamber will provide updates on changes in human resources and labor and employment law requirements that will affect how companies do business in 2010.

Space is filling up fast for the "HR 201: Labor Law Update" seminars offered by CalBizCentral, the source for California business and human resource compliance products, presented by the CalChamber.

This seminar is designed for HR professionals or any employee responsible for HR duties. Each "HR 201: Labor Law Update" seminar will cover new federal and California

legislation and regulations, and important case law about which employers should be aware. For more information, visit [www.calbizcentral.com/hr201](http://www.calbizcentral.com/hr201).

### Where Can You Get More Information?

Check out the Compliance Section of the Chamber Store, where you can get the HR Handbook for California and

## Loan Continued from page 1

### Business Diversification:

Lenders react favorably to businesses that have a diversified customer base and that focus on more than one market segment. Consider expanding into related segments, industries, customer groups or geographic territories. Explore new market channels, such as the Internet, which can increase referrals and awareness of your business.

### Supplier Relationships:

Again, diversification is important. Increase your pool of suppliers in case one goes out of business. Your suppliers can be a key source of financing. Work with them to extend their credit terms if necessary, since they rely on you for their business income.

### Flexible Business Plan:

Banks are trying to mitigate risk, so be flexible when collateral is required. Consider using collateral outside of your business, such as your personal residence. If business sales have decreased, evaluate possible savings in

the California Labor Digest at the lowest price! San Anselmo Chamber members can receive all of their required products at reduced rates. Visit [www.SanAnselmoChamber.org](http://www.SanAnselmoChamber.org), Business Center, Compliance Products.

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operating costs such as reducing employee hours or renegotiating contracts.

### Honest Communication:

Talk to your bank early if you are experiencing difficulties with your business and stay connected regardless of circumstances. Initiating an honest conversation with your bank shows you are proactive and on top of issues. Establishing a positive working relationship with your banker will also create a receptive environment for future funding requests.

Reizman also suggests that business owners do careful research when looking for a compatible bank. Talk to business associates and ask their opinion about their present banking relationship. Make sure the bank is in stable condition. Two good resources can be found on the Internet at [www.bauerfinancial.com](http://www.bauerfinancial.com) and [www.TheStreet.com](http://www.TheStreet.com). You can also find more about Bank of Marin at [www.BankofMarin.com](http://www.BankofMarin.com).