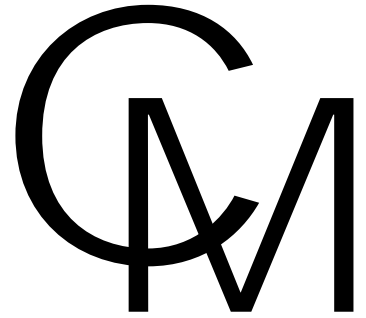


# The California Merchant

*News for The California Merchants Safety Association*



## **California Merchants Safety Association Members**

We have been officially notified that the State Compensation Insurance Fund has terminated its long standing relationship with the ***California Merchants Safety Association, California Professional Electronics Association, California Couriers Safety Association*** and their administrator, Western Insurance Administrators Inc. Whatever their reason for taking such action, we can assure you that it had nothing to do with our groups loss ratios or yours. In fact, our loss ratios have been at historic lows.

We are at this time meeting with other carriers who are interested in writing our group program at rates lower than the State Fund. We will keep you apprised of our progress, so that either you or your agent/broker can get you a competitive quote prior to your policy's renewal date. We are hopeful to have more information to you by the time that you receive your next newsletter, if not sooner.

Thank you for your past support of this program and your attention to workplace safety and accident prevention.

Sincerely,

### **CALIFORNIA MERCHANTS SAFETY ASSOCIATION**

301 East Ocean Blvd., Suite 1970  
Long Beach, CA 90802  
(800) 823-4038

October, 2007  
Vol. 19, No. 9

### **In This Issue**

Law Talk:  
Breach of  
warranty

Take some time  
to 'de-clutter'  
your office for  
maximum  
efficiency

**... and more**

**Your Association can now  
be reached online at ...**



**[www.westerninsadmin.com](http://www.westerninsadmin.com)**

# Web Corner

The Internet is a growing resource for the retail industry. Web Corner is a place for you to share websites that have helped you in your business life. Please send recommendations to greleht@aol.com for inclusion in the column.



## VetFriends.com - Reuniting U.S. Military Veterans, Family & Friends Nationwide

Many of the nation's U.S. military veterans curious about the whereabouts of their past friends with whom they served with, visit [www.VetFriends.com](http://www.VetFriends.com) - the largest Web site for reuniting veterans, active military, family and friends. As Veterans Day approaches, Americans will come together to remember and give thanks to the many brave men and women who have served our country. It is a time for togetherness, gratitude and celebration, a time for veterans to reunite - the main goal of VetFriends.com.

Currently, there are 24 million U.S. veterans, of which 80% served during a time of conflict. They hold their veteran status in high regard and with intense loyalty. "Common experiences among veterans and their families often creates a desire to socialize with and seek out others of similar backgrounds," says Dale F. Sutcliffe, VetFriends.com founder and Marine Corps veteran of Desert Storm.

With this powerful notion of "reuniting" in mind, [www.VetFriends.com](http://www.VetFriends.com) has created a member-orientated Web site for veterans, active military, along with friends and family, offering a wealth of information. Visitors can search the database to make contact with old friends, set up reunions, chat online with other veterans, post military photos and share military jokes, obtain information on how to receive medals and military records and more. VetFriends.com currently has over 800,000 members nationwide, attracting over 150,000 visitors per month.

The idea of an easy-to-use, online veteran registry came to Mr. Sutcliffe during a conversation with his father-in-law,

**Please see VETERANS, page 7**

## 'De-cluttering' day frees up time and energy for entrepreneurs

**T**ime once more for the national 'de-cluttering' day - a day that will free up time and energy for countless entrepreneurs.

Just a year ago, success coach Melanie Benson Strick came up with a new way to help entrepreneurs and small business owners create massive success in their businesses and lives.

She named a day where entrepreneurs and small business owners take the time to address all the clutter and/or unfinished projects that surround them, sucking their energy and keeping them from working at top efficiency.

Called National Clean Sweep Challenge Day, it took place this year on October 5, 2007. This is the second year she's held National Clean Sweep Challenge Day.

Strick created the Clean Sweep Challenge as a means to encourage entrepreneurs and small business owners to set aside a block of time just for clearing out unfinished business that interferes with creating "massive results, income and success in their businesses and lives." She also encourages participants to invite their friends and colleagues to support each other's efforts so they all can see results in their businesses.

"The idea behind a Clean Sweep is that when you have things that are on your desk that are taking up energy, it causes you to get distracted, to get depleted, to not be able to focus properly and really just keeps you from playing your best game," Strick said.

Strick's methods have been so successful, she was recently cited in Woman's Day magazine in an article titled "How to Organize Almost Anything". It deals with getting control of all the clutter that seems to control us. Rather than being a dreaded chore, Strick illustrates how taking the time to clean up, even for just one day, can yield far more productivity than continuing to climb over the piles.

But beyond physical clutter, the Clean Sweep Challenge is a time to clear out projects that keep people up at night. It's also a good time to take care of languishing emails and phone calls, to address technology challenges that impede efficient working conditions, and even to clear up difficult situations with family, friends or colleagues.

This all started when Strick started having "technical difficulties" herself.

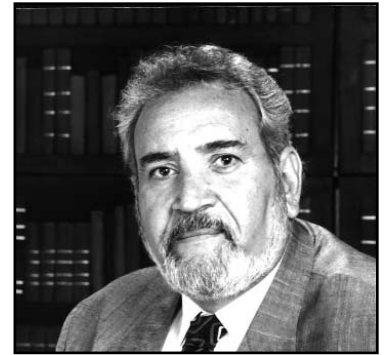
"My cell phone was working sporadically, I was working between two computers, I wasn't getting

**Please see CLUTTER, page 6**



## LAW TALK

By Sam Abdulaziz  
Law Offices of Abdulaziz, Grossbart & Rudman



### Action on breach of warranty looses

Lawyers have a saying that the three D's are very important in a contract. Namely, Document, Document, Document. This is highlighted by the case we are going to discuss. The major issue in the case was about what made up the contract.

In early 1997, Craig Podesta (Podesta) contacted a nursery about purchasing Howard trees. Stuke Nursery Co. Inc. (Stuke) sent a written purchase proposal to Brititalia Ventures (Brititalia, who was Podesta's farming company), which was dated February 19, 1998. The proposal required each of the categories of 14,000 Howard trees to be sold, and it listed the sale conditions. Brititalia submitted a check to Stuke for over \$175,000, with a note indicating that February 19, 1998, invoice was paid in full. Stuke delivered 14,000 trees to Brititalia in April along with delivery receipts that were signed by Brititalia's orchard foreman.

Later, it turned out that approximately 5,000 of the 14,000 trees that were delivered, were not Howard trees. Not surprisingly, a lawsuit came about.

The parties argued back and forth over discussions and papers and whether all or any part were part of the contract, and more specifically which papers were part of the contract. The parties also argued as to whether the course of conduct between the parties themselves were part of the contract.

The jury found for Brititalia based on the agreement of the parties. The jury found that there was an agreement between the parties as well as an implied warranty. Brititalia was awarded a substantial reward.

The court was required to determine the "meaning" of the contract. Or at least what made up the contract.

Stuke claimed it was not responsible for any harm because it limited its representations regarding the trees and it eliminated any implied representations for any particular purpose. Stuke stated that the sale of the trees was "as is."

The Appellate Court agreed that some of the Stuke documents did encompass "other" documents and did contain certain warranty disclaimers and "as is" provisions. However, the court also stated that the jury could reasonably find that those were not the actual contract documents. More importantly, the court held that there was evidence that Stuke had assured Podesta it had corrected its problems at its Nursery and Stuke had acknowledged its responsibility for delivering trees of the correct type.

The court found that there was substantial evidence to support the jury's findings. This included the back and forth discussion of things that were and were not in writing during the course of the parties conduct.

The important lesson of this case is to let people know that if some-

thing is important to you, put it in writing. It will then be very hard for the other side to argue differently. It is hard to have a judge or jury determine that if a contract specifically calls out "red," that what the parties really meant to say was that it should have been "green."

*Attorney Sam Abdulaziz of Abdulaziz, Grossbart & Rudman has been practicing construction law for 30 years. He has written a book called "California Construction Law" which is updated annually. He represents numerous construction trade associations and contractors. He appears at Contractors State License Board meetings and has argued a number of cases before the appellate courts, including the California Supreme Court dealing with the "Pay-If-Paid Clause." Abdulaziz, Grossbart & Rudman provides this information as a service to its friends & clients. The documents are of a general nature and are intended to highlight areas of the subject matter and should not be used as a substitute for specific legal advice. You should seek the aid and advice of a competent attorney and/or accountant instead of relying on the presentation and/or documents. Sam Abdulaziz can be reached at Abdulaziz, Grossbart & Rudman, P.O. Box 15458, North Hollywood, CA 91615-5458; (818) 760-2000, Facsimile (818) 760-3908; or by E-Mail at [info@agrlaw.net](mailto:info@agrlaw.net). On the Internet, visit our Website at [www.agrlaw.net](http://www.agrlaw.net)*

## Now Available to All Members: FREE Discount Coupons!

Call the Association office to request these  
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**Call the Association office at (800) 823-4038!!!**

# SAFETY ... IT PAYS



## Avoid burns by practicing common sense

In the course of your work, you may be exposed to a variety of different burn hazards. Some burns may be minor while others can cause permanent skin damage or be life threatening. Fortunately, good safety practices and good sense can prevent many burn injuries.

Burns can be caused by a number of sources: heat, electricity, chemicals or radiation. Because there may be many potential burn hazards on your job, be alert to their presence, wear appropriate personal protection, and know what to do if a burn occurs. Proper first aid can lessen the effects of a burn and, in some cases, save a life. Speed is the most important factor in effective burn treatment.

The first action in a burn situation is to stop the heat source or break contact between the heat source and the skin. Because the body holds heat and continues to burn until the skin cools, even with a minor burn, a person can go into shock. For most burns, cool the burn with water. Unless told to by a medical professional, never use butter or ointments, which may seal in heat and



cause infection. Never break the blisters; they protect the burn from infection.

If a burn results from a heat/thermal burn, rinse the burn area (without scrubbing) or immerse it in cool water until the pain is gone. Pat the area with a sterile cloth and keep it dry and covered. For hot liquid drenching, remove the soaked clothing or place the clothed victim in a water bath or shower. Smother any burning clothing by dropping the victim to the ground and rolling the body. Don't peel stuck clothing from a burn area.

For burns caused by electricity, turn off the electric power at the source. Don't touch the victim until all wires are clear. Make sure the victim's breathing and heartbeat are regular and get medical attention immediately.

If the burn is from a chemical, locate the chemical container and follow the label directions for treatment, consult the Material Safety Data Sheet (MSDS) or call the Poison Control Center. Remove any contaminated clothing. If the eyes are affected, flush for 30 minutes. For acid chemicals, immediately flush the area for 15-20 minutes. For dry chemicals, brush the chemical off the skin then flush it for 15-20 minutes. Get professional medical attention as soon as possible.

If you work around heat, electricity or chemicals that could burn, take sensible precautions. Understand the possible health hazards of what you're working with, use all recommended personal protective equipment, and know the location of wash stations and where emergency numbers are posted.

## How to buy prescriptions online safely

In 2006 there were more than 47 million Americans who had no health care insurance, and that number is rising daily. Simply put, almost 16% of Americans are uninsured.

Even if you are insured, the premium and prescription costs are rising faster than your earnings. In order to reduce medical costs, many people are turning to the Internet to purchase medicines and med-

ical supplies online.

Numerous online pharmacies provide legitimate prescriptions services, but unfortunately, there are also disreputable sites that make purchasing online a risky proposition. Some potential risks include:

- sub-standard, outdated or fake products, little or no quality control or purity of ingredients.

There are ways to pur-

chase medicines online safely and securely. Here are some basic do's and don'ts:

- DO:**
- + Buy only from a U.S. based site.
  - + Buy from sites that require a prescription from a doctor or other authorized health care provider.
  - + Make sure the site is a licensed pharmacy in good standing. The National Association of Boards of

Pharmacy (NABP) at [www.nabp.net](http://www.nabp.net) suggests you look for the VIPPS (Verified Internet Pharmacy Practice Sites) seal, an assurance that the site is meeting all applicable state and federal requirements.

- + Read the privacy and security policies and be sure they are easily understandable.

Please see RX, page 8

## *C.M.S.A. Members*

### **California Merchants Safety Association**

**301 East Ocean Blvd. Suite 1970 Long Beach, CA 90802**  
**(800) 823-4038 (562) 491-5282 FAX**

Your Association is working on bringing you added benefits and services. Some of these services may be available to you through E-Mail and through our website. We are working on compiling a database of all of our members and their E-Mail addresses.

To receive information about these added benefits and services, please supply the California Merchants Safety Association with your current E-Mail address. You may either FAX IN THIS FORM, or send it to our mailing address listed above. THANK YOU!

Company Name \_\_\_\_\_

Membership/Policy number \_\_\_\_\_

Owner/Officer Name \_\_\_\_\_

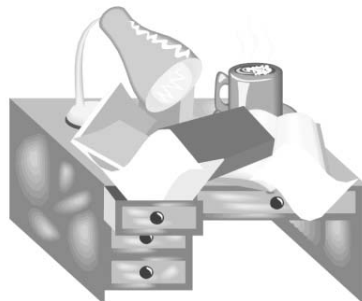
E-Mail Address \_\_\_\_\_

## **Clutter: Turn off your phone, ignore e-mail, and spend the whole day getting your workplace in order**

### **Continued from page 2**

all my emails, and finally I just had enough," said Strick. "I turned off my phone, ignored my email, and spent the rest of the day getting my workplace in order again. So now instead of spending every day getting further behind, I was finally able to get my momentum back."

In order to help support participants during the Clean Sweep Challenge so they're able to get as much done as possible, Strick is offering a free toolkit. The toolkit includes numerous free downloads, including the Clean Sweep Assessment, to help participants figure out what they need to clear out, a Clean Sweep Focus Plan that helps them figure out how to clear it out, as



well as an audio download of Strick's dynamic recording, "Environments that Pull You Forward".

Strick's support doesn't end with the toolkit. She has also built a participant page with a community forum where everyone across the country participating in the Clean Sweep can log on and share their experiences, victories and

challenges.

"The idea is that everybody can jump on board to take the challenge together," said Strick. "When we get rid of the clutter, we are 30 to 50 percent more effective on what matters most - completing our goals and making money."

Melanie Benson Strick, "The Entrepreneur's Success Coach," offers keynotes speeches, mentoring, training and products designed to get people out of overwhelm and onto the success fast-track. The National Clean Sweep Challenge Day toolkit is available free at <http://www.cleansweepchallenge.com/womansday>

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# Veterans

Continued from page 2

who had served during the Korean War. When asked whether he would attend a hypothetical reunion with his old Army unit, his father-in-law responded, "I'd be on the next plane to Korea to see those guys." Reflecting on the depth of this reply, Sutcliffe realized those special bonds often withstand the test of time precisely because of the unique and often difficult circumstances under which they were formed in the military. Now, those bonds can be reestablished through modern technology.

After locating 52 men with the assistance of VetFriends.com, veteran R. Soden writes,

"If it hadn't been for VetFriends.com I would have only kept track of one man in Iowa. Thank you VetFriends for getting me started! We love our vets. God bless you."

As Veterans Day nears, veterans across the country will come together in celebration, sharing memories, laughs and tradition. The nation will reflect and give thanks to the courage and honor of all U.S. veterans. VetFriends.com thanks our veterans for their service to our country and will continue to be a valuable tool in preserving their cherished memories.

**Your association can now be reached online at ...**



**www.westerninsadmin.com**

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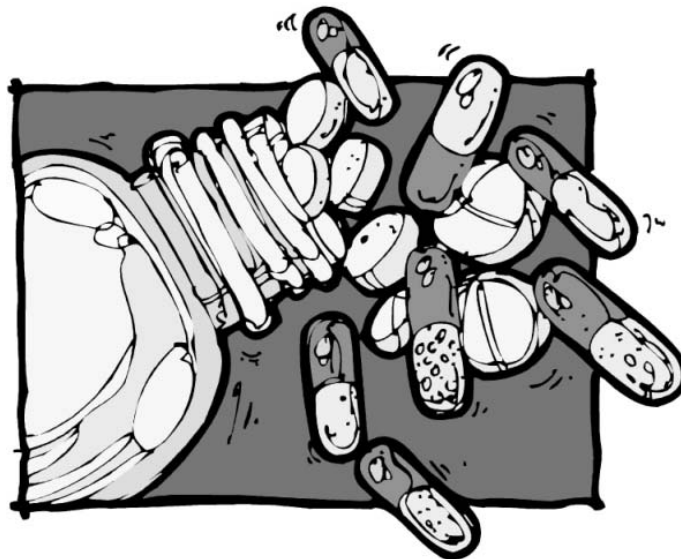
8 The California Merchant October, 2007

# Rx: Don't provide your SSN

Continued from page 5

## DON'T:

- + Buy from sites that will prescribe medicine without a prescription.
- + Buy from sites that sell medicines that have not been approved by the FDA.
- + Buy from sites that don't have posted customer service policies.
- + Provide any personal identification such as social security number, credit card or health histo-



ry, unless you are confident the site will protect them. Make sure the site does not share this information with others without your permission.

If you do have problems with an online site, it is important to report the problems. Taking this action will protect you as well as other consumers. You can report the site and any complaints to FDA at [www.fda.gov/oc/buyonline/buyonlineform.htm](http://www.fda.gov/oc/buyonline/buyonlineform.htm).

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