

# Newsletter

March 2014

RIMS Orange County Chapter, 2913 El Camino Real #715, Tustin, CA 92782

## **President's Message**

by Dan Reynolds



I retired from the world of insurance and risk management at the end of 2013, after 37 years in the field. During my career, I worked for a national insurance carrier, as a broker, and a risk manager for a public company based in Sydney, Australia.

However, none of those 37 years prepared me for retirement, and here are some of the things I have learned in just the first 10 weeks of retirement.

First, retirement doesn't pay all that much! I have developed a daily routine of checking the balances of my 401k plan and BOA account, and I'm not sure if I'm more interested in knowing if some mystery person has deposited any funds into my account or what my wife and I have managed to spend in the last 24 hours.

I also learned that every day is Saturday, except Sunday when I go to church. Now, I could go to church on Saturday, but that would change the whole dynamic of every day being Saturday, unless I went to church every day (I'm not there yet).

There are a lot of other people who seem to be retired. My wife and I have developed the routine of my parents—going out to dinner at 5:30 p.m. (If you ever visited Florida, this phenomenon is known as the early-bird special). I don't know about you, but our local California Pizza Kitchen appears to be our restaurant of choice. And what is not to like—there is salad, thin-crust pizza and any libation you so choose. There are lots of families dining and drinking at CPK, and I'm wondering how does everybody leave work early enough to beat us to the 5:30 p.m. early bird!

By now you are probably asking yourself what all of this has to do with OCRIMS. Really I don't think it has anything to do with OCRIMS, but not being a working risk manager, I have no pithy risk management wisdom to impart. Next time I'll tell you about our Monday morning trips to Costco.

I do have a couple of upcoming OCRIMS events that I want to plug. The Chapter is planning its Annual Golf Tournament, slated for July. Board member Mike Morgan is organizing the event and there will be more details to come shortly.

Finally, we have a monthly luncheon at the Orange Hill Restaurant coming up Tuesday, April 8<sup>th</sup>. Be brave and join us.

Best wishes, Dan

### **TUESDAY, APRIL 8<sup>TH</sup>:**

**OCRIMS MONTHLY LUNCH MEETING** 

**Employer Impacts from Healthcare Reform** 

Speaker: Alex Hardy—Director, Market Development of AIG Benefit Solutions

See next page for additional information



# Tuesday, April 8, 2014 OCRIMS Monthly Lunch Meeting

### EMPLOYER IMPACTS FROM HEALTHCARE REFORM

**Speaker:** Alex Hardy--Director, Market Development of AIG Benefit Solutions

Time: 11:30 a.m. – Social Gathering/Reception Noon – Lunch 12:40 p.m. – Program 1:30 p.m. – Adjourn

**Where:** Orange Hill Restaurant, 6410 E. Chapman in Orange

**Cost:** \$25 for members, \$35 for nonmembers with reservation by 4:00 p.m. on Thurs., April 3<sup>rd</sup>.

\$45 for late reservations/walk-ins. (Walk-ins are not guaranteed a meal.)

Online registration is now available for Chapter events!

Click the following link to go to the registration page, where you can enter your contact information and select the payment method (online or at the door).

Want to go to the head of the line? Pay online, and bring your receipt.

http://events.constantcontact.com/register/event?llr=kbpblmeab&oeidk=a07e91pg6u38279bb73



**Note:** OCRIMS will send a follow-up email regarding registration to addresses pulled from the RIMS Message Center database, and your contact preferences must be set to "Yes" in the database to receive the announcement via email. If you've received this newsletter by direct email, you probably have your contact preferences set to "Yes" in the database, but if you want to make sure, follow the simple steps outlined under "OCRIMS Database Management System," as indicated on the next to last page of the newsletter. Contact Zareen Morrison at (714)246-5988 with any questions regarding the registration process.

### **APRIL MEETING SPEAKER**

**Alex Hardy** leads AIG Benefit Solutions' initiatives in market development and also provides expertise in healthcare reform. His responsibilities include overseeing the organization's analytics capabilities to sharpen existing strategies and to identify new opportunities for growth.

Prior to joining AIG, Alex managed competitive intelligence initiatives for the Unum Group, and was a member of the select healthcare reform working team at Colonial Life. He has extensive knowledge of healthcare reform and how it may impact employers and the benefits industry.

Alex received his bachelor's degree from Auburn University and his master's degree in Public Policy (MPP) from Georgetown University. Alex also served in the U.S. Army, where he was a Distinguished Graduate of the U.S. Army Field Artillery School.

# OCRIMS ANNUAL APPRECIATION DINNER



OCRIMS is having its Annual Appreciation Dinner on Saturday, March 22<sup>nd</sup>. The event will take place from 6:00-9:00 p.m. at Andrei's Restaurant, 2607 Main St., Irvine 92614. This annual gathering allows the Chapter to honor members who have made special contributions on behalf of OCRIMS during the past year. If you aren't an OCRIMS Committee Member, the cost to attend the Annual Appreciation Dinner is \$40.

To register for the Annual Appreciation Dinner, click the following link:

http://events.constantcontact.com/register/event?llr=kbpblmeab&oeidk=a07e8zma6gd86def9e7

# JOIN OCRIMS COMMUNITY OUTREACH AT

# The 2014 Walk for Kids



### **EVENT INFORMATION**

The Walk for Kids™ is a 5K walk designed to raise funds and awareness for the services and programs provided by Ronald McDonald House Charities of Southern California.

The 2014 Walk for Kids will take place on **April 6**, **2014 At Honda Center in Orange County** 

Registration Opens at 6:30 a.m. Opening Ceremonies Start at 7:45 a.m. 5K Walk Begins at 8:00 a.m.

Register at: http://www.walkforkids.org/orangecounty/ocrims

Contact Chris Taylor: <a href="mailto:cNTaylor@uci.edu">cNTaylor@uci.edu</a> with any questions or additional information

We gladly welcome people to donate or participate. Join Team OCRIMS and show your support!

# DROUGHT CLAIMING CALIFORNIA CROPS

by <u>Caroline McDonald</u>, Reprinted from Risk Management Monitor, the official blog of *Risk Management Magazine* 

While many California farmers are taking a wait-and-see approach regarding future rainfall, some almond growers are moving ahead with the removal of mature trees. But much more is at risk, including jobs and agricultural products for the rest of the country.

California grows about half of all U.S. fruits and vegetables, mostly in the Central Valley region. It also ranks as the top farm state by annual value of agricultural products.

Crops exclusive to California are almonds, dates, figs, grapes for raisins, pomegranates, olives, peaches, pistachios, plums, rice, walnuts, kiwi fruit and clover seed.

In January, Gov. Jerry Brown declared a drought emergency, and this month President Obama announced relief aid for California farmers and ranchers. Because of the severity of the ongoing drought, the U.S. Bureau of Reclamation as well as the State Water Project said there would be no water for Central Valley farmers and ranchers. According to the California Farm Water Coalition, it is expected that about 2 million acres in the San Joaquin Valley will receive no water this year.

"We estimate that more than 500,000 acres of farmland will be idled this year due to water supply shortages," Mike Wade, executive director of the California Farm Water Coalition said in a statement. He added that agricultural water supply shortages "harm more than just the farms that produce hundreds of varieties of food, fiber and nursery products. Unemployment may hit 15,000 seasonal and full time agricultural workers if this year's drought has the kind of impact on the economy that occurred in 2009. Water shortages then led to idling of 269,000 acres and over 7,400 workers, about half of the expected impact of this year's drought."

Barry Baker of Baker Farming Company, which normally grows 5,000 acres of almonds, is one of the growers who is removing trees—20% of them. The Associated Press reported that Baker calculated that before the summer almond harvest he would need to spend \$2.5 million. That includes irrigating orchards with scarce, expensive water and paying to have the trees pruned and sprayed. He would also need to have bee hives brought in to pollinate the blossoms at a cost of nearly \$500 an acre. Not knowing whether there will be any relief, he made the decision to go ahead and remove the trees.

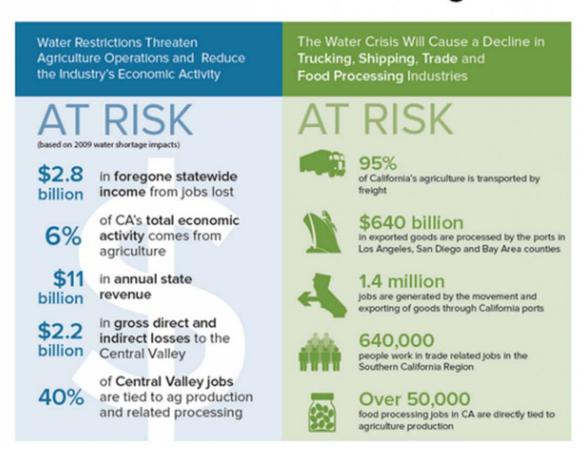
Once removed, the trees are being turned into wood chips and taken to power plants for bio fuel. Tim Lynch of Agra Marketing Group said power plants in the state currently have almost more wood chips from almond trees than they can handle.

(article continues on next page)

The Agricultural Marketing Resource Center reports that California is the only state producing almonds commercially. The state's 2012 almond crop totaled 2.0 billion pounds, a 2% drop from the previous year and was valued at \$4.3 billion. Per person consumption of almonds in the United States has generally been increasing and reached 1.8 pounds in 2011, according to the Almond Board of California.

The United States is the largest producer of almonds, harvesting 80% of the world's crop, followed by the European Union -27, of which Spain, and Australia each harvest 6%, the organization said.

# What's at risk in this drought?



Graphics/California Farm Water Coalition



# OCRIMS MARCH LUNCHEON MEETING— 'GETTING BETTER RESULTS FROM SURVEILLANCE'

by OCRIMS Newsletter Correspondent Zareen Morrison



Our March luncheon speaker was the Goodwill Ambassador for Horsemen Investigations, Mr. Inusah Mahama. Inusah is a 20-year veteran of the surveillance-investigation business. Though Inusah's focus during the presentation was the basics of surveillance, he provided us a behind-the-scenes glimpse into a day in the life of a surveillance investigator. Inusah peppered his presentation with video clips of a mock surveillance, revealing what goes on during a typical surveillance assignment.

The often long days, but sometimes fast-paced world of surveillance involves the act of being as inconspicuous as possible, but also doing whatever it takes to get the job done. Inusah reminded us that being a good surveillance investigator involves a lot of work from "behind the

car." A surveillance pro should not be sitting in the front seat making a video and not moving from that spot. His video clip portrayed the patience needed in assessing a situation, waiting for the right opportunity and moving fast when needed, but remaining unnoticed by the subject being followed.

Inusah talked about his first days in the business, and of how far technology has come. Today's investigations can involve the use of the internet, including social media, such as a subject's Facebook, Twitter, or Instagram accounts. Not only do investigators use these portals for the primary subject, but they also access social media accounts of family and friends to obtain vital information for a case being investigated. Inusah also talked about other cyber sources used by investigators to gain background information about a subject, which involved deep web search engines.

Inusah discussed surveillance patterns used by investigators to get the best video footage as well as activity possible. These included the time of day to start an investigation (typically 6:00 a.m.), peak-activity hours, and the amount of time spent by a subject doing routine tasks.

According to Inusah, a good investigation involves the integrity of the investigation process and a system of checks by supervisors to ensure that investigators are obtaining the right information for a successful investigation.

Inusah concluded his presentation by showing a video of an actual surveillance, whereby the investigator traveled quite a distance to follow a subject and to catch him in activities that would create irrefutable evidence against the subject in a claim investigation. Inusah shared the philosophy that a good investigator will do whatever it takes to get the job done, discreetly and undetected.

I'd like to thank Inusah Mahama for presenting to OCRIMS members what was involved in a surveillance investigation process.



# **EMPLOYMENT OPPORTUNITIES**

### HUMAN RESOURCES ANALYST-LOSS PREVENTION/INSURANCE

<u>OPTION</u>-The County of San Diego is seeking a highly motivated individual with strong analytical skills for the position of Human Resources Analyst-Loss Prevention/Insurance Option. As a Human Resources Analyst in Loss

Prevention/Insurance, you will analyze trends in the types and frequency of injuries and accidents in order to identify and recommend preventive measures and training; review OSHA and Cal/OSHA regulations and proposed changes and determine the impact on County operations; review and evaluate the County's existing insurance coverage to determine adequacy and cost effectiveness; and provide guidance to County departments on insurance coverage, insurance language, and insurance requirements for County contracts and agreements.

### **Minimum Qualifications**

A bachelor's degree from an accredited U.S. college or university, or a certified foreign studies equivalency, preferably in human resources management, industrial/organizational psychology, public administration, business administration, occupational health and safety, industrial engineering, health sciences or a closely related field, **AND**, three years of recent professional human resources experience performing the functions listed under the risk management/loss prevention/insurance option.

### **Notes**

- Recent work experience is defined as work experience within the past five years.
- A master's degree from an accredited U.S. college or university, or a certified foreign studies equivalency in any of the fields described above may substitute for one year of the required experience; **OR**, additional years of experience as described above may be substituted for the education requirement on a year-for-year basis.
- Completion of a certificate in HR management from a university or completion of a Professional Human Resources certification program (SHRM, IPMA) is highly desirable.

### **Attachments**

For your education and/or certifications to be considered, you must attach a copy of your degree, transcripts, diploma, foreign equivalency report and/or certifications to your application. Required attachments submitted on or after February 29, 2008 do not need to be resubmitted. Please submit only the documents required. Additional documentation, such as awards, letters of recommendation, unsolicited certifications, etc. will not be added to your application file.

### **Evaluation**

Qualified candidates will be placed on a 12-month employment list based on scores received during the evaluation of information contained in their employment and supplemental applications. Please ensure all information is complete and accurate as the responses you provide on the supplemental application questionnaire will be reviewed using an automated evaluation system. If you are successful in the initial screening process your application will be reviewed individually to confirm that the information you provided is accurate and qualifying.

**Salary-**\$55,120.00 - \$77,396.80 annually; **Closing Date-**04/02/14, 11:59 p.m.

Applications may be obtained and filed online at: <a href="http://www.sdcounty.ca.gov/hr">http://www.sdcounty.ca.gov/hr</a> or 5530 Overland Ave., Suite 210, San Diego, CA 92123

View this job description online at: <a href="http://agency.governmentjobs.com/sdcounty/job\_bulletin.cfm?JobID=828228">http://agency.governmentjobs.com/sdcounty/job\_bulletin.cfm?JobID=828228</a>



# **EMPLOYMENT OPPORTUNITIES (CONT.)**

<u>COORDINATOR, GLOBAL INSURANCE</u>-Use your background in risk management and insurance to help improve the lives and futures of some of the world's most vulnerable children. World Vision (WV)—a global network of people committed to enhance the well-being and protection of children

everywhere—is looking to hire a **Coordinator**, **Global Insurance** to provide general support to assist in the operational management and day-to-day administration of World Vision's global insurance program. The ideal candidate is expected to acquire knowledge of claims, underwriting processes, and loss control/ prevention to allow for continued development in insurance.

### **RESPONSIBILITIES INCLUDE:**

- Assist with the purchase of insurance programs, compile underwriting information necessary for coverage placement, and generally provide support related to management of claims, as well as loss control/prevention activities. This position will have interaction with external service providers including, but not limited to brokers, insurers and TPAs.
- Assist with training and support of global colleagues, as well as data collection, data scrubbing and sorting, and compiling status reports for management during the annual survey process.
- Review data obtained during the survey and assist with analysis of exposure information to help determine appropriate adjustments to the global insurance program.
- Assist with the allocation of insurance expense to the global operations of the organization.

### **REQUIRED SKILLS:**

- Bachelor's Degree in Business, Finance, Insurance or related field.
- Familiarity with principles and practices of risk management and insurance in the property/casualty insurance industry through working within the risk management department of a global organization, with a major property/casualty insurance carrier, and/or with a global insurance brokerage firm or an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job. College coursework, including internships related to insurance may be considered as relevant work experience.
- Strong computer literacy Word, Excel, PowerPoint and web competence.

The closing date for this position is March 21<sup>st</sup>. View the full job description and download the application online at: <a href="https://jobs.wvi.org/webjobs.nsf/WebPublished/8FD1849342B4946A88257C84000B3825?OpenDocument">https://jobs.wvi.org/webjobs.nsf/WebPublished/8FD1849342B4946A88257C84000B3825?OpenDocument</a>



# **OCRIMS NEWS & HAPPENINGS**

### RIMS PRESIDENT COMMENTS ON PROPOSED OSHA RULE



In a letter to the Occupational Safety and Health Administration (OSHA) dated March 10<sup>th</sup>, RIMS President Carolyn Snow commented on OSHA's proposed rule to improve tracking of workplace illness and injuries. Carolyn began by stating that she felt the proposed rule (OSHA-2013-0023) could have an adverse effect on the way organizations manage risks associated with workplace illness and injuries. She also expressed her disapproval of the proposed rule's requirement to report workplace illness and injuries electronically, feeling that it could lead to increased litigation. One of the other key points she made in the letter was the likelihood of increased costs that employers would face in complying with the rule, should it go

into effect. Specifically, she noted that requiring employers to submit workplace illness and injuries data directly to OSHA would be duplicative, time-consuming, and costly.

Carolyn's entire two-page letter to OSHA is reprinted in the newsletter on the following pages.

### **OCRIMS 2014 CALENDAR**

The OCRIMS Board has chosen the following dates for meetings and events in 2014. Please note that, for the June and October dates, the Chapter will plan for an Educational Workshop with breakfast, but will not have the luncheon meeting. This is because many folks have expressed that they cannot be gone for three-fourths of the day from their jobs, and the Chapter leadership certainly can respect this. Also, dates are subject to change, so please periodically check in on the website (ocrims.org) and, of course, read this wonderful Newsletter.

### **Monthly Luncheon/Workshop/Dinner Dates:**

March 11<sup>th</sup> – Luncheon Meeting (see the review of this meeting in this newsletter)

March 22<sup>nd</sup> – **Annual Appreciation Dinner** (see details elsewhere in this newsletter)

April 6<sup>th</sup> – Walk for Kids (see details elsewhere in this newsletter)

April 8<sup>th</sup> – Luncheon Meeting

May 13<sup>th</sup> – Luncheon Meeting

June 10<sup>th</sup> – Education Workshop

July 8<sup>th</sup> – Luncheon Meeting

July – Golf Tournament (stay tuned for details)

August 12<sup>th</sup> – Luncheon Meeting

September 9<sup>th</sup> – Luncheon Meeting

October 14<sup>th</sup> – Education Workshop

November 11<sup>th</sup> – Luncheon Meeting

December 9<sup>th</sup> – **Holiday Gala** 





March 10, 2014

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EXECUTIVE DIRECTOR
Mary Roth, ARM
RIMS
mroth@RIMS.org

Occupational Health and Safety Administration Department of Labor OSHA-2013-0023 200 Constitution Ave NW Washington, D.C. 20210

Re: OSHA-2013-0023; IMPROVE TRACKING OF WORKPLACE INJURIES AND ILLNESSES

To Whom It May Concern:

On behalf of the Risk and Insurance Management Society, Inc. (RIMS), I am pleased to provide comments on OSHA's proposed rule requiring certain employers to submit employee injuries and illnesses electronically. RIMS is the largest not-for-profit organization dedicated to advancing the theory and practice of risk management with over 11,000 members worldwide from more than 3,500 entities. Membership includes both public and private entities and spans the entire economic spectrum from the high-tech sector, real estate, financial, healthcare, energy, transportation, education, and defense.

A key component to any sound risk management program is the effective management of employee safety and management of employee injuries and illnesses; however, we feel that the Administration's proposed rule could have an adverse effect on the way organizations manage these risks. Organizations practicing effective risk management track not only injuries resulting in loss of work, but also those injuries which may only require simply first aid treatment. This practice allows an organization to track potential loss trends in order to avoid potentially larger issues. Should employers be required to publically share this information they would most likely stop trending these minor incidents in order to appear as if their incident rate is lower and more comparable to other companies.

While we appreciate the Administration's effort to increase transparency, we do have concerns with reporting these injuries and illnesses electronically. Making this information available electronically could lead to an organization being targeted for enforcement by the Administration itself, through increased litigation against an organization, or by other organizations looking to disparage a competitor's employment and safety practices. While we do not believe this is the intent of the proposed rule, the potential certainly exists.



It is also true that electronic submission of injury data for a given year will not provide the whole story regarding any particular injury or illness. Workplace injuries are not always the fault of the employer, but can occur for a variety of different reasons outside of the employer's control. However, this would not be represented in the publically available injury and illness data leading to the misrepresentation that an employer has a worse safety record than they actually do. We believe that the data currently submitted to OSHA, which is used to complete trend analysis, should continue rather than pointing out the record of specific companies.

There is also the potential for increased costs by instituting the proposed rule. Many employers have in place systems to report their injury and illness data through the Electronic Data Interchange. Requiring these employers to also submit their data directly to the OSHA database would be duplicative, time-consuming, and costly. If OSHA decides to move forward with the proposed rule, then an effort should be made to accept data submitted through the current Electronic Data Interchange system.

On behalf of RIMS, I want to thank OSHA for the opportunity to comment on this proposed rule. We appreciate the Administration's consideration of these comments and look forward to working with all interested parties to continue to improve the process. Please contact Nathan Bacchus, senior government affairs manager, at 212-655-6215 or <a href="mailto:nbacchus@rims.org">nbacchus@rims.org</a> if you have any questions or would like any further information.

Sincerely,

Carolyn Snow, RIMS President

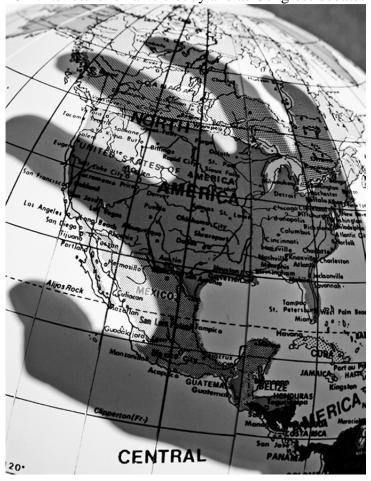
Carolyn M Anow

# THE FUTURE OF TRIA

by Brian J. Green | Reprinted from Risk Management Magazine

Signed into law in the wake of Sept. 11, the Terrorism Risk Insurance Act is due to expire at the end of 2014. Its future remains cloudy and as Congress debates a possible extension, a number of key issues

are certain to figure into their decision.



The Terrorism Risk Insurance Program was created in the wake of the catastrophic events of Sept. 11, 2001, in an effort to provide stability to an uncertain terrorism insurance market. Reinsurers bore the brunt of the financial impact of the 9/11 attacks, and were faced with difficulties in accurately modeling and pricing terrorism exposures. As a result, many withdrew from the terrorism insurance market. Primary insurers, unable to find reinsurance for their terrorism covers, were forced to exclude it from their policies. Consequently, businesses were unable to purchase terrorism coverage, creating issues for a commercial market in which lenders and investors required this protection for their investments.

In November 2002, Congress enacted the Terrorism Risk Insurance Act (TRIA) to provide a federal reinsurance backstop for large-scale terrorist attacks that exceed \$100 million in aggregate insured losses. The act required that property and casualty insurers offer terrorism coverage to their

insureds on a similar basis (including premiums) as other insured risks. TRIA covers most commercial property and casualty lines, including excess insurance, workers' compensation, and directors' and officers' liability, but does not include several other types of insurance, such as professional liability, flood or reinsurance. The program was initially created for a period of three years but was extended by the Terrorism Risk Insurance Revision and Extension Act of 2005 for two years and the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA) for seven years.

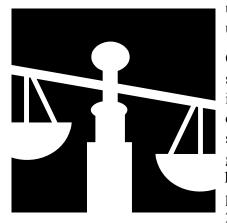
The original act and both amendments are currently set to expire on Dec. 31, 2014.

### **The Extension Debate Continues**

Last year, three separate Congressional extensions to the program were proposed, but none of them had enough support for any significant debate. One of the proposals—the Fostering Resilience to Terrorism Act of 2013, which would have extended the program by 10 years—was said to be a response to the Boston Marathon attacks.

(article continues on next page)

An extension of the program appears to be welcomed by many in the insurance and commercial terrorism insurance-purchasing markets. Many in the industry believe that without TRIA, the private market for terrorism insurance would be minimal or nonexistent. They are concerned about the



uncertainty of modeling for potential terror attacks, and the underwriting and pricing concerns created by that uncertainty.

Others, however, counter that the private insurance marketplace has sufficient capacity for terrorism coverage and that a federal backstop is not necessary. They believe that the rise of catastrophe bonds and collateralized reinsurance markets provides sufficient capacity to supplement the marketplace. As a result, they argue that the government no longer needs to provide a backstop. This debate will likely heat up later in the year when Congress finally tackles a possible extension. Only about a third of the members of Congress in 2002 are still in office, however, so the fate of TRIA is in the hands

of hundreds of people who may be largely unfamiliar with the reasons that it was originally deemed necessary.

### The Boston Marathon Bombings and Certified Acts of Terrorism

Last year, Boston experienced an attack that shook the nation. The insured losses from the marathon bombings reportedly did not exceed the \$100 million in insured losses, so TRIA was a non-issue. But if there had been more losses, would the bombings have been a TRIA event?

Under the current program, in order to trigger the federal backstop, there must be an "act of terrorism." To be certified as such, the secretary of the Department of Treasury, in concurrence with the secretary of state and the attorney general, must certify that the act was (a) a terrorist attack; (b) a violent act or an act that is dangerous to human life, property or infrastructure; (c) resulted in damage within the United States (or in a U.S. mission or on a plane or ship that has U.S. ties); and (d) was committed by an individual(s) as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the U.S. government by coercion.

The Boston bombings present a potentially interesting scenario. Days after the attack, the police eventually captured Dzokhar Tsarnaev and he was charged with a laundry list of crimes, including use of a weapon of mass destruction and malicious destruction of property resulting in death. Many people, including President Obama and some in the media, were quick to use the "T" word and called the Tsarnaev brothers "terrorists."

According to multiple reports, the Tsarnaev brothers were motivated by extremist Islamic beliefs but were not connected to any known terrorist groups. Does that make them terrorists? Were they trying to coerce the civilian population of the United States or influence the policy or affect the conduct of the U.S. government by coercion? We may never know their true motives. From a TRIA perspective, however, their motives are of integral importance for the certification process. If the Tsarnaev brothers did not commit an "act of terrorism," as defined in the statute, the federal backstop would not be triggered.

(article continues on next page)

Under TRIA, the secretary of the Department of Treasury must provide an initial notice to Congress within 15 days of an "act of terrorism." The notice should state whether the secretary estimates that aggregate insured losses will exceed \$100 billion, which is the program's cap. The language regarding the 15-day notice, which was added to the statute as part of TRIPRA, does not allow for any discretion: either the secretary provides such a notice to Congress or does not. If there is no notice within 15 days, does that mean that the federal backstop won't be triggered? What if information learned 22 days after an attack indicates that it was intended to coerce the American people? Would it then be too late for the secretary to notify Congress that the terrorist event would or would not exceed \$100 billion?

While the provision's intent is to notify both Congress and the industry whether the total insured losses would exceed the maximum amount of the program, it is unclear whether there would be ramifications if such notice is not provided within the timeline. Congress should address this in a possible renewal.

### **Cyberterrorism and TRIA**

Over the past decade, the concept of a cyberterrorist attack has gone from science fiction to reality. Malware like Stuxnet and Flame demonstrate that cyberattacks can cause physical damage. Many believe that a cyberattack on U.S. infrastructure is a matter of "when," not "if." The current TRIA statute does not explicitly state whether the program would apply to a cyberattack, but there is no explicit exclusion, leaving room for debate as to whether the backstop would be available.

A cyberattack could be dangerous to infrastructure, result in damage within the United States and be committed as part of an effort to coerce U.S. civilians or influence the U.S. government by coercion, meeting several of the required prongs of the statutory language. In order to trigger TRIA, however, a key issue appears to be whether the triumvirate of the secretary of the treasury, secretary of state and attorney general certify the cyberattack as an act of terrorism. If a large-scale cyberterrorism attack causes physical damage to properties within the United States, there might be political pressure for them to do so.

When TRIA was initially enacted 12 years ago, the primary concern was another attack like 9/11 and the drafters did not address the possibility of a cyberattack. Even when the program was extended in 2005 and 2007, we were living in a pre-Stuxnet world where cyberattacks were not considered significant threats.

Times have changed. It was just last year that the Pentagon accused China's military of mounting attacks on the computer systems of the U.S. government and defense contractors. Not until 2011 did McAfee first publicly report on Operation Shady RAT, which involved statesponsored cyberattacks on at least 72 government and private organizations. These included the United Nations, the International Olympic Committee and defense contractors in 14 countries.

While the five-year operation is rumored to have been conducted by the Chinese military, that has never been proven definitively. It does, however, offer evidence that complex cyberattacks are entirely possible. While we have seen commentary from the Department of Homeland Security stating that the commercial market should not expect the federal government to be the insurer of "last resort" in the event of a catastrophic cyberattack, those comments may not have been referring specifically to TRIA. (Notably, the Department of Homeland Security is not currently involved in any aspect of TRIA, but the Fostering Resilience to Terrorism Act of 2013 called for including the secretary of homeland security in the certification process.)

(article continues on next page)

Additionally, TRIA requires that property/casualty insurers identify the amount of terrorism risk insurance premiums they receive. Since the current statute does not explicitly state that cyberinsurance policies fall under the scope of the program, many insurers are likely not reporting their cyber premiums as TRIA premiums. Therefore, if a cyberterrorist attack does take place, some insurers might have precluded themselves from participating in the program. This should create an impetus for Congress to specifically address the cybersecurity threat when debating an extension. The uncertainty is not good for anyone in the market.

### Other Issues to Consider

Other important issues need to be addressed if the program is continued. First, for how many years should the program be extended? TRIA was initially enacted in the wake of 9/11 as a temporary measure to ensure there would be capacity for terrorism insurance in the marketplace. Now, 12 years later, if authorities deem that the program is still necessary, should it be made permanent to keep this debate from being repeated in three, five or 10 years? Or is an extension of several years a sufficient timeframe to develop the necessary capacity in the terrorism market?

In addition, should the threshold for triggering aid under the program be changed? Before TRIPRA was passed in 2007, several Congressional proposals called for lowering the per occurrence retention from \$100 million to \$50 million.

Another question is whether the program should be changed to also require insurers to offer coverage for nuclear, biological, chemical and radiological (NBCR) attacks? NBCR inclusion was debated in 2007 and Congress did not add it then. Perhaps cybersecurity has eclipsed NBCR as a more realistic threat today, but the risk of an NBCR attack remains.

Finally, should the program include group life coverage? This has been debated in the past and Congress has not added it to the program. If there were a large-scale terrorist attack resulting in a large number of deaths, there is likely to be a significant impact on the life (re)insurance market. Some believe extending the federal backstop is necessary to protect this market, just as it protects the property/casualty market.

### What's Next?

We will surely see more discussion over the coming months in Congress about the need for a TRIA extension. Insurers have issued, and are continuing to issue, policies that extend beyond the program's expiration at the end of the year. They are also including conditional language for the post-Dec. 31 period in which TRIA may not exist, or may not exist on its current terms. But some insurers are not offering post-Dec. 31 terrorism coverage at all. Coming to a resolution about a TRIA extension sooner rather than later would help clear up any confusion in the marketplace.



## **NEWS FROM RIMS**

In our effort to keep the membership informed, we have elected to share the following article pulled from the RIMS website.

# RIMS SUBMITS RECOMMENDATIONS FOR IMPOSING SMART ACT TAX PENALTIES FOR NONCOMPLIANCE

RIMS Letter to Centers for Medicare and Medicaid Services Reinforces its Commitment to Streamlining the Insurance Process



**NEW YORK** — RIMS has delivered an official letter to the Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) highlighting recommendations to fairly impose tax penalties on organizations that fail to comply with the SMART Act.

The letter, submitted by RIMS President Carolyn Snow, offers the following recommendations, among others, that should be considered by the governing agency:

- "Noncompliance" should be clearly defined in a way that is consistent with Medicare Secondary Payer statutes and regulations.
- A clearly defined metric for determining the extent of the monetary penalty should be developed.
- A sliding scale of monetary penalties should be implemented.
- CMS should establish a safe harbor for entities that make good faith effort to obtain pertinent information from beneficiaries or claimants.
- CMS should give a reasonable timeframe allowing violators to assert a defense.

"As many RIMS members regularly handle cases involving conditional Medicare payments, the authorization of the SMART Act was a great victory for risk practitioners that will undeniably streamline the settlement process," said RIMS President Carolyn Snow. "RIMS intends to be a vocal player during the SMART Act's implementation, ensuring that it serves the best interests of all parties involved."

To read the full letter, click here:

http://www.rims.org/external affairs/Documents/Letter % 20 to % 20 CMS% 20 on % 20 Safe % 20 Harbor % 20 ANPRM% 202-10-14.pdf

For more information about RIMS External Affairs initiatives, visit www.RIMS.org.

## **NEWS FROM RIMS**

In our effort to keep the membership informed, we have elected to share the following article pulled from the RIMS website.

### **REGISTRATION FOR RIMS '14 IS NOW OPEN**

RIMS Increases Educational Offerings By 60 Percent



**NEW YORK** — Registration is now open for <u>RIMS</u> 2014 Annual Conference & Exhibition. The conference and exhibition is widely considered the premier risk management and insurance industry event and has received accolades for offering thought-provoking educational sessions and invaluable networking opportunities. The four-day conference is scheduled for April 27<sup>th</sup> – 30<sup>th</sup> in Denver at the Colorado Convention Center.

"As risk professionals take on a more strategic role within their organizations, RIMS stands ready to support them, no matter their industry or approach to this evolving business capability," said RIMS Executive Director Mary Roth. "RIMS recognizes risk

professionals' never-ending pursuit for knowledge. We couldn't be more pleased to offer them more than 160 educational sessions and more networking events on and off the exhibit floor that will unquestionably enhance their overall RIMS 2014 experience."

### **WHAT'S NEW AT RIMS 2014**

**EDUCATION BOOST** – RIMS has increased the number of educational offerings by 60 percent, now offering more than 160 sessions.

**NEW SESSION CATEGORIES** – Enhanced educational categories and levels to better reflect the needs of today's risk professionals.

"MEMBERS-ONLY" HOTELS – Convenience has inspired new policies to ensure that members' and full-conference attendees' visit to Denver is enjoyable.

**INNOVATION SHOWCASE** – Exhibiting companies will have the opportunity to take the stage and share corporate announcements, demonstrate their latest products and services at this mini-forum located at the heart of the exhibit floor.

**EXHIBIT-FLOOR ROUNDTABLES** – RIMS has taken educational sessions out of the traditional conference room setting onto the more conveniently located exhibit floor.

**POST-CONFERENCE EVENT** – For the first time, attendees are invited to join RIMS in a post-conference United States Olympics Complex Education Trip.

For more information about keynote speakers, the conference program, networking events and to register, visit <a href="www.RIMS.org/RIMS14">www.RIMS.org/RIMS14</a>.



Well-informed risk professionals like you are always looking for ways to stay ahead of the latest trends in risk management. So, we thought you might be interested in these "Hot Topic" sessions offered at RIMS 2014 Annual Conference & Exhibition on April 27-30 in Denver.

### Hot Topic sessions will address emerging topics including:

- Global Warming–Science and Exploration
- Avoiding Cyber Liability Pitfalls
  –Lessons Learned from Risk Managers, Legal and Forensic Experts
- How Will the Legalization of Marijuana Affect Your Employment Policies?
- TRIA: If a Tree Falls in the Woods . . .

And, since one size doesn't fit all, you can also choose from more than 160 educational sessions in a wide range of categories.

Don't forget, you can earn up to 14 hours of continuing education credits. CE/CEU/CLE/CPE credits and RIMS Fellow (RF) accreditation are available.

Attend the sessions you need and connect with your peers at RIMS '14 in Denver on April 27-30. Register today!

Savings alert: Join RIMS and save \$100 on your new membership. You'll also receive discounted RIMS '14 member registration rates – a savings of up to \$455!\* Use discount code: CONF2014. Become a RIMS member today.

# **OCRIMS NEWS & HAPPENINGS**

# **HOW TO CHANGE YOUR RIMS PROFILE**

Need to update your RIMS profile? Here's how:

Log onto <a href="www.rims.org">www.rims.org</a> and scroll down at the <a href="Membership">Membership</a> tab. In the category that says "My RIMS," click on "My Contact Information."



On the information page, click "Edit."

At this point if you have not already logged into your RIMS account, it will ask you to login. Then update your information and click "Save."

### **Edit My Information**

You may update your individual information below.

Personal Information		
prefix:	Mr. ▼	
first name:	Corey	
middle name:		
last name:	Strausman	
organization:		
title:		
preferred currency:		▼
Address Information		
attention:		
mailing address:	1065 Avenue of the Americas	
	New York	
state, postal code:	New York ▼	10018
country/province:	UNITED STATES ▼	
Daine and Combant Info		
Primary Contact Info	(212)655-6033	Manager Contract Tofa
fax:	(212)033 0033	Manage Contact Info
1	t	
	cstrausman@rims.org	
comm method:	▼	

### My<sub>N</sub>Information

Your Individual Information is displayed below.
You may update this information by clicking on the edit link.

Please allow up to 24 hours for changes you have made to be reflected in your profile.

Individual Information Edit
Corey Strausman
Primary Address Information

1065 Avenue of the Americas
New York, WY 10018

Contact Information

Phone: (212)655-6033
E-Mail: Estrausmanfprims.org

Would like to change your password? Click here.

# SEARCH | FIND | SUCCEED

# Looking for risk solutions? Find them here.

RIMS has launched RIMS Marketplace, a new and improved buyer's guide, to help you find and connect with people and organizations in your field.

RIMS Marketplace is the most comprehensive directory of solution providers for risk professionals. Company profiles include videos, white papers, news releases, social media pages, websites, products, blog posts and feeds—all your research in one place.

There are more than 350 company profiles organized into 225 searchable risk management categories.

Create a list of companies you're interested in, request more information, watch product demos and more, all in one place.

Expand your network and find the resources you need to succeed.



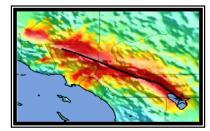


www.RIMS.org/Marketplace

# 2014 RIMS Western Regional Conference September 22 – 25, 2014

# Southern California <u>"Postcards... and Perils"</u>













Postcards ...

~ People look and see beauty, attractions and fun! ~ Risk managers look and see danger, lawsuits and financial impact.

The Southern California RIMS chapters of Los Angeles, Orange County and San Diego are teaming up to bring you the 2014 Western Regional Conference.

At the beautiful ... San Diego Hyatt Regency Mission Bay Spa and Marina



SAVE THE DATE!!!

**September 22 – 25, 2014** 

# **OCRIMS NEWS & HAPPENINGS**

## **OCRIMS MEMBERSHIP DIRECTORY**



OCRIMS has published an updated Membership Directory. The Membership Directory is posted on the Chapter's website: <a href="https://www.ocrims.org">www.ocrims.org</a>. We hope that all members will find the directory to be a useful tool.

The listings in the directory were based on the information in the RIMS membership master database as of October 2011, with some last-minute updates. Although every effort has been made to ensure that the information is up to date and accurate, there may be outdated information in the directory. We apologize for any errors. OCRIMS uses the RIMS Message Center to maintain its contact database. You can update or correct your RIMS profile and contact preferences through the RIMS Message Center:

http://www1.rims.org/eweb/DynamicPage.aspx?webcode=verify.

The Chapter affiliation is at the very bottom, so be sure to choose OCRIMS. If you have any questions about your contact preferences or accessing them online, contact Diana Rich at (714)321-1234 or dianarich@earthlink.net.

## RIMS CHAPTER RECOGNITION PROGRAM (CAP)

Have you recognized or experienced the occasion wherein your OCRIMS has done something exceptional? Or have you recognized where OCRIMS could reach out to the community, students or the risk management profession beyond the Chapter's current endeavors?

These items can include (but are not limited to) the following endeavors involving OCRIMS members:

- Speaking engagements or submissions to print such as:
  - o Colleges or other institutions regarding chapter/risk/safety matters.
  - o Press release or RIMS website officer forum or other such forums.
  - o LinkedIn regarding chapter/risk/safety matters.



- Awards/Honors/Professional Designations (such as ARM, CPCU, etc.).
- Elementary school through university student outreach efforts.
- Appreciation or "thank you" gestures.
- Community outreach activities and/or donations.
- Items displaying creativity or innovative approaches or tools (i.e., to encourage chapter involvement, bring innovative approaches to a current issue, etc.).
- Items showing research/analysis with regard to projects undertaken (such as membership drive, community outreach events, etc.).

If you have ideas or recognize an area of excellence, please submit the items (on a regular basis) for the current year's Chapter Recognition Program to <a href="mailto:occhapterofrims@gmail.com">occhapterofrims@gmail.com</a>.



# **OCRIMS IS NOW ON LINKEDIN**



OCRIMS is providing multiple ways to stay informed on what's happening and also stay connected with other risk management professionals. We're now using LinkedIn to share information about the upcoming monthly meetings, community-outreach events, etc. Haven't checked out LinkedIn yet? No worries ... no need to be fearful. LinkedIn is a non-intimidating website for a professional to stay connected to other professionals and join discussions, groups, etc. as much or as little as you want. Here's all you need to do to see what OCRIMS is up to:

- Go to your web browser (i.e., Internet Explorer, Mozilla Firefox, etc.) and type <a href="http://www.linkedin.com">http://www.linkedin.com</a> (or click on the link here).
- If you've already submitted your info:
  - 1. Click on "Groups." Type "Orange County Chapter of RIMS "in the "search" on the right-hand side (by the blue magnifying glass). Click "enter" on your keyboard or click on the blue magnifying glass on the right of the search field.
  - 2. When you get to the OCRIMS chapter page, click "Join Group." You will receive a confirmation from the group administrator sometime later.
- If you haven't already become a member:
  - 1. Click on "Join Today" and enter your contact information (first name, last name, email, and then choose a password).
  - 2. Follow instructions in #1-2 above.

Need a little more one-on-one guidance or have a question? Send an email to occhapterofrims@gmail.com.

# **FOLLOW OCRIMS ON TWITTER!**



**Twitter** is an online social networking and microblogging service that enables its users to send and read text-based posts of up to 140 characters, informally known as "tweets." Twitter is a real-time information network that connects you to the latest information about what you find interesting. Users may subscribe to other users' tweets – this is known as *following*, and subscribers are known as *followers*.

Through Twitter, OCRIMS can connect to members and other followers in real time. We can use Twitter to quickly share information about educational programs, gather feedback, and build relationships with members, sponsors, etc. Our handle on Twitter is @OC\_RIMS, and we're looking for more followers! For more details and to become a follower of OCRIMS on Twitter, visit <a href="http://www.twitter.com">http://www.twitter.com</a>.

# **MOON FACTS**



The Moon has been pretty bright in the nighttime sky for the last few evenings. Here are some facts about the Moon.

The Moon (or Luna) is the Earth's only natural satellite and was formed 4.6 billion years ago.

The Moon is in synchronous rotation with Earth, meaning the same side is always facing the Earth.

The first unmanned mission to the Moon was in 1959 by the Soviet Lunar Program, with the first manned landing being Apollo 11 in 1969.

A prevailing theory is that the Moon was once part of the Earth, and was formed from a chunk that broke away due to a huge object colliding with Earth when it was relatively young.

The Moon has much weaker gravity than Earth, because of its smaller mass, so you would weigh about one sixth (16.5%) of your weight on Earth.

The dark side of the moon is a myth: In reality both sides of the Moon see the same amount of Sun; however, only one side of the Moon is ever seen from Earth because the Moon rotates on its own axis in exactly the same time it takes to orbit the Earth, meaning the same side is always facing the Earth. The side we see is lit by reflected sunlight, while the side facing away from Earth lies in darkness and has only been seen by the human eye from a spacecraft.

The rise and fall of the tides on Earth is caused by the Moon: There are two bulges in the Earth due to the gravitational pull that the Moon exerts. The bulges move around the oceans as the Earth rotates, causing high and low tides around the globe.

The Moon is drifting away from the Earth: The Moon is moving away from our planet every year. It is estimated that it will continue to do so for around 50 billion years. By the time that happens, the Moon will take around 47 days to orbit the Earth instead of the current 27.3 days.

Only 12 people have walked on the Moon: The first man to set foot on the Moon in 1969 was Neil Armstrong on the Apollo 11 mission, while the last man to walk on the Moon in 1972 was Gene Cernan on the Apollo 17 mission. Since then the Moon has only be visited by unmanned vehicles.

**The Moon has no atmosphere:** This means that the surface of the Moon is unprotected from cosmic rays, meteorites and solar winds, and has huge temperature variations. The lack of atmosphere means no sound can be heard on the Moon, and the sky always appears black.

The Moon has quakes: These are caused by the gravitational pull of the Earth. Lunar astronauts used seismographs on their visits to the Moon and found that small moonquakes occurred, causing ruptures and cracks. Scientists think the Moon has a molten core, just like Earth.

During the 1950s, the USA considered detonating a nuclear bomb on the Moon: The secret project was during the height of the Cold War and was under consideration as a show of strength at a time when the US was lagging behind in the space race.

The Moon will be visited by man in the near future: NASA plans to return astronauts to the moon to set up a permanent space station. Mankind may once again walk on the moon in 2019, if all goes according to plan.

http://space-facts.com/the-moon/



# CONTACT PERSON FOR EMPLOYMENT OPPORTUNITIES

Cristin McAllister is the contact person for employment

opportunities. If you have information or questions regarding employment opportunities, contact Cristin at (949)836-6721. With sufficient notice, OCRIMS will print relevant job openings in the monthly newsletters.

### ARTICLES FOR THE NEWSLETTER

Share your creative solutions, ideas, etc. with the risk management community by contributing an article to the OCRIMS newsletter. Articles need to be submitted to Zachary Gifford by the 10th of each month to be considered for publication. To submit an article, please contact Zach at zgifford@calstate.edu or (562)951-4568. Don't be shy; we'd love to hear from you!

GET INVOLVED WITH OCRIMS IN 2014!

### **UPCOMING MEETINGS & EVENTS**

### **OCRIMS Calendar**

March 22, 2014

### ANNUAL APPRECIATION DINNER

**Come and Honor Fellow Chapter Members** 

Location: Andrei's Restaurant in Irvine

**April 6, 2014** 

### **OCRIMS COMMUNITY OUTREACH**

Walk for Kids

See additional details inside this newsletter

**April 8, 2014** 

### OCRIMS MONTHLY LUNCH MEETING

**Employer Impacts from Healthcare Reform** 

Speaker: Alex Hardy, Director of Market
Development, AIG Benefit Solutions
Location: Orange Hill Restaurant in Orange

April 27-30, 2014

### RIMS ANNUAL CONFERENCE/EXHIBIT

ELEVATE—Take Your Knowledge to New Heights

See write-ups in this newsletter for details

Location: Denver, Colorado

## OCRIMS DATABASE MANAGEMENT SYSTEM

OCRIMS maintains its contact database through the RIMS Message Center. To stay abreast of the happenings in the OC, make sure that you are registered through the RIMS Message Center, that your RIMS profile is up to date, and that you have selected your desired preferences. You do not even need to be a member of RIMS to take advantage of this great tool.

Here's the link:

<u>http://www1.rims.org/eweb/DynamicPage.aspx?webcode=verify</u>. The Chapter affiliation is at the very bottom, so be sure to choose **OCRIMS**.



Do you want to contact a member or friend of OCRIMS? The RIMS site allows messaging to those who are registered. Go to <a href="www.rims.org">www.rims.org</a>, select ""Membership," then ""Member Connections" from the pull-down menu, then click the link at #4 under "Getting Started." Or click this link: <a href="http://community.rims.org/RIMS/RIMS/Directory/FindaMember/Default.aspx">http://community.rims.org/RIMS/RIMS/Directory/FindaMember/Default.aspx</a>.

Remember that OCRIMS provides ideal opportunities for you to stay at the forefront of risk management, and networking is a key component, as is remaining informed on what's happening in our industry—the Message Center allows you to

do that. If you have any difficulty with the RIMS Message Center, please contact <a href="mailto:dianarich@earthlink.net">dianarich@earthlink.net</a>.

### Risk and Insurance Management Society, Inc. - Orange County Chapter

#### **Officers**

#### **President**

Dan Reynolds (310)223-6029

### **Vice President**

Zareen Morrison Allergan, Inc. (714)246-5988

### Treasurer

Ron Gray, ARM, CRM AccentCare Inc. (949)400-2700

#### **Secretary**

Greg Wren St. Joseph Health System (949)381-4774

### Past President & RIMS Delegate

Bridgette Castillo, ARM St. Joseph Health System (949)381-4515

#### **Directors**

Laura Bautista, ARM Ingram Micro Inc. (714)382-2952

Michael Morgan Fluidmaster, Inc. (949)728-2414

Mike Simmons

Riverside Community College District (949)399-2180

Chris Taylor UCI (949)824-8772

Tom Walsh Sully-Miller Contracting (714)578-9509

#### **Committees**

### Bylaws, Employment, Golf

Cristin McAllister (949)836-6721

### **Community Outreach**

Zareen Morrison Allergan, Inc. (714)246-5988

### **Education**

Laura Davis CorVel Corporation (949)892-9877

#### Committees (cont.)

### **Executive Sponsorship**

Ron Gray, ARM, CRM AccentCare Inc. (949)400-2700

#### **Finance**

Greg Wren St. Joseph Health System (949)381-4774

#### Golf

Cristin McAllister (see Bylaws) Bridgette Castillo (see Past President)

### Legislation, Communications/

### Webmaster

Diana Rich, ARM-P (714)321-1234

### Membership

Laura Bautista, ARM Ingram Micro Inc. (714)382-2952

### **Nominating**

Bridgette Castillo (see Past President)

#### Newsletter

Zachary Gifford, AIC, ARM The CSU – Office of the Chancellor (562)951-4568

### **Social Events**

Meagan Finegan Century Pacific (562) 858-0801

### **DON'T FORGET**

# **APRIL 8<sup>TH</sup> – OCRIMS MONTHLY LUNCH MEETING**

