



POWERLINE

News of the California Sign Association & Sign Users Council of California • April 2010

April Membership Dinner Meetings

Title 24 Update: Making Sense of the New Requirements

Implementation of the new Title 24 requirements has caused great consternation for many CSA members. In an effort to address those concerns, CSA has invited representatives of the California Energy Commission (CEC) and Southern California Edison to present a workshop regarding the new requirements included in Title 24. Gary Flamm from the California Energy Commission will be on hand at both the Northern and Southern California Membership Meetings while Doug Avery from Southern California Edison will be at the SoCal meeting. At press time, representatives of SMUD and PG&E were

considering participation in Northern California.

Topics to be discussed at both workshops include: 1) The Need for Energy Conservation in California; 2) Work Taking Place on the 2011 Code Cycle; 3) How to Fill out the New Title 24 Form; 4) CEC Approve Time Clocks; and 5) Demand Response Requirement for EMC's. In addition, time will be allocated for attendees to ask questions and get responses from the presenters.

The Southern California meeting is scheduled for April 20 at the Royal Cut

Restaurant located at 2345 S. Grove Street in Ontario, CA. The Northern California workshop is scheduled for April 29 at the Club Pheasant, 2525 Jefferson Blvd., West Sacramento, CA. For both presentations, no-host cocktails will begin at 5:00pm. Dinner will follow at 6:00pm, and the presentations will follow dinner. Cost for each is \$35 per person which includes dinner and the workshop.

To register, download a registration form or complete your registration online at www.calsign.org/otherevents.html. For information, contact CSA at (916) 932-0021 or email info@calsign.org.

■ CSA ELECTRICAL SEMINARS April 27 & 29

The Basics of Electricity: Sign Service & Troubleshooting

Exploring neon, fluorescent, LED, HID lighting & EMCs

Presented by the CSA Education & Training Committee, this month we feature our electrical seminars, with a twist. As in years past, CSA will host an extensive, full-day session beginning with the basics and continuing through servicing and troubleshooting neon, fluorescent, LED, HID lighting & EMCs. Attendees will receive a binder of materials covered at the seminar for future reference. And once again, we are featuring a great lineup of guest speakers: Richard Matas (AgiLight, Inc.); Dwight Auch (DA & Associates); Al Smith (FRANCE); Bill Samoff (SloanLED); Morgan Crook, (Transco); Rocky Gruner (Watchfire Signs by Time-O-Matic).

What's new this year however is the opportunity to speak directly with the manufacturers. Representatives will be onsite to answer specific questions and give tips on installation, service and use of their products. Not only will the companies mentioned above be present for the table-top break-out sections of the seminars, but as of this printing, EGL, Osram Sylvania and Wagner Zip-Change will be there with more expected to participate.

We will hold this seminar twice, once in Southern California, then again in Northern California. Both will be held mid-week; lunch is included for all attendees. Seating is limited, so please

register early. Cost for CSA Member Company employees is \$75/person; nonmember companies will be \$100/person. For information about attending or for those manufacturers that wish to participate in the table-top sections, please contact Lynn Wells at (916) 932-0021 or email lynnw@calsign.org.

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SOUTHERN CALIFORNIA

Tuesday, April 27, 2010
Seminar begins at 8:30am

Best Western Inn & Suites
3400 Shelby St., Ontario, CA

Cost: CSA Member Company (\$75/person); Nonmember company (\$100/person)

Register online at www.calsign.org/otherevents.html or download a PDF form and return to CSA via fax (916) 932-2209 or email info@calsign.org.

NORTHERN CALIFORNIA

Thursday, April 29, 2010
Seminar begins at 8:30am

Oddfellows Hall
1831 Howe Ave., Sacramento, CA

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■ MARCH MEMBERSHIP MEETINGS

March Luncheon Meeting: Lunch with Lori

Lori Anderson, President & CEO of the International Sign Association (ISA), was our featured guest for a rare luncheon meeting held in Santa Ana, CA on March 3. Speaking on the latest and greatest that's happening on the national front to about 30 attendees, she touched on several issues such as the catastrophic pole sign failures and model sign codes. While at the time the ISA Sign Expo was a mere month away, exhibitors and attendees were not far off the expected mark, and most exciting was the new slate of 60+ educational sessions offered—the most ISA has ever featured at Expo.



CSA 1st Vice President and emcee of the meeting, Rocky Gruner presents Lori Anderson with a token of our thanks—a CSA-emblazoned medal.

March Dinner Meetings: “Glass Graphics: The Joy of Signs” with Bill Concannon

Neon artist and licensed electrical sign contractor, Bill Concannon, was our featured speaker for our March Dinner Meetings in San Leandro on March 18 and again in Hawthorne on March 24. Displaying a dizzying array of neon projects and artworks produced by himself and others, he infused the audience with an excitement for this very nostalgic and still innovative artform and sign method. Nearly 30 attendees joined us in the north, and another 40 attended the southern meeting, all a bunch of neon fans.



Bill Concannon's animated presentation at the Southern Meeting in Hawthorne, CA.

■ GOVERNMENT AFFAIRS REPORT

by Jeff Aran, Esq., CSA Legal Counsel and Director of Government Affairs

STATE LEGISLATION

At the Capitol

As of the end of March, no new signage legislation has been introduced. For better or worse, our legislators have been largely preoccupied with ongoing budget and deficit challenges. There was some chatter last year about raising money by selling advertising space on highway message centers, but, appealing as that might be in some circles, the idea hasn't gained much traction so far.

One bill of interest that CSA supports is **AB 1693**, which expands from 12 to 18 months the code adoption cycle for regulatory changes. Currently, revision cycles, such as for Title 24 and the California Building Code, are on 12-month cycles, so every year we seem besieged with new changes. The bill proposes to reduce the state's administrative costs of adopting building codes and raise compliance levels by increasing the amount of time available for education and training of new building standards prior to those standards taking effect.

REGULATORY ISSUES

Caltrans

Last year's outdoor advertising regulatory revisions, which were disapproved by the Office of Administrative Law, have not been amended. So, as of now, the old rules are still in place.

CSLB

Just a reminder: the C45 definition was refined (at CSA's request) effective January 1 to specifically include non-electric signs within the scope of work. Also, CSLB has asked for industry support with regard to **AB 1254**, which would authorize the Registrar of Contractors to issue "...a stop order to any unlicensed contractor who *as an employer* has failed to secure workers' compensation insurance coverage for his or her employees." The bill would make a failure to comply with the stop order a crime.

Air Resources Board

As reported previously, the diesel retrofit and emission implementation requirements have been put off while



the Board reconsiders impacts based on new information. The new compliance deadline (subject to change) is January 31, 2011. There are exceptions. For the latest explanatory bulletin on this, issued March 26, visit www.arb.ca.gov/msprog/onrdiesel/documents/advisory415.pdf.

CEC

CSA's Technical Committee is working with CEC and various utilities to improve the certification and reporting requirements in the current regulatory iteration of Title 24. The certification forms are complicated and have posed significant concern in terms of how and what exactly must be recorded.

LOCAL SIGN ORDINANCES

Los Angeles

Continues to be a hotbed of activity, with the latest being a proposal to ban all digital signage in Council District 5 (West Hollywood). CSA's LA Task Force and local lobbyist, Veronica Perez, are working daily to counter these anti-sign activities. In March, the Task Force members, along with our business coalition partners, met with Dennis Hathaway of the Coalition to Ban Billboard Blight for the purpose of sharing CSA's proposed sign code administration program and to respond to his concerns. Several councilmembers have indicated that Mr. Hathaway's blessing was necessary to moving forward with any new plan, even though he's not opposed to on-premise signs. The sign code program, which is endorsed by the coalition, as well as the City's Economic Development and Building & Safety departments could potentially raise \$5 million annually for enforcement efforts. Overall, however, we have so far successfully derailed and deferred for over a year now any changes to the city's on-premise sign codes. This issue is expected to resurface in April when the planning department seeks further guidance from the City's PLUM Committee.

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Continued on page 8

Press Release

Ellen Stotmeister named 2010 Woman of the Year

March 8, 2010—
State Capitol Assembly Chambers, Sacramento, CA
During a Special Session of the California State Assembly, Ellen Stotmeister was among 80 California women honored as “Woman of the Year” representing their respective California Assembly districts. Diane L. Harkey, Assemblywoman Seventy-Third District, nominated and sponsored Ellen for this distinction. Cited on the



Assemblywoman Diane Harkey and Ellen Stotmeister (right), the 2010 Woman of the Year for CA Assembly District 73.

impressive certificate declaring her Woman of the Year, were numerous charitable associations and activities in which Ellen has provided leadership, guidance and volunteer service. Among them was Oceanside, California’s *Women’s Resource Center* serving victims of domestic violence and sexual abuse where Ellen has served in officer roles, as a board member and as Chair of major fundraising events and committees. Also listed was the *Oceanside Museum of Art* where she again served as a member of the Board of Trustees, as an officer, as well as Chair or Co-Chair of major fundraising events including the annual black-tie gala. Other organizations listed and benefitting from Ellen’s volunteerism in the community included Oceanside’s *Brother Benno Foundation*, *KOCT* – local public access TV station, the *Mission San Luis Rey*, *North County Health Services*, *Tri-City Medical Center* and the *Moonlight Angels* organization.

In addition to the Woman of the Year certificate award in the Assembly Chambers, Ellen’s day in Sacramento included a tour of the Capitol, visits and luncheon with Assemblywoman Harkey and staff and a Woman of the Year afternoon reception. Keynote remarks at the Capitol ceremony were made by Brigadier General Mary J. Kight, Adjutant General, California National Guard. General Kight was recently appointed adjutant general by Governor Schwarzenegger and thus became the first female adjutant general of the California National Guard and the first African-American female National Guard adjutant general in the nation. General Kight’s inspiring address highlighted the critically important, but too often largely ignored, role women play in our society. She suggested that the women honored as 2010 Women of the Year at the State Capitol Monday were the “best of the best.”

8th Annual

Deep-Sea Fishing Trip

Once again it’s time to reserve your spot on the CSA Annual Deep-Sea Fishing Trip. Back for an eighth voyage off the coast of Dana Point, Captain Gary Quiel and 44 lucky fishermen, women & children will set sail early, early Saturday, August 7. That’s right—we’ve moved out of July and into August. This is an all-day cruise launching at 5:00 am (please check-in by 4:30 am) out of Dana Point Harbor and returning around 5:00 pm that afternoon.

Reserve your spot early—limited space available! The registration fee is \$100/person; the fee does not include your license, equipment, food, drink or fish cleaning. Payment is required to hold reservations. Registration form & payment are due by July 7, 2010. After this date, no refunds will be given for cancellations. To register, download a registration form or complete your registration online at www.calsign.org/otherevents.html.

For more information about the fishing, call Gary Quiel at (909) 885-4476. For information about registration, call CSA at (916) 932-0021 or email info@calsign.org.



Press Release

California Energy Commission Announces Clean Energy Business Financing Program Loans To Help California Clean Energy Manufacturers Reduce Energy and Create Jobs

SACRAMENTO—The California Energy Commission approved an agreement with the California Business, Transportation, and Housing Agency that will soon make more than \$30 million available to eligible California manufacturing businesses. Under the Clean Energy Business Financing Program (CEBFP) manufacturers will have the opportunity to apply for low-interest loans using American Recovery and Reinvestment Act (Recovery Act), State Energy Program (SEP) funds to help broaden the state manufacturing base, strengthen California leader in using clean energy systems.

With California having endured such a long and difficult erosion of manufacturing business,” said Energy Commission Chairman Karen Douglas, “we are excited to extend this loan opportunity to eligible private sector businesses that can create and/or retain California jobs in clean energy technologies. This program will leverage private capital with state and federal funding to maximize benefits for Golden State businesses.”

The approved contract with California Business, Transportation, and Housing Agency allows the agency to administer the CEBFP in cooperation with four Financial Development Corporations (FDCs) located throughout California. The participating FDCs are Pacific Coast Regional Small Business Development Corporation and San Fernando Valley Small Business

Financial Development Corporation in Southern California, State Assistance Fund for Enterprise, Business and Industrial Development Corporation (SAFE-BIDCO) in Northern California, and Valley Small Business Development Corporation in San Joaquin Valley.

The Clean Energy Business Financing Program is open to California businesses that want to expand, diversify or retool existing facilities to manufacture eligible energy efficiency or renewable energy products, components, systems, and technologies. Facilities that produce biomethane gas from biomass suitable for pipeline injection are also eligible.

Loans to qualifying applicants will be a minimum of \$50,000 to a maximum of \$5,000,000. Successful applicants will meet program requirements as well as lending qualifications. Projects must demonstrate program success, leverage other project funds, and show profitability.

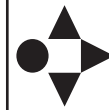
The CEBFP applications are available at: www.energy.ca.gov/recovery/cleanenergy.html.

Interested businesses are encouraged to sign up on the Program listserv for timely information on the availability of the loan applications. More information about the State Energy Program and other Recovery Act-related programs is available on the Energy Commission website www.energy.ca.gov/recovery. For more information, visit www.energy.ca.gov/release.

Quote of the Month

“Breathe. Let go. And remind yourself that this very moment is the only one you know you have for sure.”

~Oprah Winfrey, O Magazine, September 2002



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PROJECT: STRUCTURAL TECHNOLOGY, 7827 CONVOY COURT, SUITE 406, SAN DIEGO, CA SHEET: 1 OF 1
FIELD NO: 000000 DRAWING NO: 000000
CLIENT: SIGNENGINEER.COM
DATE: 08-08-08

DESIGNER: JACOB J. COOPER
CHECKED: JACOB J. COOPER
DATE: 08-08-08

Design Wind Pressure (psf)	Exposure	C
20	2	1.0
25	3	1.2
30	4	1.5
35	5	1.8

Area	Force	Area	Force
1.0	200	1.0	200
2.0	400	2.0	400
3.0	600	3.0	600
4.0	800	4.0	800
5.0	1000	5.0	1000
6.0	1200	6.0	1200
7.0	1400	7.0	1400
8.0	1600	8.0	1600
9.0	1800	9.0	1800
10.0	2000	10.0	2000

Notes:
1. CONCRETE TO BE 4000 PSI
2. ALL STEEL TO BE A36
3. ALL WELDS TO BE E7018
4. ALL BOLTS TO BE A325
5. ALL BOLTS TO BE 1/2" DIA. x 4" DEPTH
6. ALL BOLTS TO BE 1/2" DIA. x 4" DEPTH
7. ALL BOLTS TO BE 1/2" DIA. x 4" DEPTH
8. ALL BOLTS TO BE 1/2" DIA. x 4" DEPTH
9. ALL BOLTS TO BE 1/2" DIA. x 4" DEPTH
10. ALL BOLTS TO BE 1/2" DIA. x 4" DEPTH

10% Discount to All CSA Members!

5 Years and 1 Month

By Stephanie Setzer, CSA Member Services

In putting together what will be my last issue of *Powerline*, I made a rookie mistake. I asked Brad if he wanted anything else in this issue, and he said, "Yes, a goodbye message from you." Crap. Not that I didn't want to say goodbye, but that meant I'd have to write more.

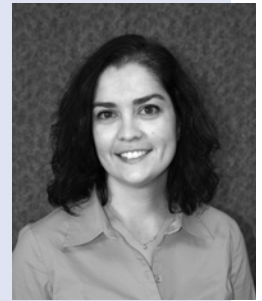
No one wants to say goodbye, even if it's the only way to better things. There's a comfort here, I've lived-in and nestled with people I have come to know well. I have been part of the CSA family for five years and one month. Since day one, I was welcomed into the warmth of a great community—yours.

I have enjoyed working with you, all of you, from the random phone calls about prevailing wage to strategic plan meetings to running about a golf course taking pictures of our many avid golfers and the occasional bunny or roadrunner. I have learned more than I ever thought I would ever want to know about the sign industry world. I will never see a lilac neon sign without thinking of our tour of LA last June. Over the past three years, my son has been lucky enough to travel with me to our Conventions and other shows. Our 2008 Convention was his first trip to Disneyland. The 2007 Convention in San Diego was the first time he saw the ocean; our visit during the WSSC show last February was the first time he touched it.

However my little family—my husband Garrett, my son Sam and I—needs a new home and a stronger support group than we have managed to build here in Sacramento. The opportunity has come for us to move back to my home, another place that's like your best old fuzzy sweater. My parents, my brother and so many more are waiting for us in Sonoma County, where I was born and raised, and so it's with a bittersweetness that I have decided that it's time to say goodbye.

And while I will miss CSA and the people here, it's with great excitement that I move on to this next chapter. We have purchased our first house; we're buying a refrigerator and picking out paint chips. I can finally try out the Charcuterie, my mom's favorite restaurant in Healdsburg, or have brunch at the bakery down the street with old friends. We have found our place, our home, Sam's home.

I wish you all the best as CSA grows and evolves through the next fifty years and beyond. And my thanks to you for a fabulous five years, plus.



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BY TIME-O-MATIC

New Interactive CSA Web site is Live!

If you haven't visited the CSA Web site since it has been completely overhauled, you need to do so. Upon announcing the "new" site, CSA Executive Director Brad Walker stated, "I am ecstatic with the new site. I hope everyone finds it more user-friendly and easier to navigate."

Also, a completely new feature has been added. Through CSA's association with Avectra, a web-based association management database program, members will now be able to register for CSA events and functions online. Another feature of the new database program is members will be able to easily update their company information without having to go through the CSA office. The new program also allows members, prospective members, customers and prospective customers to search the CSA member database based on an extensive array of options and criteria.

CSA is asking all members who are the "Primary Contact" for the member company to log onto the new CSA Web site and update all of their company information. Be sure that your company's services, products, equipment information and company description all have your current information as these fields are searchable. Also please review your company's employee roster, and note that each person listed has a profile in our system—they can also login and control their own information as well.

If you have questions, or if you need your login information, please email info@calsign.org and someone will get back with you soon.



Be Californian. Be Counted.

Your community is depending on you!



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www.CaliforniaCompleteCount.org

Census 2010: Did You Return Your Census Form?

Your census form was due back to the Census Bureau on April 1. If your household did not complete and return your census form, census workers will be visiting those non-responsive homes beginning in May. Concerned about safety? Census workers that come to your house will have a census bag and badge. None will ask to come in your house, they will conduct the survey from your doorstep. There are 10 questions to answer and it should take only minutes to complete. They will not ask for your social security number, bank account information or income.

California's Census numbers determine how much federal funding our state receives; California's share of 2000 Census dollars for the 2007 fiscal year was approximately \$41 billion. More than \$435 billion a year are distributed by the federal government to the states based on Census-driven funding formulas. Community leaders and governments rely on census data to determine where there is a need for additional social services and funding, and to forecast future needs in transportation, housing, safety and health care. Census data is also used for the apportionment of seats in the US House of Representatives. California could lose a congressional seat for the first time in its 160-year history. California is required to reconstruct Congressional, State Legislative and other districts based on census data.

Be Californian. BE COUNTED.

Source: *California Census 2010*, www.census.ca.gov; *California Complete Count Committee*, www.californiacompletestaterecount.org.

GOVERNMENT AFFAIRS REPORT

Continued from page 3

Kudos to CSA Board and Task Force members, Ed Wasserman (Daktronics, Inc.), Mitch Chemers (PermitWiz Planning) and Gus Navarro (San Pedro Electric Sign Company), for their outstanding, vigilant leadership on these key issues.

San Jose

Recently adopted loosened digital sign standards, with the purpose of engendering creative architectural sign solutions in its downtown corridor.

LEGAL

Now pending before the California Court of Appeal is *Santa Clarita Athletic Club v. City of Santa Clarita*. The key issue in the case deals with the scope and meaning of the provision of (CSA-sponsored) Business & Professions Code Sec. 5499, which makes it applicable “regardless of any other law.” The Athletic Club is seeking just compensation for the removal of its

message center display, but the City contends that the Club was not entitled to keep its sign and thus is not entitled to compensation.

Sec. 5499 provides that an on-premise sign may remain and is deemed lawful if, upon conformance with a revised code, due to the topography it would suffer a material loss of visibility or the ability to adequately communicate. Business & Professions Code Section 5491 (also a CSA-sponsored law) provides in pertinent part: “...no [lawful] on-premises advertising display...shall be compelled to be removed or abated, and its customary maintenance, use, or repair shall not be limited, whether or not removal or limitation is required because of any ordinance or regulation of any city or county, without the payment of fair and just compensation.”

The City contends that it made findings (not challenged in court) that the

Club’s EMC sign would not suffer such a loss if conformance occurred. The City ultimately declared the sign a public nuisance and caused the sign’s demolition. The City argues that it is not obligated to pay just compensation because it allowed a nine-year amortization period and the Club nonetheless failed to exhaust its administrative remedies by not first seeking a writ of review (“mandamus”) with the Superior Court before filing its suit for compensation. The Club responds that Sec. 5499 applies, by its terms, “regardless of any other law” and, therefore, it did not need to first seek mandamus review in order to recover just compensation for the loss. Once the City demolished the sign, a “taking” occurred and State law requires just compensation, regardless of any amortization period. Stay tuned...

(Disclosure: Jeff Aran is appellate counsel for the Club.)

Did You Know... **Small Businesses Fuel the Economy**

The SBA Office of Advocacy estimates that there were 29.6 million small businesses in the United States in 2008. The data shows the importance of entrepreneurship to our nation’s economy, with small businesses accounting for half of nonfarm, private real GDP and half of all private sector employment. In addition, small businesses generate the majority of net new jobs. Firms with fewer than 500 employees accounted for 64 percent (or 14.5 million) of the 22.5 million net new jobs (gains minus losses) between 1993 and the third quarter of 2008. An estimated 627,200 new employer firms began operation in 2008, and 595,600 firms closed that year. Moreover, according to US Census data, seven out of ten new employer firms last at least two years, and about half survive five years.

■ HR CORNER 2009 Summary of Fines, Settlements, and Citations

State and Federal Employment Law

	<u>Employee Wins</u>	<u>Median Amount</u>	<u># of Cases</u>
Discrimination and Harassment	70%	\$126,000	358
Of those: Sexual Harassment	74%	\$175,000	81
Wrongful Discharge	38%	\$300,000	13
Pay/Overtime	74%	\$706,000	98
Leave Laws (FMLA, etc.)	19%	\$85,000	16

OSHA Top 5 Citations

<u>Most Cited</u>	<u>Highest Penalties</u>
Scaffolding	Fall Protection
Fall Protection	Scaffolding
Hazard Communication	Lockout/Tag out
Respiratory Protection	Machine Safety
Lockout/Tag out	Excavations

Source: Martin Levy, SPHR – Human Resources 4U,
www.HumanResources4U.com

Submissions Requested

Does your company have good news to share? Are you on a CSA committee and want to get the word out on your upcoming event? Do you just like to write and you want an audience? Well, then submit your articles, press releases, and photos to the CSA office for consideration in *Powerline*!



The Communications Committee and CSA Staff welcome submissions from our members for any issue. All submissions are subject to editing for space and content. Content for *Powerline* is due on the first of the month prior to the issue it will run.

Please submit any item for publication consideration to info@calsign.org. For information, please call the CSA office at (916) 932-0021.



Bill Proposes 18-month Building Code Adoption Cycle

AB 1693 (Ma; D – San Francisco) proposes to reduce the state’s administrative costs of adopting building codes and raise compliance levels by increasing the amount of time available for education and training of new building standards prior to those standards taking effect.

California’s Health & Safety Code requires the Building Standards Commission and numerous other state agencies to develop, adopt and publish updated building standards in an annual, 12-month administrative cycle. This bill will increase the time agencies have to produce such updates to 18 months. The current schedule also leaves little time for education and training on the code once adopted before more changes are proposed.

Although AB 1693 stretches the current 12-month code-adoption cycle by 6 months, it does not change the current mandate that a new, “triennial edition” of the state code be published every three years. Under this proposal, there would simply be one interim update rather than two.

Consider this... Pecan Season

There’s Pecan Day (celebrated every March 25) and there’s National Pecan Month (April) and Day (always April 14) and then there’s National Pecan Pie Day (July 12)...so think of it as Pecan Season. As the only nut tree native to North America, pecan trees and pecans have a unique place in American life. Albany, GA is the “pecan capital of the USA” and the pecan tree is the official Texas state tree. First cultivated by Native Americans, pecan trees have been transplanted to other continents but the pecan has failed to achieve wide use or popularity abroad.

March 25 is the anniversary date of the planting of pecan trees by George Washington at Mount Vernon in 1775. The trees were a gift to Washington from Thomas Jefferson, who had planted pecan trees at his estate, Monticello.

On April 6, 2001, the goodness and wholesome of pecans was proclaimed in the U.S. Congressional Record, and National Pecan Month was established. Senator Max Cleland (D-Georgia) asked his colleagues to join him in celebrating National Pecan Month, which now takes place every April. As for National Pecan Day on the 14th, our (very limited) research came up empty as to its establishment.

The origins of National Pecan Pie Day also eluded our research team. It seems to be a day that collectively we should all have a slice of pecan pie. Try your hand at one of several recipes at www.pecanpierecipe.com.

Reference: The Lanham Act

Federal law provides that no state, city or county may require alteration or modification of a registered trademark, service mark, trade name or corporate name. [Lanham Act, 15 USC §1121(b)].

Trademarks or logomarks, including the colors which comprise them, are property rights. If a company is required to alter its mark, the mark’s value is diluted and the company’s identity in the market is diminished. A trademark that identifies a successful business represents considerable value and constitutes a property right. In California, a Federal District Court recently ruled that the City of South Lake Tahoe’s insistence that Motel 6 alter its logo to use a different shade of blue constituted trademark infringement under the Lanham Act. The City was required to pay damages and attorney fees.

The Ninth Circuit Court of Appeals also recently ruled in *Blockbuster Videos v. City of Tempe* that the city’s attempt to compel Blockbuster and co-plaintiff Video Update to alter their trademark colors constituted a violation of the Lanham Act.

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■ STATE FUND Understanding Your Audit: Why It's Important, How It Helps

A payroll audit is a routine, yet essential event in the life of your workers' compensation insurance policy. All insurers are required to audit their policyholders. Some policies are audited every year, while smaller employers may be audited at less frequent intervals. To understand what an audit is all about, let's take a look at the considerations that determine the premium you pay.

California's workers' compensation system categorizes employees into more than 500 job-specific classifications. State Fund assigns each classification a rate reflecting the risk for that type of work. Your premium—the price of your policy—depends on three main factors:

- Your employees' job classifications and the rates State Fund charges for them.
- Your employees' earnings.
- Any premium modifications for which you qualify.

We rely on a year-end audit to verify exact payroll and classification information for all employees. With this important audit information, State Fund then:

- **Ensures that our policyholders are charged the correct premium for their policy term.** When all policyholders pay the premium amount that accurately reflects their payroll and risk, it effectively levels the playing field for you and other businesses in your industry.
- **Updates any details that may affect a policyholder's coverage and rates.** When you first obtained your State Fund policy, we reviewed your operations and assigned certain job classifications. Your auditor will verify this information and make note of any changes to your operations, locations, ownership, or employees' job duties. You may request a copy of the audit.

- **Complies with important regulatory requirements of the WCIRB.** The Workers' Compensation Insurance Rating Bureau (WCIRB) collects insurer data on premiums and claims and uses this information for two purposes: (1) creating advisory rates, and (2) calculating your experience modification (if applicable), which is a premium-adjustment factor that statistically reflects your comparative safety record.

Attention, Construction Employers: Keep Rigorous Records

If you are a construction employer, you know that California's dual-wage classification system may entitle you to lower premium rates for employees whose hourly wages are above certain thresholds. To qualify for these higher-wage, low-rate classes, you must follow a strict record-keeping standard: Keep daily time cards or time sheets and document start and stop times for all your employees.

The Workers' Compensation Insurance Rating Bureau (WCIRB) requires construction employers with dual-wage classifications to maintain records that show daily start and stop times, hours worked, job duties and type of work performed, and wage rates or salary earned. If you lack clear verifiable records of hours, duties, and wages, your State Fund auditor will assign all construction payroll to the applicable low-wage, high-rate classifications. By following the rules for documentation, you can save premium dollars and streamline the audit process.

Source: State Compensation Insurance Fund, COMPOnents 2010—Issue 1.

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