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Troubled water

\$3 million settlement underscores liability concerns over water jugs

By Michael A. Boslet

The parents of a teen-age golfer whose death was linked to contaminated drinking water at the former Thunderbirds Golf Club in Phoenix have accepted a \$3 million settlement.

The settlement is believed to be the largest liability payout connected to golf course operations. The agreement, which excludes an admission of negligence, was announced in early January, two weeks before the civil suit was scheduled to go to trial.

Scott and Monica Beeman originally had filed a \$20 million wrongful death suit against the Thunderbirds, owned by a civic group of the same name, and course manager Western Golf Properties Inc. The suit claimed that unsanitary handling of drinking water led to the spread of a virus that caused Nils' death on his 15th birthday, July 19, 2002. In all, 84 cases of a Norwalk-like virus were linked to Thunderbirds GC, site of a junior tournament July 16-17 (*Superintendent News*, Sept. 20, 2002).

The outbreak spurred a close look into the practice of filling the industry-standard 10-gallon water jug. In the months following the incident, some courses removed water coolers and offered bottled water to golfers. Last May the National Golf Course Owners Association in Canada, citing health and liability concerns, recommended that its 1,100 members stop using water jugs (*Superintendent News*, June 6, 2003).

While at the U.S.-based NGCOA's annual meeting in January, Mike Hughes, executive director of the group, and board member Henry DeLozier said they

thought the \$3 million settlement, covered by insurers for the owner and management company, was the highest amount paid in connection with a golf course liability claim.

"It's sobering and causes everyone to step back," said DeLozier, vice president of golf for Pulte Homes.

Also at the meeting in Tampa, Fla., was Jeff Calderwood, executive director of NGCOA Canada.

"I'm very glad we took the proactive steps we did last year for health and safety reasons, first and foremost, but also for liability purposes," said Calderwood. "The \$3 million (settlement) proves it's real and not a small matter."

Indeed it isn't, as the incident at Thunderbirds GC drew national scrutiny to golf course maintenance operations, where water coolers are usually stored and filled. In a post-mortem investigation of the 157 courses in Maricopa County, which includes

Phoenix, Mesa, Tempe, Sun City and Scottsdale, health officials found that 63 percent of the facilities followed unsafe procedures for supplying drinking water to golfers. Only the courses that offered bottled water or had water fountains passed the health inspections.

In the wake of its probe, Maricopa County's health department published detailed

instructions on the safe handling and cleaning of drinking water jugs. Compliance is voluntary, said a health official. Many superintendents across the country independently adopted the guidelines, which include a dedicated fill hose stored in a clean and dry area and daily cleansings of jugs with a bleach solu-

tion. But many course managers and superintendents have not changed their routines of allowing maintenance workers, oftentimes with dirty hands, to fill jugs with a hose lying in a puddle of water alongside a maintenance building.

Scott Beeman says the tragedy should be a wake-up call to the golf operations business that drinking water should be handled by food and beverage workers, not "guys mowing lawns."



The practice of dispensing drinking water from the industry standard 10-gallon water jug came under intense scrutiny in the wake of Nils Beeman's death. Recently, two companies began marketing safety and cleaning products for jugs used on golf courses.

JOHN DARNELL FOR SUPERNEWS





Scott Beeman went to wake Nils, lower left, for their golf outing on July 19, 2002, his son's 15th birthday. Beeman found Nils dead in a bathroom. Nils apparently had been throwing up, and he had died from choking on vomit. His death was linked to contaminated drinking water at Thunderbirds Golf Club, where he had played in a junior tournament earlier in the week. In all, 84 cases of a Norwalklike virus were connected to the course's water jugs, but health officials were unable to determine the origins of the contamination.

Gary Burger, the attorney for the Thunderbirds and Western Golf, said there was a sick worker on the maintenance staff at the time of the tournament, but there is no way of determining if he were the cause of the outbreak.

"It was pretty clear that the contamination came after the water was put into the jugs," said Burger.

Since the death of their only child, the Beemans have divorced. Monica, 44, lives near family in Minnesota, while Scott, 45, leads an unsettled existence, hopping back and forth from Arizona to Florida. At the time of Nils' death, Scott was in his ninth month of sobriety. Since then there have been

"You save a couple of bucks having the greenkeepers filling the jugs in the morning," said Beeman, referring to the Thunderbirds operation, "but these guys didn't have a clue about sanitary measures."

According to Mike Manning, the attorney who represented the Beemans, the suit claimed that at least one sick maintenance worker, a malfunctioning reverse osmosis system and an old ice machine contributed to the contaminated drinking water incident.

However, Doug Hauth, spokesman for the county health department, said Jan. 20 that the origins of the virus never were pinned down.

"There were many possible points of contamination," said Hauth. "We could not make a medical connection. All the water jugs were not locked down. Anyone could have dumped their dirty hands into the water."

relapses into drinking, he said.

"We've had our lives ripped apart, our hearts ripped out," Scott said.

Scott found Nils dead in a downstairs bathroom, his chin resting on the rim of the toilet. He had gone to wake his son for an early morning round of golf they had planned as part of Nils' birthday celebration. Scott played as often as twice per week with Nils, who played nearly every day during the summer in hopes of improving his position on the Mountain Pointe High School golf team.

According to an article in *The Arizona Republic* last year, Nils never complained of feeling ill after playing in the junior tournament at Thunderbirds. Nils went to bed early the night before his birthday, saying he would get up at 4:30 a.m. and wake his dad for their golf outing. Scott woke up at 6 thinking Nils had overslept.

Though the outbreak of intestinal illnesses in other golfers was identified as a Norwalklike virus, the U.S. Centers for Disease Control could not confirm that Nils had the virus, which usually occurs in water and food contaminated with feces. A CDC official told SuperNEWS in a Sept. 20, 2002, report entitled "Water Hazard" that tests on stool samples of sick golfers showed they contained the virus. Stool samples from Nils were not available.

The official cause of death remained a mystery until

November 2002, when the county medical examiner's office concluded that Nils died from choking on his vomit "due to probable acute viral (Norwalk) gastroenteritis."

By then Thunderbirds GC was in financial ruins as its owner, the same charitable foundation that runs the PGA Tour's Phoenix Open (since renamed the FBR Open), failed to make debt payments on a \$6.5 million loan. The \$12 million course was resold for \$4.8 million.

Now owned by MGC Properties, Thunderbirds GC was renamed Vistal Golf Club, and water jugs are as much a thing of the past as the \$100 green fees the course used to charge. Director of golf Greg Leicht said two automatic water and ice machines are stationed on the course. The routing of the layout brings players by the machines every two or three holes, he said.

"As far as I'm concerned," said Leicht, "no golf course should have coolers. I don't believe it's possible to have the cooler sanitized and cleaned as the health department demands."

Leicht said Vistal's rates range from \$29 on weekdays and \$39 on weekends, and he projected the course to get 45,000-50,000 rounds per year.

John Gehman, owner and superintendent of Butter Valley Golf Port in Bally, Pa., did away with jugs last year as health and liability concerns over water jugs caught his attention. In their place, he put three ice chests filled with bottled water and placed a cash box inside each.

"We sold 6,691 bottles of water," Gehman said. "We used the honor system and asked that \$1 per bottle be thrown into the tray in the cooler."

Gehman said his cost was 35 cents per bottle, giving him a tidy profit of about \$4,300.

"You do the math," he said. "This is income generating rather than an expense. The liability is nearly nil and my rangers are handling 16-ounce bottles rather than 10-gallon jugs."

In spite of the recent settlement and concerns over drinking water safety, Albert Perez, director of grounds of Desert Springs Resort, a 36-hole facility in Indio, Calif., said he doesn't believe the water jugs' days are numbered.

"Immediately after this story you found the industry coming out with ways to secure coolers," said Perez, who once put a jug on his course while a drinking fountain was out of order but immediately yanked it off after reading "Water Hazard" in SuperNEWS. "When something like this happens, it was something that was overlooked for many years."

Two companies, Guardian Products Development Inc. and Par Aide Products Co., will launch their drinking water safety products at the GCSAA show Feb. 12-14 in San Diego.

Executive editor Michael A. Boslet can be reached at mboslet@golfweek.com.

COURTESY OF SCOTT BEEMAN VIA STINSON MORRISON HECKER LAW OFFICE

Golfweek's SuperNEWS

The Cutting Edge

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Golfweek; Golfweek's SuperNEWS; Golfweek.com; TurfNet.com and TurfNet Monthly 1500 Park Center Drive, Orlando, FL 32835; Reception: 407-563-7000; Subscriptions: 800-830-5182; Classified Advertising: 800-441-2617; Editorial Fax: 407-563-7077; Sales/Marketing/Circulation Fax: 407-563-7076; E-mail: supernews@golfweek.com; Reprints: 866-879-9144 x119

PUBLISHER

Dale Gardner (407-563-7048; dgardner@golfweek.com)

EDITORIAL

Executive Editor: Michael A. Boslet (407-563-7040; mboslet@golfweek.com)

Editor: Bradley S. Klein (860-243-3296; bklein@golfweek.com)

Managing Editor: Alayna G. Riggins (407-563-7049; ariggins@golfweek.com)

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Set guidelines for handling water

There are only three definitive outcomes stemming from the contaminated drinking water incident at the former Thunderbirds Golf Club:

1. Nils Beeman is dead.
2. His parents sued the course owner and manager, which settled the wrongful death claim for \$3 million.
3. The exact origins of the Norwalklike virus that led to Beeman's death and the illnesses of 83 others at the golf course remains a mystery.

Any one of these three facts is cause enough to take a good long look at how you provide water to golfers and employees. The lesson of Beeman's death isn't as much about negligence (none was admitted or proven) as it is about inexplicable accidents. They happen, and when they do people can get hurt.

As with most accidents, there is something to learn from them. Sometimes there are overreactions, sparking calls for government regulations in an area where self-regulation has worked well all along. We feel the golf course industry is such an area.

But in the area of drinking water safety, it is time for golf course operators and superintendents to adopt guidelines for the safe handling of jugs. Too many courses treat drinking water containers as an afterthought, using dirty hoses to fill jugs and leaving coolers unsecured on a course. When you've heard as many horror stories about jugs as we have (stored next to garbage and pesticides, filled with hoses just removed from a spray tank),

it's truly a wonder we haven't heard of more cases of drinking water contamination.

Some superintendents have been following some, if not all, of the water- and ice-handling guidelines outlined by Arizona's Maricopa County Health Department (visit www.maricopa.gov/envsvc/ENVHLTH/water-_ice.asp). But owners and superintendents need to think collectively on this, just as the National Golf Course Owners Association in Canada did. That group recommended removing all coolers – a move that would seem impractical in warm-climate regions such as Florida and Arizona.

Beginning with the GCSAA Show in San Diego, there will be opportunities for superintendents, general managers and owners to see what manufacturers have done to address the jug dilemma. Two companies, Guardian Product Development Inc. and Par Aide Products Co., will introduce innovations that they say promote sanitary practices and protect drinking water from human contact. In the end, these products may represent a small price to pay for peace of mind and good relations with golfers who have become wary of water jugs since the virus outbreak in July 2002.

The GCSAA and the National Golf Course Owners Association, which will combine their shows next year, should lead the discussion by appointing a task force to investigate practices and recommend guidelines for the industry to follow. ■

