

# Tightening down the Hatches

A Summary of Timely Articles of Special Interest to Businesses in Protecting your Assets

A publication of

## D.E. Rodwell Investigative Services Ltd.

Edition #2 – July 2003

Welcome to the second edition of my newsletter. Recently, I read a number of articles on the issue of Corporate Liability. With growth in both the number and magnitude of settlements, it is important that companies take a serious look at their position to defend themselves from exposure from legal actions.

Courts rely on at least seven factors in determining whether a corporation tried to prevent and detect criminal action by its employees. Among the questions to be answered are:

1. Does the organization have policies defining the standards and procedures to be followed by its agents and employees?
2. Has a specific high-level person within the organization been designated and assigned overall responsibility to oversee compliance with those standards and procedures?
3. Has the organization used due care not to delegate significant discretionary authority to persons whom the organization knew, or should have known, had a propensity to engage in illegal activities?
4. Has the organization effectively communicated its standards and procedures to its agents and employees, e.g., by requiring participation in training programs and by disseminating pamphlets and handbooks?

5. Has the organization taken reasonable steps to achieve compliance with its standards, e.g., by utilizing monitoring and auditing systems designed to ferret out criminal conduct by its agents and employees and by having in place and publicizing a reporting system whereby agents and employees can report criminal conduct within the organization without fear of retribution?
6. Have appropriate standards been enforced consistently through appropriate disciplinary mechanisms?
7. After an offense was detected, did the organization take all reasonable steps to

If you would like to receive future issues of this newsletter  
please advise contact me by:  
email at [dave@daverodwell.com](mailto:dave@daverodwell.com)  
phone or fax 780-460-3028

prevent further similar offenses? Such steps include any necessary modifications to the organization's program to prevent and detect the violations of law and appropriate discipline of individuals responsible for the failure to detect the offense.

The court may also consider the size of the organization in determining whether it did its job in preventing workplace violence, including its history and practices.

If you feel that your company or organization may be exposed to a potential lawsuit, consider discussing your exposure with your lawyer, and then consult with a Security Consultant for advice on how to eliminate potential problems.

Please call me to discuss any issues you may be facing.

## Outrageous Lawsuits

I recently found this article that indicates the ridiculousness of lawsuits in the United States. Can we be that far behind in Canada?

### Lawsuits

It's time, once again, to consider the candidates for the annual Stella Awards. The Stella's are named after 81-year-old Stella Liebeck who spilled coffee on herself and successfully sued McDonald's. That case inspired the Stella Awards for the most frivolous successful lawsuits ONLY in the United States. The following are this year's candidates:

1. Kathleen Robertson of Austin, Texas, was awarded \$780,000 by a jury of her peers after breaking her ankle tripping over a toddler who was running inside a furniture store. The owners of the store were understandably surprised at the verdict, considering the misbehaving little toddler was Ms. Robertson's son.
2. A 19-year-old, Carl Truman of Los Angeles, won \$74,000 and medical expenses when his neighbor ran over his hand with a Honda Accord. Mr. Truman apparently didn't notice there was someone at the wheel of the car when he was trying to steal his neighbor's hub caps.
3. Terrence Dickson of Bristol, Pennsylvania, was leaving a house he had just finished robbing by way of the garage. He was not able to get the garage door to go up since the automatic door opener was malfunctioning. He couldn't re-enter the house because the door connecting the house and garage locked when he pulled it shut. The family was on vacation, and Mr. Dickson found himself locked in the garage for eight days. He subsisted on a case of Pepsi he found, and a large bag of dry dog food. He sued the homeowner's insurance claiming the situation caused him undue mental anguish. The jury agreed to the tune of \$500,000.

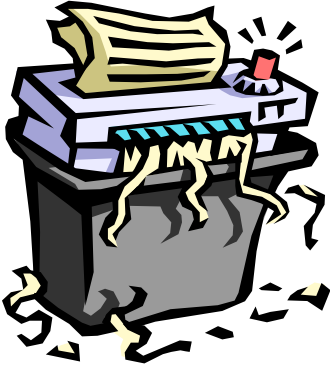
4. Jerry Williams of Little Rock, Arkansas, was awarded \$14,500 and medical expenses after being bitten on the buttocks by his next door neighbor's beagle. The beagle was on a chain in its owner's fenced yard. The award was less than sought because the jury felt the dog might have been just a little provoked at the time by Mr. Williams who was shooting it repeatedly with a pellet gun.

5. A Philadelphia restaurant was ordered to pay Amber Carson of Lancaster, Pennsylvania, \$113,500 after she slipped on a soft drink and broke her coccyx (tailbone). The beverage was on the floor because Ms. Carson had thrown it at her boyfriend 30 seconds earlier during an argument.

6. Kara Walton of Claymont, Delaware, successfully sued the owner of a night club in a neighboring city when she fell from the bathroom window to the floor and knocked out her two front teeth. This occurred while Ms. Walton was trying to sneak through the window in the ladies room to avoid paying the \$3.50 cover charge. She was awarded \$12,000 and dental expenses.

7. This year's favorite could easily be Mr. Merv Grazinski of Oklahoma City, Oklahoma. Mr. Grazinski purchased a brand new 32-foot Winnebago motor home. On his first trip home, having driven onto the freeway, he set the cruise control at 70 mph and calmly left the drivers seat to go into the back and make himself a cup of coffee. Not surprisingly, the R.V. left the freeway, crashed and overturned. Mr. Grazinski sued Winnebago for not advising him in the owner's manual that he couldn't actually do this. The jury awarded him \$1,750,000 plus a new motor home. The company actually changed their manuals on the basis of this suit, just in case there were any other complete morons buying their recreation vehicles.





## **THIS EDITION'S SECURITY TIP**

**Are you planning a vacation trip? Here are a few security tips to make you holidays safer.**

**Have a great holiday.**

### **BEFORE YOU GO**

Safety begins when you pack. To avoid being a target, dress conservatively. Don't wear expensive looking jewelry. A flashy wardrobe or one that is too casual can mark you as a tourist. As much as possible, avoid the appearance of affluence.

Always try to travel light. You can move more quickly and will be more likely to have a free hand. You will also be less tired and less likely to set your luggage down, leaving it unattended.

Carry the minimum amount of valuables necessary for your trip and plan a place or places to conceal them. Your passport, cash and credit cards are most secure when locked in a hotel safe. When you have to carry them on your person, you may wish to conceal them in several places rather than putting them all in one wallet or pouch. Avoid handbags, fanny packs and outside pockets that are easy targets for thieves. Inside pockets and a sturdy shoulder bag with the strap worn across your chest are somewhat safer. One of the safest places to carry valuables is in a pouch or money belt worn under your clothing.

If you wear glasses, pack an extra pair. Bring them and any medicines you need in your carry-on luggage.

To avoid problems when passing through customs, keep medicines in their original, labeled containers. Bring copies of your prescriptions and the generic names for the drugs. If a medication is unusual or contains narcotics, carry a letter from your doctor attesting to your need to take the drug. If you have any doubt about the legality of carrying a certain drug into a country, consult the embassy or consulate of that country first.

Bring travelers checks and one or two major credit cards instead of cash.

Pack an extra set of passport photos along with a photocopy of your passport information page to make replacement of your passport easier in the event it is lost or stolen.

Put your name, address and telephone numbers inside and outside of each piece of luggage. Use covered luggage tags to avoid casual observation of your identity or nationality. If possible, lock your luggage.

Consider getting a telephone calling card. It is a convenient way of keeping in touch. If you have one, verify that you can use it from your overseas location(s).

### **What to Leave Behind**

Don't bring anything you would hate to lose. Leave at home:

- Valuable or expensive-looking jewelry,
- irreplaceable family objects,
- all unnecessary credit cards,
- Social Security card, library cards, and similar items you may routinely carry in your wallet.

Leave a copy of your itinerary with family or friends at home in case they need to contact you in an emergency.

### **A Few Things to Bring AND Leave Behind**

Make two photocopies of your passport identification page, airline tickets, driver's license and the credit cards that you plan to bring with you. Leave one photocopy of this data with family or friends at home; pack the other in a

place separate from where you carry your valuables.

Leave a copy of the serial numbers of your travelers' checks with a friend or relative at home. Carry your copy with you in a separate place and, as you cash the checks, cross them off the list.

### A Bit of Humour

An avid golfer goes to see a fortune teller to enquire if there are any golf courses in heaven.

"I have good news and bad news" she tells the golfer.

"What's the good news?" asks the golfer  
"The good news sir is that the courses in heaven are spectacular, without doubt better than anything you have ever seen on earth."

"What's the bad news then?" he asks

"You have a tee time at 8:30 tomorrow morning."

#### **I TOLD YA TO TAKE THE CAMERA!**

During a high school break-in in Plymouth, North Carolina, two burglars found a camera in one of the classrooms and amused themselves by taking pictures of each other committing the crime. When they couldn't figure out how to get the film out of the camera, they concluded it wasn't loaded and left it behind. The men apparently didn't realize they'd been fooling around with a digital camera that stores pictures on a computer disk. Investigators downloaded the snapshots to a computer and got a complete photographic record of the break-in. The suspects were quickly arrested.

I love this cartoon

© 2002 Kevin Spear kevin@kevinspear.com www.kevinspear.com



"Please don't make me admit my faults! If you make me honest and humble, how will I be able to run for public office?"

Let me conclude this newsletter, by wishing everyone a wonderful and safe summer.

