

## GO AHEAD, KICK MY TIRES

So I'm halfway through my presentation entitled, "Praise the Lord and Pass the Ammunition" at the 58th Annual IFEA Convention and Expo in Pittsburgh. The crowd was the largest to ever attend my legal hot topics review and up to this point they had been very active and engaged. *Side note: My personal belief is that a good crowd gathered because of the snappy title, but I'll digress about effective marketing and advertising in a later column.* I get to the point in my presentation where I review how not to get sued at your event. I flash a bunch of pictures up on the screen showing trip and fall hazards, golf carts, snags, and propane tanks.....basically the worst parts of the Bible according to the Festival and Event industry. I then ask: How many of you have asked your insurance company to conduct an insurance audit at your event?

Crickets. Buehler?

Trust me; my reaction would have been the same had I been sitting in that room. The terms "insurance" and "audit" don't mix well.

When I was contacted by Haas & Wilkerson and told that a representative would be conducting a "Loss Control Visit" (otherwise known as insurance audit) at the KDF BalloonFest and Marathon/miniMarathon from April 28-30, 2011, I needed to take a moment and breathe into my trusty paper bag. Our office then began a fire drill of sorts. I held meetings with our management and event teams asking that they do their level best to put lipstick on our "lovely" pig. Whatever could be done must be done to make this guy believe that our events were safe and perfect. If he were to find anything wrong, nothing short of a giant hike in insurance rates (best case) or shutting down the Festival (worst case) would be our rightful punishment. Boy was I wrong!

When Tom Dixon from ACE Loss Control arrived in Louisville he ended up being part tourist and part teacher. He and

I met at the BallonFest venue and went on a walking tour. He focused much of his attention on slip and fall risks by simply pointing out areas we need to fix, along with those situations where KDF had done a good job preventing risk. He did the same at our Marathon/miniMarathon venue. He pointed out a potential snag injury on a bleacher and a propane tank that hadn't been chained up. Nothing about the visit felt threatening, confrontational or intrusive. He was simply there to "kick the tires" and provide us with recommendations on how we can do things even better. Shortly after his visit, we received a follow-up letter that was very complimentary of our team and events. It included specific notes on a few areas where we could improve. It was all done under the banner of making our events safer.

*You see, what I failed to understand was that our insurance carrier doesn't make money if people get hurt at our events.* If our events are safe, fewer people get hurt, which leads to fewer injury claims and lawsuits. Tom's visit allowed KDF to take a good look at

our risk management safeguards and implement improvements where needed.

Whichever company is your insurance carrier, I'd highly recommend contacting them to schedule a Loss Control Visit. Doing so might prevent you from receiving a letter demanding a trial by jury when someone trips over a rogue water hose.

**Jeff English, CFEE** is the Senior Vice President and General Counsel for the Kentucky Derby Festival. He works on all legal issues facing the Festival, but also manages the merchandise department and the 501(c)3 Kentucky Derby Festival Foundation. For whatever reason, they also put him in charge of IT. A lawyer running IT - yeah, what could go wrong there? Anyways, he's been there for 6 years and can't believe they pay him to do this job. His boss also can't believe they actually pay him.