

THE FLOW

SEPTEMBER 2019

Upcoming Events

September 18th

**Next Man Up
Dewatering & Shoring
A.J. Johns, Inc.
6:00 pm**

September 19th & 20th

**Texas Hold'em Poker & Presidents
Cup Golf Tournament
Rosen Shingle Creek
Orlando**

September 26th

**Networking Event at
Autobahn
6:00 pm**

November 5th

**Sporting Clay Challenge
Jacksonville Sporting Clays**

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Jon Woodall, John Woody, Inc.

PRESIDENT'S MESSAGE

Dear Friends,

I hope that you all are healthy and doing Well. Thank you to all our monthly sponsors, we couldn't be as successful as we are without you!

We had a great turn out for our fishing tournament on August 3rd, we appreciate all of our sponsors and all that donated items for the raffles and their time to help with weighing and checking in. On September 19th & 20th, NUCA of Florida will be having their annual Poker Tournament and President's Cup Golf Tournament at the Rosen Shingle Creek in Orlando Florida. This is a great opportunity to meet new people from outside of our area. On September 26th we will be hosting our General Meeting at Autobahn, please sign up and come out, this is a great opportunity to enjoy some friendly racing and conversation.

Our Next Man Up class will be held on Wednesday, Sept. 18th. Topic will be Dewatering & Shoring. Look for an email coming out soon.

As always, please continue to support our members and associates. If there is anything, I can do to help you out, please do not hesitate to give me a call. I look forward to working with you all.

Sincerely,

Chad

Linda L. Daniels, CCIM
Licensed Real Estate Broker



Commercial Real Estate Solutions
of Jacksonville, Inc.

514 Chaffee Point Boulevard, Ste. 1
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Office: 904-398-5100
Cell: 904-304-7222
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Contractors

CALENDAR OF EVENTS

September 6th

Clay Shoot Committee Meeting
Mr. Chubby's Fleming Island
3:00 pm

September 18th

**Next Man Up—Dewatering &
Shoring Class**
A.J. Johns, Inc.
6:00 pm

September 19– 20th

NUCA of Florida
**Texas Hold'em &
President's Cup Golf**

September 26th

**Board of Director's Petticoat-
Schmitt Civil Contractors**

September 26th

Autobahn
6:00 pm

November 5th

Sporting Clay Challenge

The Law and Your Business

The Law and Your Business – Lost Profits May be Recoverable in a Breach of Contract Claim against an Insurer

By Rebecca Ross, Regan Atwood. P.A.

The *Manor House v. Citizens Property Ins. Corp.* case involved an insurance claim by the owner regarding nine apartment buildings that were significantly damaged by a hurricane. The owner presented its initial property damage claim to the insurer under the policy, which was paid. In April 2006, the owner's adjuster requested that the claim be reopened and a claim for \$10 million was presented to the insurer, Citizens. In response, Citizen's adjuster estimated the replacement cost value at approximately \$6.4 million. Citizens made additional partial payments to the owner in the amount of only \$345,192. The owner then demanded payment of the allegedly undisputed amount of \$6.4 million, which Citizens failed to pay.

The owner filed a lawsuit against Citizens for the undisputed amount and sought a Court Order compelling Citizens to participate in the policy provided appraisal process. In November 2009, the appraisal panel awarded the owner \$8.6 million in replacement cost value. In January 2010, Citizens paid an additional sum to the owner. The owner then pursued an action against Citizens for breach of contract for its failure to, among other things, pay the undisputed amount after estimate, honor the owner's demand for appraisal, and timely pay the appraisal award. The owner also sought to recover lost rental income due to the delay in making repairs at the apartment complex as a direct result of Citizens failure to adjust and pay the owner's claims in a timely manner.

The trial court granted Citizen's motion for partial summary judgment on the breach of contract claim regarding lost rental income because the insurance policy provided for property damage coverage, but it did not provide coverage for lost rents. The appellate court agreed, but noted that the trial court's ruling ignores the general principle that the injured party in a breach of contract action is entitled to recover monetary damages that will put it back in the same position that it would have been in had the other party not breached the contract. Thus, when an insurer breaches an insurance contract, the insured is entitled to recover consequential or lost profit damages provided the damages were in contemplation of the parties at the time of contract. Further, the appellate court held that in a claim for breach of an insurance contract, consequential damages may be recovered if they can be sufficiently proven. Thus, the appellate court reversed the trial court's partial summary judgment ruling and allowed the parties to litigate all issues related to the owner's claim for lost rent.

2019 FISHING TOURNAMENT RESULTS

We had another beautiful day for our tournament this year at the Northeast Florida Marlin Association in St. Augustine on August 3rd. Grill Billy's provided a wonderful BBQ of brisket., wings & shrimp. Dennis Sergeant from Nimnicht and Ed Porter from Bobcat managed the weigh in. Valinda Krynicki, United Rentals Trench Safety and Kim Bryan, Petticoat-Schmitt Civil Contractors helped out at registration. Our fishing Chairman, Ashton Milam, United Rentals Fluid Solutions , was our announcer and handed out the door prizes and awards. Congratulations to the winners of this year's tournament.

REDFISH

1st Place, Rhett Parslow, A.W.A. Contracting Co. Inc, 1.95 lbs

REFISH MOST SPOTS: Rhett Parslow, A.W.A. Contracting Co. Inc, , 2 spots

FLOUNDER

1st Place, Mark Bryan, Lippes & Bryan, 2.26 lbs

2nd Place, Rhett Parslow, A.W.A. Contracting Co. Inc, 1.69 lbs

3rd Place, Anthony Murphy, Beard Equipment , 1.52 lbs

TROUT

1st Place, Rhett Parslow, A.W.A. Contracting Co. Inc, 4.20 lbs

2nd Place, Pat O'Brien, Ring Power, 2.43 lbs

3rd Place, Steve Dempsey, Ring Power, 2.22 lbs

OTHER SPECIES

1st Place, Rhett Parslow, A.W.A. Contracting Co. Inc, 2.08 lbs, Drum

2nd Place, Caden Baum, Bobcat of Jackskonville, 1.92 lbs, Blue

3rd Place, Cade Clark, Whitestone, 1.16 lbs, Ladyfish

OFF SHORE

1st Place, Rhett Parslow, A.W.A. Contracting Co. Inc, 2.71 lbs, Triple Tail

KID'S TROPHY FOR THE LARGEST FISH

Bradley Dennis, Bobcat of Jacksonville

KID'S PRIZE

Caden Baum, Bobcat of Jacksonville

GRAND PRIZE WINNER

Rhett Parslow, A.W.A. Contracting Co. Inc

FISHING DIVA

Emily Johns, Lippes & Bryan

FISHING RAFFLE WINNERS

Pair of Kayaks: Riley Bryan, Lippes & Bryan

Bobcat Fire Pit, Joe Maguire, Coastal Utility Contractors of Jacksonville

\$100 Gift Card, Nicole Besch, Besch & Smith

FISHING PHOTOS



MORE FISHING PHOTOS



2019 FISHING SPONSORS



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Door Prize

Door Prize



Get Ready for NUCA's 2020 Convention and Exhibit in Tucson: Feb. 27-29, 2020

Save the date and start planning today to attend! The convention will be held in the beautiful Loews Ventana Canyon Resort in Tucson, AZ. Convention registration and the hotel reservation room block will open September 3rd. Mark your calendar now and keep on the look-out for more details.

Congratulations to the 2019 NUCA Foundation Scholarship Winners

The competition was tight, but these NUCA member students distinguished themselves from their peers. The recipient of the D.A. Foster Memorial Scholarship is Cooper Edmondson, son of Kimberly and Ty Edmondson (T.A. Loving Company). The recipient of NUCA's four-year Scholarship is Kalyn Frostestad, daughter of Kathy and Eric Frostestad (HDR Engineering). The recipient of the William & Shirley Burgett Scholarship is Abigail Watters, daughter of Kristi and Daniel Watters (Miller Pipeline).

Hire the People You Need: NUCA's Utility Construction Career Fair Set for Nov. 15

As part of the Workforce Development initiative of NUCA's strategic plan, we will be holding this one-day event at the Dulles Expo Center in Chantilly, VA. Hiring managers will be on hand to meet job seekers and discuss their organizations, available positions, and conduct onsite interviews. The career fair is free to job seekers. Interested in exhibiting? Contact [Cheryl Stratos](#) or go [here](#) for more information.



SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Skin Cancer Prevention

According to the CDC, 5 million people are treated for skin cancer in the US each year. Working outside exposes us to ultra violet rays even when it's cloudy. Over time, exposure to UV rays will permanently damage skin. Fortunately, most skin cancers can be prevented. Some steps that can be taken right away to prevent further damage.

Wear sunscreen. Always wear sunscreen when working outside. Water, concrete and sand all reflect and intensify UV rays. Use a sun protection factor (SPF) of 30 or higher.

Wear protective clothing. Loose fitting tightly woven long sleeve shirt and pants. Safety glasses should have a rating of 99% UV protection. Both clear and dark safety glasses can be purchased with UV protection.

What to look for. Check yourself out. **Warning signs.** A new or existing mole that has an irregular border or jagged edges. Moles bigger than a pencil eraser. A bump or patch that doesn't heal.

While skin cancer is more common in fair skinned people, it often goes unnoticed in darker skinned people until it's at a more serious stage. Frequent self-examination and a visit with a dermatologist can help prevent more serious stages of skin cancer.

An interesting statistic is that melanoma is one of the most common forms of cancer in people younger than 30 and the likelihood of developing melanoma doubles if you have had more than five sunburns.

We can't avoid sunlight in our line of work but we can take steps to minimize sun damaged skin. We can educate ourselves and we can recognize when we may need treatment. If we do discover symptoms that might be suspected skin cancer we can seek treatment and minimize the damage.



NUCA
of FLORIDA

September 19-20, 2019 Rosen Shingle Creek | Orlando, FL

REGISTER TODAY

Join us September 19-20, 2019 at Rosen Shingle Creek in Orlando for the NUCA of Florida Texas Hold'em and Presidents Cup Golf Tournament Events. The Texas Hold'em fee of \$100 includes a reception, poker tournament, beverages, appetizers, and a chance to win a \$500 gift card! The President's Cup Golf Tournament fee of \$150 includes the Thursday night reception, Friday breakfast, Awards Luncheon, golf fee, cart, drink tickets and cash prizes!

Participate in both events for only \$225 and support the NUCA of Florida PAC. Reserve a golf foursome for \$750 and get a Hole Sponsorship too!

LANE RECEIVES GARY SAWYER AWARD

At the NUCA of Florida Conference in July, Drew Lane received this year's Gary Sawyer Award winner. This award recognizes the associate member who has made significant contributions at the local or state level to the industry and/or association.

Drew has served on our local chapter's event committees since he became active in the association six years ago. He is active on committees generating sponsorships and participants for our events. He has manned a Vendor Showcase booth for his company at the chapter golf tournament for the past few years. In addition, he has also helped sell mulligans prior to the tournament.

With the help of others, including John Ellis III, he has been instrumental in the establishment of the local Young Professionals Group. The group has met several times since last year. The Young Professionals group was established to get younger employees of our member firms to develop relationships with others young members in the association hoping that they will recognize the importance of the association and participate in other events.

For several years, Drew ran the weigh-in for the our chapter fishing tournament. He has also taken an active role in selling raffle tickets for the raffle held during the fishing tournament.

At our sporting clay challenge, he participates as a shooter as well helping calculate the scores at the end of the tournament. Though, I'm not sure if this has ever helped his score or not. He is known throughout NUCA of North Florida to always be dependable and does any job willingly with a smile on his face.

Drew is currently employed by Advanced Drainage Systems and has been employed with them since 2010. He graduated from the University of Alabama with a Major in Civil & Construction Engineering. In addition to being an active member of our association, he is also a member of Florida Engineering Society, FTBA, ASCE & JEST.



KIVLIN RECEIVES ANDREW J. MAYTS AWARD-

Congratulations to Mike Kivlin, this year's Andrew J. Mayts Award winner. This award is presented to a NUCA of Florida Board member who has made a significant contribution at the local or state level to the industry and association.

Since becoming an active member in 2013, Mike has moved through the ranks of the association serving on the Board of Directors, the Executive Committee and other various committees, such as: The NUCA of Florida Convention Committee, The NUCA of Florida Board of Directors, The Scholarship Committee and The Legislative Committee

Mike joined the NUCA of North Florida Board of Directors in 2013 and its executive committee in 2015. He was elected President of NUCA of North Florida and began serving his 1-year term in January 2018. When his successor learned that they could not serve, Mike stepped up and offered to serve another 6 months even though he was going to have an increased role on the NUCA of Florida Board as well.

While he served as North Florida President, Mike attended almost every meeting of every committee as well as attending all events and training sessions. He is just as committed to NUCA of Florida, where he has been elected as our new NUCA of Florida President.

His intelligence, motivation and people skills have been recognized by his employer, John Woody Inc., where he has been employed for the last 12 years and is now Vice President. Since joining the company, he has gone from laborer to foreman to V.P.



SEPTEMBER FEATURED SPONSOR



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A.J. Johns, Inc. is a Jacksonville based complete site development contractor. We began in the local industry in 1970. In the beginning we only provided the utility needs of our clients, but in 1983 we expanded our services to include all scopes of a complete site development contractor to better serve our clients, both public and private.

Our company founder, Mr. A.J. Johns, is a long time respected leader in the Jacksonville business community. Our goals and mission have remained consistent over the past 49 years. We strive to provide a turnkey approach to many types of development.

A.J. Johns, Inc. has the leadership, trained and dedicated staff who continue to evolve to meet the needs of our clients. We strive to create strong and understanding relationships with our clients, engineers, vendors, and subcontractors through communication, teamwork, and most importantly, a positive attitude. We have a reputation for delivering quality and cost effective services, and are fully committed to exceeding the expectations of our clients. Building new relationships and strengthening long term acquaintances is the key to both past and future success.

A.J. Johns, Inc. employees receive continuous training to keep them abreast of our changing industry. Internal job training and employee development brings a special plus to the efficiency of our organization.

Our industry has faced many ups and downs over the years but the most important asset to any company is its employees. We continue to invest in the future of our industry by creating new avenues to increase employment in our industry. All our futures dwell in the minds of the millenniums. We must show them by example that the construction industry does provide a pathway to a successful future. We must invest in our future by investing at grass-root levels to promote our way of life. Besides, "Boots on the Ground" is the only way anything ever got done in the first place!