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**Don't forget to read** all about Georgia Watch's continuing effort to bring justice to victims of medical malpractice. Georgia Watch is a regular contributor to the Drum Major Institute's Tort Deform blog, which focuses on the civil justice system.

We at Georgia Watch believe that this blog is a unique opportunity to share opinions, personal experiences, facts and statistics about one of the important consumer battles that we are fighting here in Georgia.

Some of you have already been reading and commenting on our blog posts. And you're not alone. The Drum Major Institute estimates that over 10,000 people per month read our posts. We encourage you to take advantage of this opportunity as well and give voice to your thoughts by commenting on the blog – or on other comments already posted. Check us out at [TortDeform.com](http://TortDeform.com).

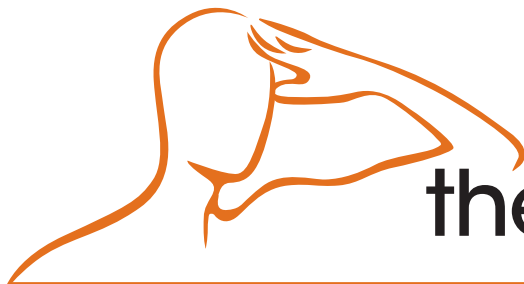
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**GeorgiaWatch**  
is OUTSPOKEN

So far this year, Georgia Watch staff has made lunch or dinner presentations to:  
-Forst Stewart consumer workshop  
-Car and Truck Rental and Leasing Association  
annual meeting  
-ACORN Financial Justice Training  
-U.S. Social Forum

You too can book Allison for a speaking engagement by calling Georgia Watch toll-free at **1-866-33-WATCH!**



## BUY DRY LAND WITH CONFIDENCE

BY COLEY WARD

For every two acres of trees cut down in Georgia, about one acre of roads, parking lots, driveways and rooftops is added.

Construction changes the way our land handles rainy weather, often increasing the size of floodplains for many streams, and creating new wetlands by changing drainage patterns.

As a result, many homeowners do not realize that their property lies in an unmapped, expanding flood zone, and fail to purchase flood insurance until the damage is already done.

Add to this confusion the fact that the majority of Georgia's flood zone maps are at least 20 years out of date. Efforts by environmental officials are underway now to re-map the state's flood zones, but that process is slow. Meanwhile, construction and development continues day in and out.

Homes on the coast are especially at risk for flooding, since the government has encouraged the "conversion" of many wetland forests into drained areas where pine trees can be grown for the pulp and paper industry.

Buying property further inland doesn't guarantee you won't get wet. Every day, construction crews lay an average of 28 acres of concrete, asphalt, roof shingles, and other solid, non-absorbing surfaces in metro Atlanta.

Angel Bigger, a real estate agent, learned this the hard way.

A creek that runs through Bigger's property is at the heart of her dispute with the City of Atlanta. In April 2006, Bigger bought a piece of land where she hoped to build her dream home. But before she could start construction, the city's Department of Watershed Management told her they wanted her to revise her floor plan, site plan and survey, and move her home 25 feet closer to the road. According to the city, a creek on her property was not in its original location.



ANGEL BIGGER

That was news to Bigger. When she bought the property, she didn't even know the creek existed because the previous owner had filled it in with dirt. Bigger says the previous owner never told her that there was a creek, and neither did the mortgage company or the inspectors.

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## SOAPBOX DERBY RACE TO BENEFIT GEORGIA WATCH

BY COLEY WARD

Car title lending. Uninsured motorist insurance. At Georgia Watch, we work for Georgia drivers. But next month, some of you drivers will be working for us.

On July 7th at Atlanta's Starlight Six Drive-In, Georgia Watch will host the 2007 Downhill Challenge, with proceeds benefiting our group.



The 2007 Downhill Challenge is an annual soapbox derby race that will also feature live music from local bands, food from local restaurants, and artwork from Georgia artists.

"We're really excited about the attention that this high profile event will bring to our organization and our issues," said Georgia Watch Executive Director Allison Wall.

Soapbox derby cars rely on gravity to move AND ARE piloted down a hill by a driver. They are homemade and must weigh less than 250 pounds.

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# ACTIVIST PROFILE: STEVE OWINGS

BY MAGGIE WHITE

It's hard to imagine the daily commute of Steve Owings, a financial advisor working in Buckhead. Steve is not frustrated by the slow-moving Atlanta traffic, but instead is haunted by the tragic loss of his son Cullum, who died five years ago after the car he was driving was struck by a speeding 18-wheeler.

Cullum and his younger brother Pierce were on their way back to Washington and Lee University in Virginia after Thanksgiving break. The two brothers were heading north on Interstate 81 in Virginia when traffic began to slow. As Cullum braked his car, he looked into his rear view mirror and saw a powerful tractor trailer speeding towards them. With little room to maneuver, Cullum attempted to pull onto the median and out of harm's way, but the truck barreled into the driver's side of the car.

Pierce managed to escape with only minor cuts and bruises, but Cullum died while waiting for the rescuers to free him.

The Owings Family was angered and devastated by the loss of their son. They were even more enraged when the truck driver responsible for his death received only one month in jail for reckless driving.

These days, when Steve gets into his car it is a sad reminder of what could have been.

"When I glance into my rearview mirror it takes me to another place, where I imagine what Cullum's life and ours might have been like if he had lived," he says.

The Family wanted to do something to prevent other families from experiencing similar tragedy. The fruit of their labor of love is the

nonprofit advocacy group Road Safe America, which has formally requested a nationwide regulation requiring that large trucks set the maximum speed on their governors – standard on all tractors since 1990 – at 68 mph or slower. They believe that a reduced top speed for trucks on our highways would reduce accidents and make the roads safer.

More than 43,000 drivers and passengers were killed in car accidents on United States roads in 2005, according to the National Highway Traffic Safety Administration.

The Owings' organization inspired

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STEVE OWINGS AND FAMILY

SOAP BOX DERBY CONTINUED FROM PAGE 1



Event partners will include Smart Water, Home Depot, Lowe's, Cartoon Network, Creative Loafing, and The Atlanta Rollergirls. Yelp.com is

sponsoring the event.

Jake's ice cream will unveil its newest flavor, Three CARamel Pile-up.

Atlanta radio stations 99X and 97.1 The River will broadcast live from the derby and will be running radio spots to advertise the event in advance of the race.

Majied Najjar has been looking forward to the Downhill Challenge for months and is currently working to construct his racer.

"I've got all the parts I need," Najjar says. "I just need to teach myself to weld and I'm set."

The Starlight Six Drive-In is Atlanta's last remaining drive-in movie theater. It is located at 2000 Moreland Ave.

If you want to enter a car, e-mail [soapbox2007@yahoo.com](mailto:soapbox2007@yahoo.com) and let us know.

Admission is just \$5.

For more information on the Atlanta Soapbox Downhill Challenge,

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## BUY DRY LAND

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you have in your consumer arsenal is to be inquisitive. Ask your realtor or the seller for the Georgia Board of Realtors' form, "Sellers Property Disclosure Statement."

Ask for the names of vegetation and the history of the vegetation on the property and on surrounding land. Water-dependent plants, including "juncus" and "cypress tree," are nature's warning signs to you that the property has flooded recently, and likely will again.

Ask for copies of elevation maps, surveyor's plats, soil maps, topographic maps, and any wetlands determinations made by the U.S. Army Corps of Engineers. Ask for copies of aerial photos of the property, and look for natural drainways, ditches or canals.

Finally, if possible, observe the property during a moderate to heavy rainstorm. Most consumers in the market for a house or property choose dry weather days for their scouting missions. But if you are serious about a property, it's far better to get a little wet before the sale, instead of getting soaked by a hidden flood or drainage issue.

To learn more about flood zone maps and tips for buying dry land, visit [www.BuyDryLand.org](http://www.BuyDryLand.org)

**DON'T GET SUCKED IN**  
**BUY DRY LAND**  
[www.georgiawater.org](http://www.georgiawater.org)



## LEGISLATIVE ROUNDUP

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Committee, but was defeated on the House floor twice.

### ID Theft Protection - (HB 35, HB 38, HB 130)

A credit freeze puts consumers back in control of their personal identifying information. It's the only way to put an end to new account fraud before it starts. Unfortunately, none of the three credit freeze bills received a committee vote.

Georgia Watch monitored many other issues in 2007, including:

SB 24 – Would make internet "phishing" of personal information a felony. Passed the Senate and awaits action from the House in 2008.

SB 251 – This bill would establish a website where towing companies are required to list vehicles that have recently been towed. The bill passed but was vetoed by the Governor.

SB 286 – Would strike the very high "gross negligence" standard for harm caused in the emergency room and put ER doctors and staff on the same level as other health care providers. The bill was filed late in the session and will be eligible for action in 2008.

HB 102 – Would set up an optional program for statewide judicial candidates to receive public funding for their campaigns. House Bill 102 would be a first step towards reducing the influence of special interests in statewide judicial elections. Unfortunately, the bill did not make it out of committee.

HB 378 – Would require the Insurance Commissioner to hold medical malpractice insurers to

the same rate-filing standards that auto and homeowner insurers have to meet. Would also require that these companies be more accountable to the health care providers that they insure, and to the general public. This bill also failed to get out of committee.

HB 492 – Would expand the Composite State Board of Medical Examiners by adding one doctor and one non-doctor to the panel. It passed out of committee with no opposition but was denied a floor vote by the House Rules Committee.

See "Choosing Your Doctor..." in this month's newsletter for more information on patient safety legislation that Georgia Watch monitored in 2008.

## ADD IT UP

### OUTLAWING PAYDAY LOANS HAS SAVED GEORGIA MONEY:

- In 2006, Georgia consumers saved \$147 million.
- Consumers in the 11 states that have enforced bans against payday lending saved \$1.4 billion in 2006.
- The typical payday borrower pays \$793 on a \$325 payday loan.

## STATS

# ESTABLISHING OUR ROOTS

## GEORGIA WATCH COVERS THE STATE LIKE KUDZU

BY MAGGIE WHITE

Temperatures are in the 90's, the humidity is even higher and the kudzu is steadily creeping. There's no denying it – the dog days of summer are upon us.

But Kudzu isn't the only thing that's growing. Georgia Watch membership is up, too. Last summer we traveled to Bainbridge, Augusta, Hinesville, Vidalia and Savannah. We hosted consumer workshops at military bases, churches and libraries. Traveling around the state gives us a chance to meet firsthand the people who are affected by predatory lenders, medical mistakes, and identity theft.

Take a look the chart below to see where our members live:

<b>Athens MSA</b>	<b>2.64%</b>
<b>Atlanta MSA</b>	<b>49.7%</b>
<b>Augusta MSA</b>	<b>5.11%</b>
<b>Chattanooga/Dalton</b>	<b>1.48%</b>
<b>Coastal</b> (including Savannah, Brunswick, and counties on the coast)	<b>7.65%</b>
<b>Columbus MSA</b>	<b>2.14%</b>
<b>Gainesville MSA</b>	<b>1.8%</b>
<b>Macon/Warner Robins</b>	<b>10.18%</b>
<b>Rome MSA</b>	<b>0.7%</b>
<b>SW Georgia</b> (Albany, Bainbridge, and the counties in between)	<b>8.45%</b>
<b>Valdosta MSA</b>	<b>2.04%</b>

As you can see, the bulk of Georgia Watch's membership comes from the Atlanta area. This is consistent with state census numbers, which say that Atlanta has about half of the state's population.

You'll also notice that the percentages only add up to 92%. The remaining eight

percent of our membership is scattered about in another 35 counties, but membership in each of those counties accounts for less than one percent.

This summer, we'll be traveling to new towns and meeting new people, in an effort to enlist new members. If you want Georgia Watch to conduct a consumer workshop in your town, let us know!

### New Health Care brochure is out!

Health care and insurance abuse tops the list of complaints we receive from members. Not a day goes by that we don't get a call from someone who is dissatisfied with the health care they've received, or with how their insurance company is handling a claim.

Georgia Watch continues to promote patient safety and affordable health care in our state. Education about patients' rights is critical to this goal.

To that end, we're happy to announce the release of our new brochure, "Georgia Health Care: Know Your Rights." The brochure explains how a new state law called Senate Bill 3 has limited your ability to hold doctors, hospitals and nursing homes accountable for careless mistakes and intentional errors.

Highlighted are the personal stories of four Georgia Watch members, including the story of Shannon Lecoeuvre, who was brutally assaulted at a high-school party.

Only one of Shannon's attackers went to jail. When Shannon sued the others, she was told to settle on their terms or pay their legal fees. That's right. Georgia law says if you don't settle, you could get stuck with the defendant's legal bill. It's just one example of how Senate Bill 3 has stripped Georgia citizens of their right to justice and accountability.

By now, you should have received a copy of Georgia Watch's new brochure

in your mailbox. If you didn't receive one, or if you would like more copies to give to friends and family, contact Maggie at [mwhite@georgiawatch.org](mailto:mwhite@georgiawatch.org) or toll-free at 1-866-33-WATCH.

## MEET OUR NEW INTERN: JEANNINE LOWERY



Lowery is originally from the lower east side of Manhattan. As a high schooler, she trained and danced professional ballet with Elliot Feld's Ballet Tech. Later, she became a member of the Screen Actors Guild and appeared in several national commercials. In 2002, Jeannine moved to Florida to work for The Big Cat Habitat, a nonprofit lion and tiger sanctuary. At the Big Cat Habitat, Jeannine worked closely with 39 lions and tigers and performed in educational shows around the country and in the Bahamas. In 2005, Jeannine moved to Georgia to attend college and is currently majoring in public relations and marketing at Georgia State.

# ELECTED OFFICIALS SAY THE DARNDEST THINGS: REP. JAMES MILLS

BY COLEY WARD

It's unclear how Rep. James Mills could be so confused about something as straightforward – and useful – as a credit freeze. Particularly when you consider that Rep. Mills serves as Chairman of the House Banks and Banking Committee, which has studied the issue of identity theft and credit freeze protection for the last two years.

And yet, on the last day of the 2007 legislative session, Chairman Mills stood front and center in the House well and told lawmakers that somebody could use a credit freeze to hide their bad credit.

**Chairman Mills:** “[T]hey hide that bad credit because they’ve got their credit frozen.”



**The Truth:** Credit freeze does not hide bad credit. In fact, it's impossible to use a freeze in this way, because a credit freeze doesn't

affect current accounts. Regardless of whether or not you have a freeze on your credit, Equifax, Experian and Transunion will continue to collect your credit information. And they'll continue to keep track of whether your credit is good or bad.

Chairman Mills also said that people who freeze their credit aren't able to unfreeze their credit fast enough to make emergency credit purchases.

**Chairman Mills:** “On Saturday at Home Depot ... you pull out your credit card and guess what? You got a credit freeze on and you need to fix your water heater but you can't do it because you got your credit frozen.”

**The Truth:** Over 30 states have passed credit freeze legislation, and in some

states a freeze can be removed within 15 minutes. All it takes is one phone call.

More importantly, a credit freeze will never affect accounts that you have already opened, including as bank accounts and current credit cards.

Just like it sounds, credit freeze allows consumers to “freeze” their credit file, which prevents the big three reporting agencies from releasing any information to potential creditors, such as credit card companies.

Without this information, new credit cards cannot be issued to identity thieves trying to use your good name to finance an expensive shopping spree today, tomorrow, or next year.

In short, credit freeze puts consumers back in control of their personal information. It is the only way to stop new account fraud before it starts.

If you have questions about Chairman Mills' comments, you can contact him at his Capitol office at (404) 656-5099.

## ADD IT UP

### CAR TITLE LENDING:

- \$33: maximum amount car title lenders in Iowa will be permitted to charge customers to borrow \$400 for two and a half months.
- 36: Amount APR car title lenders in Kentucky are allowed to charge.
- 30: Amount APR Florida lenders can charge.
- 300: Percent interest car title lenders charge borrowers in Georgia.

## STATS

## ADD IT UP

### GEORGIA NEEDS A LARGER CONSUMER PRESENCE ON THE STATE MEDICAL BOARD:

- Currently, the Composite State Board of Medical Examiners consists of 13 members. Only one is not a doctor.
- In Georgia, 3.5 percent of physicians are responsible for 40 percent of the state's malpractice.
- 1.24 million Medicare patients hospitalized from 2002 to 2004 were victims of serious medical errors, leading to over 250,000 estimated preventable deaths.

## STATS

### SOAP BOX DERBY

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check out [GeorgiaWatch.org](http://GeorgiaWatch.org) or go to [www.freewebs.com/atlantasoapboxderby](http://www.freewebs.com/atlantasoapboxderby).

We look forward to seeing you at the 2007 Atlanta Soapbox Downhill Challenge!



## FROM THE DIRECTOR'S CHAIR

# GET TO KNOW THE NEW AND IMPROVED GEORGIAWATCH.ORG

BY ALLISON WALL — EXECUTIVE DIRECTOR



If you haven't visited [www.GeorgiaWatch.org](http://www.GeorgiaWatch.org) recently, you may be in for a pleasant surprise.

In April, we launched a new design of the Georgia Watch website, and added a significant amount of new content as well.

### Our main goal? To keep you coming back.

For starters, we're adding new articles, features and updates to [GeorgiaWatch.org](http://GeorgiaWatch.org) every week. Not only will this keep the site interesting for you, but when you need a quick consumer resource, the information will be at your fingertips.

For example, copies of the Georgia Watch newsletter, "The Watcher," are now archived online.

What happens when you want to tell your friends about the new Court Watch program, but find you already threw away your Watcher? From the [GeorgiaWatch.org](http://GeorgiaWatch.org) homepage, just click on the "About Us" link and download the newsletter any time, any place.

We've also made [GeorgiaWatch.org](http://GeorgiaWatch.org) more personal by featuring different Georgia Watch members on the homepage.

We tackle all the big consumer issues, including identity theft, loan interest rates and nursing home safety – and we don't do it alone. The new "Meet & Greet" section puts a face to the issue, and helps our members meet each other.

And now it's easier to share your complaints and experiences with us, because the "Tell Us Your Story" link is on the homepage too.

The new site is also a snap to navigate. A listing of Georgia Watch issues on the top left-hand side of the homepage makes it simple to find more information about the consumer topics that you care about.

Every change we've made to [GeorgiaWatch.org](http://GeorgiaWatch.org), we've made with you in mind. We want our site to be one of your favorites – a resource that you share with friends and family.

If you have suggestions on how to improve [GeorgiaWatch.org](http://GeorgiaWatch.org), please let us know. Just go to the homepage and click on "Contact Us." We can't wait to hear your feedback.



## BUY DRY LAND CONTINUED FROM PAGE 1

Bigger says that the previous owner's mortgage company also didn't inform her that the property she purchased from them is in a mapped flood zone. Of course, buying property in a flood zone changes everything, from the type and cost of insurance you must purchase, to the building and landscaping precautions you must take to avoid water damage in your home. Wet rot attacks wood, foundations shift on uncertain footings, and mold infests all building and decorative materials.

Bigger has met with the Watershed

Commissioner, the city council, and the Office of Constituent Services, but to no avail.

"I haven't received a call back from anyone," Bigger says. "Absolutely no resolution has been made in six months. I'm so frustrated."

Last year, Georgia Watch and the Georgia Water Coalition launched an education campaign to encourage anyone who is thinking of renting, buying or building a new home or business in Georgia to make sure that the building site is not a wetland.

Some wetlands don't look like wetlands all the time, and may even have structures built on them already. But given enough rain, these areas will remember that they are wetlands.

There are a number of clues that educated consumers can look for to determine if the property may be located in a wetland or flood-prone area. First and foremost, remember that just because a property isn't in a flood zone doesn't mean you can forget about draining problems.

The best weapon against flooding that

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# LEGISLATIVE ROUNDUP

BY DANNY ORROCK

The 2007 Georgia General Assembly ran much longer than most years, and there was quite a lot of activity on issues concerning consumers. Here is a synopsis of some of the important bills that Georgia Watch tracked this year.

## Security Breach (SB 236)

Current Georgia law requires companies that collect and sell personal information, such as ChoicePoint, to notify residents if that information is lost. Senate Bill 236, sponsored by Sen. Chip Rogers (R-Woodstock), would expand the scope of the state's security breach law to include government agencies and public universities. In addition, the bill contains criminal penalties for anyone who knowingly uses another's personal data fraudulently. SB 236 passed the Senate and was signed by Governor Perdue.

## Uninsured Motorist Stacking (SB 276)

Senate Bill 276 was filed by Sen. Cecil Staton (R-Macon) to improve uninsured motorist coverage in Georgia. SB 276 would allow a driver who is in an accident to "stack" his or her uninsured motorist (UM) coverage on top of the at-fault driver's liability insurance, in order to cover a large claim. The bill passed out of the Senate overwhelmingly, but did not get to the House floor for a vote. It will be eligible for House action in 2008.

## Private Cities (SB 200, SR 309)

Senate Bill 200, sponsored by Sen. Johnny Grant (R-Milledgeville), would grant developers the power to tax and



issue bonds to build "Infrastructure Development Districts," also known as private cities. Unfortunately, the bill does not appear to cap the bonds' interest rates, leaving property and homeowners on the hook to cover all budget overruns.

SB 200 passed both the House and Senate and was signed by the Governor. But because it represents such a substantial shift in taxing authority, the bill needs a constitutional amendment before it can take effect. Senate Resolution 309, the proposed constitutional amendment, received a two-thirds vote of the legislature and will appear on the 2008 ballot to be decided by the voters of Georgia.

## Payday Lending (HB 163)

House Bill 163 would have legalized lending at interest rates of 390 percent for a two-week loan. The bill was sponsored by Rep. Steve "Thunder" Tumlin (R-Marietta), and was vigorously supported by Rep. Earl Ehrhart, (R-Powder Springs) and Rep. Al Williams (D-Midway). It passed the House Banks and Banking

ACTIVIST PROFILE  
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a U.S. Senate Resolution, co-sponsored by Georgia senators Saxby Chambliss and Johnny Isakson, declaring the Sunday after Thanksgiving "Drive Safer Sunday." The resolution calls on schools, clergy and law enforcement to do more to encourage safe driving. Governor Perdue has also endorsed Drive Safer Sunday in Georgia.

Steve and his family continue to honor Cullum's memory by using Road Safe America to make highways safer. For more information about Steve Owings and Road Safe America visit [www.roadsafeamerica.org](http://www.roadsafeamerica.org) or call 1-866-721-7623.

## ADD IT UP

### TOP TEN MOST COMMON PASSWORDS:

If your password is listed here you might want to change it. The best passwords have a combination of numbers, letters, different cases, and symbols.

- password
- 123456
- qwerty
- abc123
- letmein
- monkey
- myspace1
- password1
- blink182
- (your first name)

## STATS

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