

BAY AREA WOODWORKERS ASSOCIATION

February 1986 - Vol. 5, Issue 2

Box 421195 San Francisco CA 94142

THIRD THURSDAY PREVIEW

The general meeting for February 20th will be hosted by Experimental Printmaking, Pier #46, door 13, San Francisco, phone: 957-9309. Will Fu will be giving a demonstration on wood block cutting and printing. He will talk about the tools and processes used. There will be examples of the work done at the studio in both printmaking (Raphael & others) and wood sculpture. Currently, they are making playable musical sculpture with Wiley. Also, examples of John Buck's figures will be on display. This should be a fascinating opportunity to view woodworking in the realm of fine art.

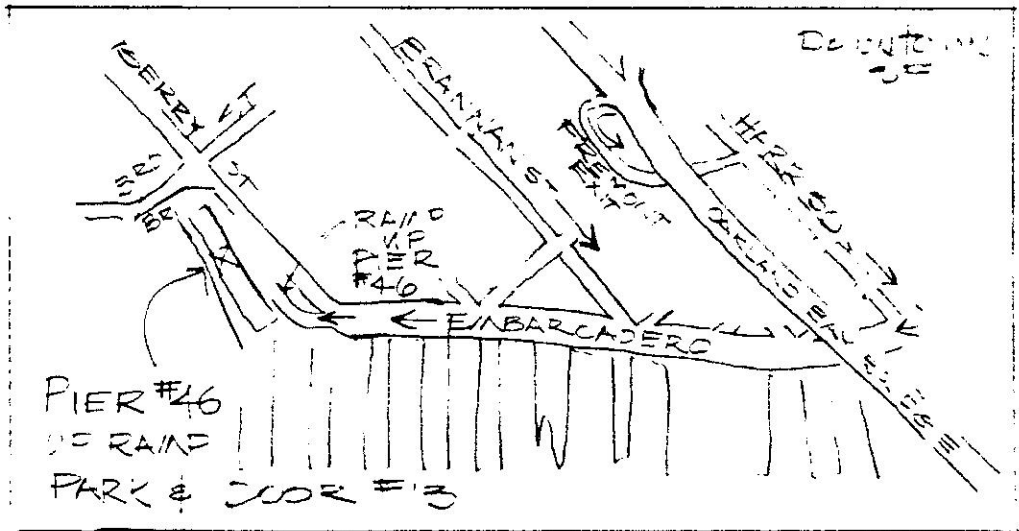
SPOTLIGHT

Don Dupont will show us a bookcase he has recently completed for the Macy's show. Don will be accompanied by Robert Aude, who will present photos of the bookcase.

The general meeting will be at 7:30pm. The executive meeting will be held over dinner at the Will Board Cafe, 299 9th (9th and Folsom) at 6pm before the general meeting. Any interested members are welcome to attend.

Directions to Experimental Printmaking

From the Bay Bridge, take the Fremont St. exit. Turn right at First St. (Harrison). Continue until Harrison ends. Turn right on the Embarcadero and continue for about $\frac{1}{2}$ mile to where it makes a gentle right curve. Turn left up a ramp marked by two signs: Cyrus Goldman Auctioneer, and Tug and Tow Service. Park on second level and look for door # 13. From S.F., go to the end of Brannan St. and turn right on the Embarcadero, then follow directions above.



NOTES FROM THE LAST MEETING

If anyone went away from the last meeting hungry, it was their own fault because we were well fed by our hosts, Plywood and Lumber Sales (PALS). Many thanks to PALS for providing us not only with a place to hold the meeting, but dinner as well. It was also an excellent opportunity for those not familiar with PALS to look over their fine stock of lumber, plywood and laminate products. We also got a wealth of information from our speaker, Lil Lea regarding income tax and accounting services. It may not be the most cheerful subject, but it certainly is one which we all have to deal with. If you need tax or accounting services, Lil can be reached at 547-2508. Thanks for your presentation, Lil.

FROM THE EDITOR

As woodworkers and creative craftspeople, what is reflected in the price of our products and services? Pricing must be based not only on our own needs, but also on the fact that what we're doing often reflects creativity, high quality, hand construction, originality and large amounts of time. The time, I might add, is private time, that is, you are devoting all of your time, energy and attention to one particular client at the time you're working on their project. Many professionals charge \$100. an hour or more for that kind of time. Woodworkers are professionals just as much as lawyers or doctors are and often are delivering a product which is just as needed or just as desirable. So why is it that all too often the financial rewards of our work are unsatisfying? One of the problems is competition. In business, there's a temptation to try to get the job by being low bidder. In the long run, however, low bidders rarely win because even though they get the job, the financial rewards are often too low to make the job worthwhile. So, after ten years of low bidding, you'll be able to say that you stayed really busy but you're still driving that old wreck that you bought used a long time ago. And you still don't live in the kind of house that you'd like to or take the kind of vacations that you'd like to. You haven't struck it rich and you may not have enough money to send your kids to college, but nobody can say that you've been idle. I would suggest taking a different attitude, one of non-competition. After you've made a careful determination of your financial needs and desires, you should use this as a basis to price your products or services. Then stick to those prices. If a competitor claims to offer similar products or services cheaper or if a client plays you against competitors in an attempt to lower your price, you should be prepared to politely decline the job, stating that the quality of your products or services is very high and that the price you're asking is fair and reasonable. You'll end up with fewer jobs, but you'll be making more money on the ones you do. Naturally, it's very important that the quality of your work be as high as possible. This in itself would tend to set you apart from many competitors and be justification for higher prices.

If you want your work to be set apart from others, it may also do well for you to provide a niche for yourself by individualizing your products or services. This can mean the use of distinctive materials, creative designs that become a trademark or something else that makes your work different from that of others. Most woodworkers do at least some custom work. Some do nothing but custom work. Because of the fact that all custom work is individual and often requires designing and building from scratch, it necessarily takes much more time and energy. And don't forget the creative aspect. These additional expenditures of time and energy and the use of creativity necessarily increase the value and hence, the cost of a product or service. Every woodworker and creative craftsman should do their part to educate the public about the higher value and cost of this kind of work.

Another very important aspect of increased quality sales is the proper use of advertising and marketing. Word of mouth advertising is one of the best kinds, and certainly the cheapest, but it's usually not sufficient by itself. Also, it often tends to lock you in to a particular kind of client which may not be the best kind. Personally, I'm a firm believer in advertising. It's worked well for me and I often try new forms of advertising. Persistence pays, and any ad should be given a fair trial period before a determination is made as to whether or not it's effective. One-shot ads or marketing devices generally do not produce the results that persistent or regular advertising does. There are, of course, many forms of advertising and marketing and we can't go into all of them here, but it is clear that advertising pays, and regular advertising pays even more. I know that some people in some professions consider advertising to be beneath their dignity, but let's face it, are you trying to sell something or not?

I think it's time that we all reevaluated the business, art and craft of fine quality woodworking to determine how well the field is faring with us as the practitioners. We should ask ourselves if we are doing something vital and positive or if we are becoming, if you'll excuse the expression, so much dead wood. If woodworking is to be kept vigorous and alive, then the people involved in it must be also. We'll have a hard time maintaining that position if we cut corners, sell ourselves cheap or remain in a state of semi obscurity. As individuals, we have a duty to ourselves, as craftspeople we have a duty to the movement and as woodworkers we have a duty to the profession to uphold standards of high quality and at the same time make a good living at what we're doing.

Peter Good

CALENDAR

May 4-6: International Architectural Hardware & Detail Show, Showplace Square, San Francisco.
Contact: Robert Zinkhon, Zinkhon Communications, 2 Henry Adams St., S.F. 94103. 621-7345.

February 21-23: 3rd annual Working With Wood Show, concourse at Showplace Square, S.F. (7th & Brannan). Workshops by Ian Kirby, Dr. Roger Cliffe, Mr. Sawdust, Dr. John Kassay and George Nakashima. Fri. & Sat. 11-6, Sun. 12-5. \$5. for 3 days, \$4. in advance. (408) 243-3555.

June 4-7: ART/CULTURE/FUTURE, a conference sponsored by The American Craft Council. Hosted by The Oakland Museum with additional events at Laney College, California College of Arts & Crafts and Henry J. Kaiser Convention Center. Exhibitions, receptions, films, forum, demonstrations, open studios and panel presentations on the artist in society, galleries, museums and crafts, education, collecting, architectural craft and art, history and future through exhibitions, criticism and contemporary crafts and new directions. Many notable participants. Non member, \$180., member, \$120. American Craft Council, P.O. box 30756, Oakland 94604. 272-0600.

June 6-8: Festival at the Lake Craft Market, Lakeside Park, Oakland. An urban fair with music and theater, business and non-profit exhibits, craft market, festival run, folk life fair and children's program. For the craft market, artisans in all media are encouraged to apply. Entrants will be juried from color slides. Each booth space is 10' by 10' and is \$125. Application deadline is march 15. For application and info, send legal size SASE to Festival at the Lake Craft Market, 1515 Webster St., Oakland, CA 94612, or call 893-0677.

Tuesday Lecture Series, 7:30pm, Rosewood Tool Supply, 1836 Forth St., Berkeley, CA 94710.
540-6247. Series, \$20., individual lectures, \$5.

Jan. 21 - John Kassay - The Windsor Chair; styles and technologies 1720-1830.

Feb. 4 - Miles Karpilow - Greene and Greene and the contemporary craftsman.

Feb. 18 - Jerry Coe - The Pagoda-style roof.

Mar. 4 - Liam O'Neill - Master woodturner.

Mar. 18 - Garry Bennett - Furniture maker and metal worker.

Rosewood also offers classes in Beginning Woodcarving, Carousel Horse Carving, Carving Letters & Signs, Whittling or Carving a Small Figure, Beginning Woodworking, Intermediate Router Use, Saturday Joinery, Wood Finishing and Refinishing, The Scraper, Kitchen Design and Cabinet Construction, Continuing Woodworking, Introduction to Power Tools, Sharpening with Waterstones, Basic Sharpening, Sharpening Carving Tools, Basic Drawing for Craftsmen, Marquetry, Beginners Woodturning and Advanced Woodturning. Contact them for more information.

"THE AESTHETIC MOVEMENT IN AMERICAN DECORATIVE ARTS" Slide Lecture by Marilyn Johnson, Coordinator and teacher, Graduate Program in Museum Studies, Fashion Institute of Technology, State Univ. of New York.
Tuesday, Feb. 11th, 7:15pm coffee and viewing of Members' Mini-Museum and 8 pm lecture. Asian Art Museum.SF

The Aesthetic Movement was a revolt against the "growing and dehumanizing mechanization of life" that accompanied the Industrial Revolution. There was an interest in basic principles of design, a controlling of the overuse of ornamentation, a return to the honest use of materials and to construction that produced objects of "sincerity" reflecting soundness and simplicity. The Englishman Charles Locke Eastlake was one of the apostles of this new thinking. His book, Hints on Household Taste in Furniture, Upholstery, and Other Details, was widely read in America and he was revered as a prophet of a new "Kingdom of the Tasteful." His doctrines, in the hands of conscientious craftsmen, were interpreted in good faith and with consummate artistry. Eastlake's American interpreters included among others Charles Tisch, the Herter Brothers, and Louis Comfort Tiffany. During this period America was experiencing an "artistic craze," as it was then called, in a quest for domestic objects that were in "good taste" and artistic.

(excerpt from American Decorative Arts Forum newsletter)

Tuesday, March 11, 1986

"REGIONAL CHARACTERISTICS OF NEW YORK FURNITURE, 1760-1815" Slide lecture by Gilbert T. Vincint, Adjunct Professor, Decorative Arts, Art and Architecture. Cooperstown Graduate Program, State Univ. College at Oneonta, New York. 7:30 coffee, 8 pm lecture. Asian Art Museum, San Francisco. Free to American Decorative Art Forum Members, \$3 to Museum Society Members, \$5 to non-members.

It's Mine! (Or Is It?)

BAWA wishes to thank Showplace Square News, San Francisco for the use of the following two articles.

Selling Goods on Consignment

By Denise Olrich, Attorney at Law

Scenario: Bill Good is a sculptor displaying a selection of his work in various showrooms on a consignment basis. He stops into "his" San Francisco showroom while in the City, only to find that the pieces which he placed there "on consignment" are gone. What can he do?

Bill Good's rights, under California law, may depend upon where his sculpture went, and why. If the consignee/showroom has sold the goods without paying Bill/consignor, then Bill has an action for damages against the showroom under various legal theories. If he does not succeed in getting paid, however, he ends up with a *deductible loss* rather than a bad debt resulting from non-payment. This is true because Bill has not technically sold the goods to the showroom. Rather, he has entrusted the goods to them, while retaining title in himself.

Let's step back for a moment and consider what is a true consignment? A consignment deal is an agency relationship in which a consignor/seller places goods in the *possession* of a consignee/agent for the latter to sell. The consignor retains title to the goods, since the consignee is not a purchaser, and ownership flows directly from consignor to the ultimate purchaser.

The California Commercial Code provides that if delivered goods may be returned by the buyer, even though they conform to the contract, the transaction is a "*Sale or Return*," providing the goods are delivered for resale (rather than for use). Under California law, a consignment transaction falls into this category (Com. Code Sec. 2326).

What if Bill Good finds out that his sculpture has been taken by a creditor of the showroom/consignee who had obtained a judgment against them?

The *consigned goods are subject to claims of the consignee/showroom's creditors* while in the showroom regardless of the existence of an agreement between them using the words "on consignment," unless Bill Good could establish that either,

- (a) the showroom was generally known by its creditors to be substantially engaged in selling the goods of others (Com. Code Sec. 2326(3) (b)); or
- (b) he has complied with Division 9 of the Commercial Code, requiring filing of a UCC-1 financing statement with the Secretary of State to "perfect" a security interest in the goods (Com. Code Sec. 2326(3) (c).

If he can establish one of these factors, and his sculpture falls under one of these exceptions to the rule, then creditors are not legally entitled to so attach his merchandise, as they are not property of the showroom.

As it is very difficult to establish what is "generally known" to the consignee's creditors, the best way for Bill to protect himself in this example would have been to file a UCC financing statement covering the goods which he placed on consignment. Then, if creditors attached the goods, they are on notice of the existence of his security interest in the goods, and he may have an action against the creditors for reclamation of the sculpture or for the proceeds thereof.

Contrary to popular belief, the posting of signs stating that the goods belonged to the consignor will not preclude the subjecting of those goods to claims of the consignee's creditors. Posting of signs or labels may help in establishing exception "(a)", mentioned above, but *provides no guarantee* that the consignor's goods won't be grabbed by consignee's creditors. Some states provide that consignor's interest may be evidenced by signs or labels, but California has no such "sign statute."

Now, for a third possibility: What if the showroom had filed bankruptcy, and a trustee had liquidated the inventory of the showroom/consignee, including Bill's sculpture? It is possible that a trustee in bankruptcy could have a valid claim to the sculpture, if it can be considered part of the bankruptcy "estate." This could, in some cases, occur where no financing statement had been filed, indicating perfection of the consignor's security interest. Again, the best, and safest practice will be to file such a statement. Legal counsel should be sought in order to advise you as to the filing requirements and time-tables which apply to such filings.

Why sell on consignment at all? There are some very good reasons for doing so, depending upon the particular circumstances. Consignment sales can avoid possible "price fixing" violations, since the anti-trust laws generally do not prevent a seller from setting the price of his own products.

If utilized correctly, consignment sales can also protect your goods from the claims of the consignee's creditors. Such sales can also minimize the risk to the dealer who may be unwilling to market a new product until she has an opportunity to test it out.

The Case Of The Cruel Stool

Products Liability and the Furniture Industry

By Denise Olrich, Attorney at Law

SCENARIO: Victor Vicktum's interior designer, Sally Snow, buys some bar stools for her client from Fine Interiors, a showroom which is the representative for the manufacturer, Cruel Stools.

Snow delivers the stools to her client just in time for his annual New Year's Eve bash. As Victor and his guests are happily singing Auld Lang Syne around his bar, the stool on which Victor is seated suddenly collapses. Victor suffers a fractured hip as a result of this fall. Needless to say, the party is over!

QUERY: Who is liable for Victor's injury?

The short answer is that everyone involved in the "chain of sale" of a defective product is subject to liability. In this case, Victor could sue not only Cruel Stools, the manufacturer, but Fine, the manufacturer's rep, and designer Snow as well (provided the "proximate cause" of his fall was a defect in the stool, and not his level of intoxication).

This reflects a rule of **strict liability**. In California, that rule states that the seller of a product is subject to liability for injuries proximately caused by a defect in the article which existed when the article left possession of that defendant, provided that the injury resulted from a use of the article that was reasonably foreseeable by the defendant.

In analyzing the liability in this situation, we would first ask whether the bar stool was, in fact, a defective product. The defect in a product could be one of two kinds; either one in manufacture of the article, i.e. failure of the manufacturer to comply with his own design requirements, or a design defect.



In fact, warranty defenses and disclaimers asserted by anyone of these defendants will not absolve them of responsibility. This includes such disclaimers which may be present in your sales contracts, invoices, purchase orders, etc. Since this is a policy of **strict liability**, that liability cannot be contracted away. The idea is, that all of these parties are in a better position than is the unwary customer to determine whether a product is safe.

This does not mean that Vicktum in this case, must sue Cruel, Fine, and Snow. He could sue any one of these parties, who might then, in turn, file suit against any of the others. Furthermore, in reality, the defendants or their insurance companies would likely arrange to apportion the damages suffered by the plaintiff consumer between them.

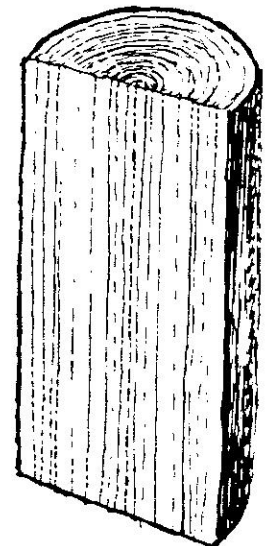
A product is defective in design if it fails to perform as safely as an ordinary consumer would expect when used in an intended or reasonable foreseeable manner. Since Victor sat on a bar stool, and it broke underneath him, we can safely assume that it either was not assembled correctly, and therefore there was a defect in its manufacture, or it was not designed to withstand the ordinary stress of sitting—certainly the use for which it was intended. As to who may be held liable, the policy embodied in California case law addressing this issue affords maximum protection to the consumer who purchased the product. The courts have held

that liability extends not only to the manufacturer who actually produced the item, but to wholesalers, distributors, and retailers as well.

This policy ultimately affords the consumer, Vicktum in this case, access to more sources of recovery. This policy takes into account the ability of all entities involved in the chain of sale to insure against this type of liability.

Regardless of which position you might find yourself in, i.e. that of Snow, Fine, or Cruel in this example, you should check with your insurance agent to see whether you have coverage for this type of liability. And, of course, should you find yourself in a situation where you may be subject to such liability, or have been injured by a defective product as Victor Vicktum was in this scenario, you should seek legal counsel immediately in order to insure that your rights are being protected.

Ms. Olrich has recently joined the law firm of Stokes & Welch, located at 111 Pine Street, Suite 1501, San Francisco, CA 94111, where she will continue to serve the needs of the furniture industry. She may be contacted at (415) 397-4100.



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Alphonse Mattia. Mr. Mattia holds an MFA from Rhode Island School of Design and a BFA from Philadelphia College of Art. He is currently associate professor at Swain School of Design and Art in New Bedford, MA (program in Artisanry). His work is nationally known, with exhibitions in Hudson River Museum, American Craft Museum, and most recently, a one-man show at Helen Drutt Gallery in Philadelphia. Mr. Mattia is also a recipient of the National Endowment of Arts Fellowship in 1984, as well as an award of distinction in the Young Americans Exhibitions.

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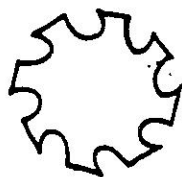
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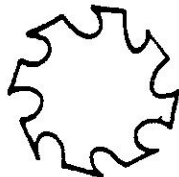
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BAWA DATA

The Bay Area Woodworkers' Association is an organization of woodworkers who have banded together to promote woodworking in both technical and aesthetic directions. This newsletter is a monthly publication intended to serve as a communications vehicle and a source directory for the membership of this Association.

Membership dues are \$20/year, for which any member may participate fully in the Association, in accordance with the guidelines set forth in the By-Laws. This includes voting power on any issue brought before the membership for a vote, notification of the monthly shop talks and demonstrations put on by the Association, receipt of this newsletter each month, and privilege of participation in any special discount programs sponsored by local businesses in conjunction with this Association.

Checks for membership dues may be made out to the Bay Area Woodworkers' Association and sent to P.O. Box 421195, San Francisco, CA 94142. Membership cards will be issued to all members in good standing.

Copies of the By-Laws are available at all monthly meetings, or can be requested by mail.

The monthly shop talks and demonstrations are held on the third Thursday of each month at 7:30 p.m., at a location announced both in the newsletter and at the previous meeting.

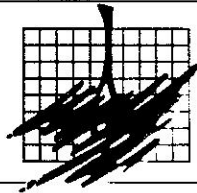
The monthly executive committee meetings are held on the fourth Thursday of every month, and are open to any interested members. To arrange attendance, contact any member of the executive committee by telephone or the address given above.

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