

ABAC NEWS

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The Official Newsletter of the Auto Body Association of Connecticut



A Message from the desk of Bob Skrip Skrip's Auto Body ABAC President

A new season is upon us, and it's time to regroup, rethink, and get motivated. Regroup your staff, rethink how you're going to be a better salesperson to land more jobs, and motivate yourself and your team to assist in that accomplishment. It can be done easier than you may think. The upcoming meetings of the ABAC are geared to help you accomplish all your goals, starting with our May 17th meeting where we will be continuing our OE Manufacturer's educational seminar series with GM representative James Mickle, doing an in depth Hybrid seminar.

Following in June with a casual Town Hall style meeting, where a panel of Board Members will share with the group what they found to be "Success In Salesmanship", you will learn to think outside the box in order to fill it up. Your board thought this is a valuable meeting for the simple reason; you need to sell the job before we can talk about profiting from it.

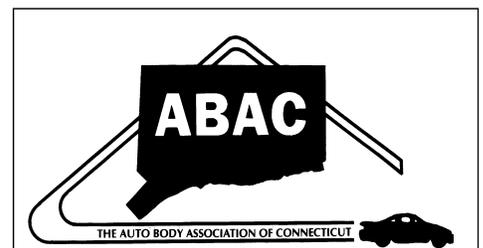
I want you all to pay special attention to page 9, Psychology 101. Read this and wonder if you're ready to climb the stairs, or stay behind and follow the crowd. Many directors and members alike have climbed the stairs, gone out on a limb, and tasted the fruit and now are ready to share their stories, techniques, accomplishments, and why they go home at the end of the day smiling. That will be shared with the group at our June meeting. But you better show up with your mind WIDE open. You will hear things out of the "ordinary". The date will be set shortly, so watch for the flyers.

Four board members, Atty John Parese and I just came back from the CCRE Conference in Cleveland, where dozens of the most forward thinking collision repair shop owners in the nation converged to learn systems that

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work in their shops. We learned techniques that allow us to start taking back control of our businesses while minimizing the third party influence of the Insurance industry. We learned how to satisfy our customer through education, how to market our shops for success, and be the professionals we are. This will be shared in the upcoming meetings with the entire membership. So be there.

In closing, the May meeting is when we elect new officers and board members. I invite you to become a board member, and take part in this association, and make a difference in your business. I have served on the board for decades, and I can honestly say, The ABAC is responsible for my success. When you become a board member, you will be networking with other board members and learn from them just as I have.

So do yourself and your family a favor.. become a Board Member of The ABAC!

Bob Skrip - *Skrip's Auto Body - ABAC President*

SUCCESS WITH ASSIGNMENT OF PROCEEDS

Mike Parker of Parker's Classic Auto Works in Rutland, Vt., received nearly \$12,000 from Nationwide Insurance this month after successfully suing the insurer in small claims court for unpaid amounts owed to 31 Nationwide insureds who had their vehicles repaired at Parker's shop. Parker used the "assignment of proceeds" process in order to sue the insurer on behalf of the vehicle-owners for labor and materials on Parker's final invoices that was not paid by Nationwide. He said Nationwide's attorney at the 2-day trial last summer argued unsuccessfully that the case should be moved to Superior Court, in part because many in the jury pool had also had their vehicles fixed at the shop or had heard the shop's radio ads. The jury decided in the shop's favor after 45 minutes of deliberation, and Nationwide's initial appeal was denied. The insurer then appealed to the state Supreme Court, and also offered to settle with Parker for the amount owed (about \$11,000) less only the interest on that amount the court had also ordered paid. Parker declined the settlement, and Nationwide subsequently dropped its appeal.

We have been having vehicle owners assign us the rights to the money their insurer owed them to repair their vehicle. Last July we stood in the shoes of 31 vehicle owners insured through Nationwide. All assigned me the rights to the proceeds owed to them per the policy. In exchange for this we allowed them to take their vehicle without fully paying our final invoice.

Unfortunately a letter to Nationwide got no acceptable response so we were forced to go to court for a judgment. In a day and a half jury trial we were awarded every penny. Nationwide then filed an appeal and a Superior Court judge found in my favor on the 4 points of the appeal.

Nationwide then petitioned the Supreme Court to have another appeal heard in the Superior Court level. After filing they asked if I was interested in settling. I wasn't. A few days later they pulled their petition to appeal and a week ago I got a check for just under \$12,000.

Submitted by: Mike Parker of Parker's Classic Auto Works

Connecticut Governor Names Leonardi to Head Insurance Department

Governor Dannel P. Malloy announced the appointment of Thomas B. Leonardi to serve as the new commissioner of the state Department of Insurance. Currently, Leonardi is Chairman and CEO of Northington Partners, Inc, an insurance venture capital and investment banking firm.

"I look forward to working with the governor's talented team and the hard-working and dedicated employees in the Insurance Department to protect consumers and grow Connecticut's insurance industry," said Leonardi. "This requires a balanced approach which includes efficient and timely responses to consumer complaints, making sure that products are clearly marketed and suitable for those people to whom they are sold, and, importantly, making sure that insurers in Connecticut are financially sound and able to pay policyholders' claims as they come due.

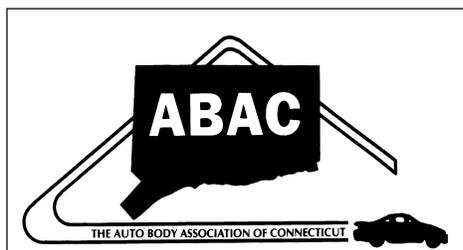
While at Northington Partners, Leonardi provided strategic, investment, capital raising, and financial advisory services to a number of insurance companies. Prior to his tenure at Northington, Leonardi was Senior Vice President at Conning & Company.

Source: www.collisionweek.com

"I assure this committee that if and when insurers don't deliver on promises made to policyholders or act in bad faith, the Insurance Department, under my leadership, will take swift and appropriate actions and we will be the consumer's strongest advocate," Leonardi says.

Source: www.courant.com

Note: Although the newly appointed Commissioner makes these statements don't be looking for drastic changes! YOUR Auto Body Association of Connecticut will be attempting to work with the Department of Insurance to protect us, as business owners, and to our most important customer, the consumer!



Ford wows attendees at the Auto Body Association of CT meeting!



Auto Body Association of Connecticut was honored to have guest speaker Paul Massie, Powertrain and Collision Product Marketing Manager for Ford Motor Company present at our latest quarterly membership meeting – held this March.

Mr. Massie educated all in attendance – indeed, a full house – on the complexities of verifying the crash-worthiness of automobile parts – specifically bumpers, safety systems, airbags, and front sheet metal – like hoods and fenders.

Knowing this was going to be an educational, albeit unique, presentation (Ford isn't in town every day); Auto Body Association of CT (ABAC) decided to open this meeting to the entire industry. “We mailed announcements of this meeting to every licensed CT auto body repair shop and we posted multiple notices on the ABAC Facebook and Twitter social media channels – if an auto body owner were to attend just one meeting this year – this was going to be it” said ABAC President Bob Skrip.

The message was heard – attendees came in droves from throughout New England!

Attendees had the opportunity to watch a presentation of the meticulous preparation and ultimate crash test of a brand new Ford Mustang – we've all seen the dramatic video of these tests before, they can be quite impressive. This video was of particular interest for the auto body industry however as the test was not only conducted

Definition

Factory Replacement Part:

Factory replacement collision parts referred to simply as *factory parts* or *OE* – original equipment are the parts available through the vehicle maker – in this case, Ford Motor Company.

Aftermarket replacement part (or as Consumer Reports calls them – imitation parts):

Parts made by someone other than the original manufacturer (Ford in this case) are referred to as aftermarket (AM is frequently used). An auto insurer when listing these parts might call them non-OE, non-Factory, LKQ, QRP – or any other similar derivative.

using Ford replacement parts, the same ones you can buy at your local dealership; but also in using non-factory parts which auto insurance industry proclaims are *just as good*.

“What Ford just showed us was simply amazing!” said Skrip after watching Ford's presentation.

“Time and time again tests like this prove and support the similar independent findings at Consumer Reports, that *just as good* aftermarket replacement parts just don't hold up; and they (aftermarket parts) present an immediate and subsequent-accident safety risk to both driver and occupant. Is using these parts what the insurance industry considers to be in the best interest of consumers – or are they (auto insurers) catering to the best interest of their *stock shareholders?*” proclaims ABAC Board of Director member *Eddie Lupinek*.

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“This should be an eye-opener for all consumers.” Paul Massie – Ford Motor Co.

“These tests raise more questions about unintended airbag deployments in the event of a future crash. They also highlight the dangers of being penny-wise and pound-foolish, as less-expensive copy parts could lead to much higher repair costs down the road. All drivers should be aware that copy parts can compromise both the safety performance and the long-term repair costs of your vehicle.” Says Massie



Images from the presentation illustrate the crash results of the factory parts (bottom) and the aftermarket copy parts (top).

In response to conducting their own aftermarket crash test; Eileen Sottile, co-chairwoman of the Automotive Body Parts Association legislation and regulation committee said “The reinforcement bar we selected was a good representative of the safe, high-quality, affordable parts made readily available to consumers by the aftermarket.”

Like the tobacco and insurance industries; the automotive aftermarket parts industry also has dedicated lobbyists to defend their actions.

Let’s hope she was not referring to the aftermarket part pictured above! This is the voice the insurance companies are listening to – a picture is worth a thousand words though, and the picture for the aftermarket bumper isn’t looking good.

Bob Skrip concludes – “Ford Motor Company is leading the automotive industry in educating consumers and repairers on the reparability of their cars and trucks, this information we all learned tonight will be invaluable in educating our customers and the general public on the perils of allowing an auto insurance company to mandate the use of these counterfeit parts in the repair of an automobile. Consumers need to know they have the right to refuse these counterfeit parts”

Connecticut motorists – remember

“It’s Your Car – It’s Your Choice Where To Have It Repaired”

*Bob Skrip
President – Auto Body Association of CT*

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CT House Bill 6385 Dings Technical Schools

CT House Bill 3685 would transfer governance and operation of the 17 state-run technical HIGH SCHOOLS over to their respective local school districts.

If this bill is passed; this would surely put a dent into a success-proven and thriving technical education system – *the only centrally run technical school system in the nation.*

Timothy G. Reagan, an education professor at [Central Connecticut State University](#) and others said at a recent [hearing](#) that it is unclear how the proposal would save money and predicted that local school districts would end up shouldering additional costs to run the schools. He also pointed out that technical school students perform better on Connecticut Academic Performance Tests and have higher graduation rates than students in their local school districts. ~ Hartford Courant

The future of Plumbers, HVAC, Electricians, Automotive, and Construction skills training in jeopardy.

Under this structure; schools simply will not be able to meet their unified workforce development mission – and will wither; their sustained successes will succumb to each local district's circumstances, missions, and competing interests.

ABAC urges all Connecticut residents to contact their legislator and tell them *you do not want them to support House Bill 3685.*

Bob Skrip

**Graduate – Kaynor Technical High School*

President – Auto Body Association of CT

(203) 525-9898 <call me direct to learn how you can help



PCI Sues to Declare RI Anti-Steering Law Unconstitutional

Insurance group uses commercial free speech argument to stop enforcement of anti-steering law.

The Property Casualty Insurers Association of America (PCI) filed a lawsuit on March 4 against two Rhode Island officials in order to stop the enforcement of Rhode Island's Anti-Steering Act, a 1997 law that prohibits an insurer from recommending repair shops once the claimant has indicated that they have made a choice of repairer.

The suit names as defendants Rhode Island Director of Business Regulation Paul McGreevy and the state's Attorney General Peter Kilmartin.

According to court documents, the PCI is asking the court to declare that the speech prohibition in the Anti-Steering Act constitutes an unconstitutional interference with free speech in violation of the Rhode Island Constitution as well as the First Amendment of the United States Constitution. The Complaint also seeks an injunction barring Rhode Island from taking any further actions "to deter, suppress, or prohibit truthful commercial speech

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by Rhode Island automobile insurers regarding a lawful activity."

In the Complaint, filed in United States District Court, the PCI cites an official state bulletin issued by the Rhode Island Department of Business Regulation in 2004 that the insurance group says has had a "chilling" effect on insurers' free speech.

The bulletin, revised in 2005, was issued to clarify the state's interpretation of R.I. Gen. Laws § 27-29-4. The bulletin states, "once the insured or claimant tells the insurer that he/she has selected an automobile body repair shop, the insurer may not recommend a different auto body repair shop." The document further clarifies that "Once a claimant indicates, or the insurer otherwise has actual knowledge that the claimant has selected an automobile body repair shop, (including execution of an authorization to repair,) the insurer shall not require, interfere with or recommend that a claimant select a different automobile body repair shop."

PCI is represented in the case by the law firm of Edwards Angell Palmer & Dodge in Providence.

The PCI is not the first to challenge anti-steering laws on the grounds of free speech violations.

In other cases, insurers have similarly argued and won challenges against anti-steering laws in three separate states. In 2006, Texas ruled an anti-steering measure to be in violation of plaintiff Allstate's constitutional right to free speech.

In a New York case in 2000, the Southern District of New York ruled that prohibiting insurers from recommending auto repair shops to its insureds was a free speech violation. The statute prohibited insurers from making unsolicited recommendations to insureds.

And in 1994, Allstate was involved in a similar case in South Dakota. The District Court there held that where there is no harm to the policyholder, "the speech is not deceptive or misleading so as to be subject to a ban."

Source: www.collisionweek.com

How Recovering Diminished Value Can Help Your Business

Recovering funds through diminished value claims can be an important tool in improving customer satisfaction and a powerful strategy for developing future customers.

As a collision repair professional, you are no doubt familiar with the concept of diminished value. It is the loss or reduction in an automobile's market value due to an accident. This loss occurs **even when** a vehicle has been repaired properly. Market forces at work assign a lesser value to automobiles after they are in an accident. Both you and your customers instinctively know the vehicle is worth less after an accident repair.

In Connecticut, case law shows that consumers are entitled to recoup this diminished value on third party liability claims. On the high end, Forrest law just filed a bona fide diminished value claim for \$17,800 related to damages on a 2010 BMW 535.

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In a more typical sample case here in Connecticut, involving a local auto body shop, a customer with a 2004 Mazda 6 was in an accident. The car was repaired for \$12,432. A motor vehicle appraiser reviewed the work done and calculated that the diminished value was \$3,950. After filing in court, the insurance company paid \$3,200.

Customers look to their collision repair experts for quality repairs and straight talk. Successful shops know that they can establish trust and credibility by educating their customers on issues such as after-market parts, their right to a rental car and their rights to a safe and proper repair. When shops provide this kind of valuable advice, it helps to cement the customer relationship and improves customer satisfaction.

Helping customers understand diminished value and their right to be compensated for that loss can be a powerful tool as well. When you help them recoup thousands of unanticipated dollars, you generate a tremendous amount of goodwill. Think of the positive discussions your customers will have with their neighbors and friends about your business when they receive a check compensating them for diminished value. There is no more effective advertising for your business than this kind of positive word of mouth. It creates lifelong customers, plain and simple!

Common Questions About Diminished Value

1. When the appraiser inspects a repaired car, won't they be evaluating the quality of my shop's work?

Appraisers working on a diminished value claim assume that the vehicle has been repaired properly and according to all factory recommended repair standards. The appraiser is primarily looking to evaluate the dollar amount and type of work done to determine the value of the car post-accident.

2. Won't the insurance company say the vehicle was repaired properly and has therefore not suffered diminished value?

Insurance companies will claim there is no diminished value because they do not want to pay the claim. Even though the vehicle was properly repaired, it is still worth less because it has lost value in the open market. Vehicle history reports and loss of warranty coverage are major contributing factors to this loss in value.

3. The insurance company says that Connecticut state law doesn't allow diminished value claims. Is this true?

No. Insurance companies say this because they are trying to avoid paying the claim. Connecticut case law supporting diminished value has been around for nearly 70 years.

4. My customer's vehicle is more than five years old. Does it still make sense to submit a claim?

Yes. Typically, vehicles that are less than five years old without prior damage and a significant amount of damage from the current accident are good cases for diminished value. Any brand new vehicle with any amount of damage (no matter how small) is an excellent case for diminished value. In addition, vintage vehicles, collector's cars or high-end autos are strong cases for diminished value.

5. Will my customer have to hire experts to present a claim?

An attorney with experience in diminished value should know a qualified appraiser and vice versa. Typically, the charge for this appraisal service is paid through the attorney's contingency fee. In Connecticut, because claimants have the burden of substantiating their claim, using qualified experts is critical.

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6. What is the advantage of using an attorney to submit a diminished value claim?

Working with an attorney puts the insurance company on notice that the claim is serious. In our experience, without an attorney advocating for a customer, most insurers will stall, delay, or even improperly deny the claim. It can also help to ensure proper settlement amounts as well as cut through the red tape often associated with a diminished value claim. An attorney with experience in diminished value should be willing to work on a contingency basis, which costs the customer only if the claim is successful.

7. Where can I get more information or printed materials about diminished value claims to give to my customers?

Both Wreck Check of Boston and Forrest Law can provide marketing materials with brochures.

Wreck Check of Boston is the leading diminished value company in New England. They have performed thousands of vehicle valuations helping consumers recover hundreds of thousand of dollars. For more information call 508-577-2627, e-mail bcollins@wreckcheckboston.com

Forrest Law of Wethersfield, Connecticut concentrates in diminished value claims. For more information go to their website at matthewforrestlaw.com, call 860-757-3828 or e-mail matthewforrest@cox.net.

Subject: Psychology 101

This my friend is how the insurance industry has conditioned consumers, regulators and body shops alike.

If you start with a cage containing five monkeys and inside the cage, hang a banana on a string from the top and then you place a set of stairs under the banana, before long a monkey will go to the stairs and climb toward the banana.

As soon as he touches the stairs, you spray all the other monkeys with cold water. After a while another monkey makes an attempt with same result ... all the other monkeys are sprayed with cold water. Pretty soon when another monkey tries to climb the stairs, the other monkeys will try to prevent it.

Now, put the cold water away. Remove one monkey from the cage and replace it with a new one. The new monkey sees the banana and attempts to climb the stairs. To his shock, all of the other monkeys beat the crap out of him. After another attempt and attack, he knows that if he tries to climb the stairs he will be assaulted. Next, remove another of the original five monkeys, replacing it with a new one.

The newcomer goes to the stairs and is attacked. The previous newcomer takes part in the punishment... with enthusiasm.

Then, replace a third original monkey with a new one, followed by a fourth, then the fifth. Every time the newest monkey takes to the stairs he is attacked.

Most of the monkeys that are beating him up have no idea why they were not permitted to climb the stairs. Neither do they know why they are participating in the beating of the newest monkey. Finally, having replaced all of the original monkeys, none of the remaining monkeys will have ever been sprayed with cold water.

Nevertheless, none of the monkeys will try to climb the stairway for the banana. Why, you ask?

Because in their minds... that is the way it has always been!

Attention Customers!

Beware when an insurance company encourages you to have your vehicle repaired with parts that were not made by your vehicle's manufacturer.

These parts are commonly known by any of the following names:

- ◆ **Non-Original Equipment Manufacturer Parts**
- ◆ **Quality Replacement Parts**
- ◆ **Quality Recycled Parts**
- ◆ **After-Market Parts**

Insurance companies will often suggest that you use these parts for one reason:

These lower quality components save THEM money.

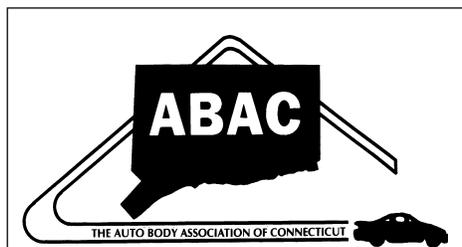
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The installation of Non-OEM Parts may jeopardize:

- ◆ **Your safety**
- ◆ **Your vehicle's trade-in value**
- ◆ **Your vehicle's warranty**

No one has the right to compromise the quality of your vehicle's repair.

Insist on the original factory parts that came with your vehicle.



Arming your Customer to Fight Back

Recently, a shop owner in New Haven County had a customer's vehicle towed to his facility. His customer, a third party victim in the accident, had initial concerns that his vehicle would be considered a total loss by the other party's insurance company, since damage was fairly substantial, and the vehicle was a 1994 model year. The shop owner explained to his customer that he had notified the other party's insurance company, and that he would have to wait for their adjustor to view the damage at his shop.

Ironically, 28 days had elapsed when lo and behold, on a Friday afternoon, the first party's insurance company adjustor strolled in through the shop owner's door and greeted him with the following statement: "Good afternoon. I'm here to total that vehicle." Since the adjustor had not even viewed the damage, the shop owner was surprised by his greeting. The shop owner let him know where the vehicle was so that he could witness the damage for himself, and that he was completely comfortable with whatever decision he chose to make.

A short time thereafter, the appraiser re-entered the shop owner's office and asked him what the total charges would be for towing, storage and 3 hours of tear-down labor (pre-authorized). The shop owner promptly handed the appraiser his bill, which was slightly over \$1,200. The appraiser's eyes bugged out and he scratched his head, realizing that he had a dilemma on his hands. He asked the shop owner if he would consider reducing his storage charges. The shop owner stated that that would not be possible; he reminded the appraiser that, on other collision damage claims, when he asked if the appraiser would respect and honor his business labor rate, the appraiser had always said that he could not. He continued to ask the appraiser that, if the insurance company could not negotiate his labor rate, then why should he negotiate upon his storage fee?

Astonished at the reply, the appraiser was temporarily at a loss for words. After he regained his composure, he concocted a second proposal. He offered to have the shop owner repair the vehicle if he would waive the storage charges. The shop owner sheepishly smiled at the appraiser and calmly said to him, "You don't seem to understand. Whether I repair the vehicle or whether you total the vehicle, the bill for storage has to be paid. I do not store cars for 28 days for free."

Realizing that he was in a difficult predicament, he made one final weak attempt to weasel out of paying the storage bill. He told the shop owner that he was going to total the vehicle and send his customer the check for the value. If the shop owner needed to collect the storage bill, the adjustor told him that he would have to charge his customer.

The shop owner politely asked the appraiser to leave and to call him later, since the appraiser had changed his mind 3 times in less than 5 minutes. As soon as the appraiser left, the shop owner called his customer and asked him to stop by. He calmly and professionally explained to his customer that the insurance appraiser was planning on making him responsible for paying the \$1,200 bill for storage on his vehicle; a charge that a third party claimant should not have to pay.

Under the guidance of the shop owner, the customer called the appraiser and immediately let him know that the check that the appraiser would be making out for his total loss would not be acceptable unless the appraiser added an additional \$1,200 to the check for the storage bill. He continued by telling the appraiser that, if he refused to oblige, the next phone call that he would be making would be to his attorney. At that time, they would file suit against the first party policy holder and the appraiser for the deficiency.

The appraiser, startled by this customer's intelligent barrage, explained that there was no need to get excited, and give him an hour to figure things out, at which point he would call the shop owner back. Approximately an hour later, the appraiser called the shop owner and gave him a final proposal that made sense. He told the shop owner that, if he was willing to waive the 3 hours of tear-down labor, he would be down on the following Monday to

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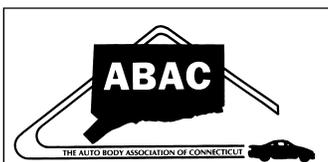
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The goal of the ABAC News is to provide a forum for the free expression of ideas. The opinions and ideas appearing in this publication are not necessarily representations of the ABAC and should not be construed as legal advice.



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issue a check for the towing and storage and then pay him to repair the vehicle.

The shop owner's response was that he was a fair and reasonable businessman, and that he would waive the tear-down labor. He agreed to the proposal. The appraiser did arrive on Monday with a check for the storage and negotiated the repair claim in a very fair manner.

A lesson may be learned from this story. Know when to involve your customers so that you can protect their rights and prevent insurance companies from misleading them. An uninformed customer can be a shop owner's worst nightmare. However, a customer armed with correct knowledge can be your best asset!

Note: The names of the shop owner, insurer, and appraiser have been left out in the best interests of all parties involved. The real value of this article is self explanatory.

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