

# ABAC NEWS

**APRIL 2007**

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*The Official Newsletter of the Auto Body Association of Connecticut*

## MARCH 28 HONK-FEST RALLY EXPLODES ON CAPITOL



### **ATTORNEY GENERAL LEADS CHARGE!**

The idea of the Autobody Association of Connecticut having a large rally traveling around the State Capitol building had been discussed in the past, but never unfolded. President Tom Bivona spearheaded an effort unlike no other to make this become a reality, making ABAC history!

It was a sight to behold seeing nearly 100 vehicles pull in to the Hartford Expo Center to assemble a caravan that would lead them to the Capitol, and beyond. The Connecticut Towing Association bonded together with the ABAC by showing up with over sixty vehicles ranging in size from typical regular duty wreckers and flat-beds to super large towing vehicles capable of

towing the largest tractor trailers! What a sight! ABAC Media publicist Michael London, a major coordinator of the event, distributed large signs that were fastened to all towing vehicles. These signs encouraged State Legislators to support the new anti-steering bills that had passed through committees. Other signs informed everyone about the negative facts of the Progressive Insurance Concierge facilities operating in Newington and Milford.

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No rally would be complete unless it was graced with the presence of its major supporter, none other than (you guessed it!), CT. Attorney General Richard Blumenthal, who arrived shortly after 10 am. receiving a thunderous applause from the crowd. He hopped up on a makeshift podium set up on the platform of a flatbed and delivered a motivating speech that set the tone for what was to come. He commended every person who took time away from their jobs and businesses to rally and support the rights of Connecticut consumers to hopefully have the free choice to choose their own collision repair shop in the future without coercion or influence from insurance companies. Blumenthal then challenged the House of Representatives and the Senate to do the right thing for consumers, urging them to pass the legislation on steering that he had intro-



duced. All major news media were present with cameras and tape recorders rolling. ABAC President Tom Bivona spoke next, reinforcing the message that was delivered by Mr. Blumenthal. CT Towing Association Directors Joe Miano (Friendly Auto Body) and Vin Dilauro (Columbus Auto Body) spoke and pledged their support to the ABAC. All speakers gave additional interviews immediately following the TV press conference.

Now it was time for the real fun to begin! The entire vehicle caravan proceeded via City of Hartford Police motorcycle escort directly to the State Capitol during the busiest time of the day, noon lunch hour! Attorney General Blumenthal actually hitched a ride in the lead tow truck to the Capital front lawn where he gave a "clenched fists, thumbs up cheer" to every vehicle in the parade! Air horns and police sirens were bellowing from the towing vehicles along with repeated horn blowing from passenger cars in the procession. If the idea was to attract attention, it could not have worked out better. State legislators that were anywhere within the Capitol property definitely got the message unless they had a severe hearing and sight impairment! The caravan took two laps around the capitol and then headed for the Progressive Concierge Facility located on Commerce Drive in Newington. Although the city of Newington was unable to provide a police escort for the

caravan of vehicles, that was not a problem. Mysteriously, the CT Towing Association members took care of providing a personal escort to all by blocking every intersection with flatbeds until the parade of vehicles had reached their final destination, Progressive! If you can, picture 100 vehicles clogging up a side street with a turnaround at the end and air horns blaring, with protest signs beaming in the sunlight. This procession continued an additional four laps around the Progressive Concierge Facility, causing quite a scene! Progressive employees were intelligent or scared enough not to venture out of their building, probably fearing what may happen to them if they did.

What Progressive should fear is what type of exposure may greet them next!



# INDUSTRY LEADERSHIP CONFERENCE PRODUCES BOLD IDEAS

## *ABAC DIRECTORS CREATE TREMENDOUS IMPACT*

Bob Skrip and Michael Wilkowski (ABAC Directors) recently attended the A.A.S.P./New Jersey Annual Trade Show, held at the Rockland County Community Center in Suffern, NY. The event took place in March. One of the key elements of this gathering was the 19<sup>th</sup> annual Industry Leadership Conference attended by the leaders and officers of the following Auto Body Associations: New Jersey, New York, Massachusetts, Vermont, New Hampshire, Oklahoma, Indiana, Washington Metropolitan, and of course Connecticut! Members of the press were also covering this function.

Skrip and Wilkowski originally had planned to walk in to the meeting without attracting too much attention, but that was not to be had. They were immediately recognized by many association leaders from other states; specifically Tony Lambardozzi (CCRE President). The buzz was in the air! Everyone wanted to know first hand exactly how the Auto body Association of Connecticut was proceeding with key issues that affect the entire collision repair industry. Although Bob and Mike were not scheduled to speak, that changed immediately when they were introduced by Dan Risley, Executive Director of SCRS (Society of Collision Repair Specialists), who acted as one of the moderators. Mike and Bob were greeted by a very welcoming applause by the well over 100 attendees. Wilkowski and Skrip gave a very informative presentation covering specific details of exactly how ABAC is proceeding on multiple issues including, public awareness of the problems associated with Aftermarket Parts, Steering, and the suppressed Labor Rates, legislative bills we introduced, and tech school participation, just to name a few. All eyes and ears in the room were tuned in to every word that was spoken! They were asked many questions after their presentation and were thanked for the efforts and work that the ABAC has done for the good of the entire collision repair industry.

After this meeting, it became apparent to Skrip and Wilkowski that there is a dire need for more unity in a far reaching way for the common good of all. A committee was formed within our board of directors, consisting of Mike Wilkowski, Bob Skrip, and Tony Ferraiolo, they put their heads together to begin the formation of a regional association. Within a short period of time, they were able to get commitments from nearly 20% of the collision industry leaders of the United States. These leaders have been cordially invited to attend the ABAC Annual Meeting, May 8, 2007 featuring Ct. Attorney General Richard Blumenthal as a keynote speaker. Everyone accepted the invitation with excitement. A special leadership meeting will be held the afternoon of May 8<sup>th</sup> prior to the evening's event with attendees from Rhode Island, Massachusetts, New Jersey, New York, Pennsylvania, New Hampshire, Vermont, Maine, and of course, Connecticut.

This regional organization will consist of entire memberships from all individual State Associations, eventually from throughout the entire country is a goal of the committee. It was determined that issues and battles being waged against the insurance industry are almost identical in nature from every association that was in attendance. So why not create a unified and bellowing voice that will demand change across the country and right to Washington DC! There was a final and bold message incorporated by everyone. ENOUGH IS ENOUGH!



## **MARCH QUARTERLY MEETING VALUABLE TO ATTENDEES**

Nearly 100 people attended a very informative quarterly seminar held at the Country House Restaurant in Foxon, Ct. on March 13<sup>th</sup>, 2007. Hertz Corporation, Alldata, and Kent Automotive were the generous sponsors of the event. Master of ceremonies Dave Fogarty welcomed the crowd graciously and commanded their attention, explaining that those who absorbed the education given by speakers would prosper the most.

Representatives from Alldata spoke first. Their presentation provided members with valuable information to help deal with many of the issues affecting collision repair shop profitability. The subjects covered were: Increasing vehicle complexity, New materials and procedures, and Revenue and profit growth. They also covered simple and efficient ways to analyze many of the industry challenges, including working with new generation plastics, understanding the current aluminum manufacturing processes, and how to obtain the maximum benefit in using cutting edge electronic monitoring systems. A specific presentation was given pertaining to the Hybrid vehicle manufacturing process. Quite a lot of information to absorb in forty minutes, but those in attendance received the benefit.

Kent Automotive took the stage next with their representatives. They offered many good opportunities for shop owners to realize with a vast array of products and business solutions offered by the company. Obviously one would have to be there to gain the benefit of this education, and those who did not attend missed gaining knowledge that could have helped them in their business the next day! Those who did attend prospered greatly!

Dave Fogarty, Tony Ferraiolo, Karl Mauhs, and other ABAC directors offered cutting edge solutions and ideas to help shop owners settle first party claims with insurers based on the individual labor rate charged by the shop, not the rate offered by the insurer. Various ideas were discussed, all with proven success. Ferraiolo, Mauhs, and Fogarty fielded questions from the audience answering each one to create a solution for all. Door prizes were handed out to the lucky winners at the end to complete a worthwhile evening for everyone who attended.

**Sincere thanks to the following Sponsors of our  
March Quarterly Meeting**

**ALLDATA**

**Kent Automotive**

**Hertz Corporation**



# ATTENTION SHOP OWNERS: NEED TECHNICIANS?

Most shop owners always have the need for entry level technicians. Due to the involvement that the Autobody Association of Connecticut has with the State of Ct. Technical schools offering Collision Repair, the time is now to contact any of these schools and their directors who will be placing graduates of these programs on a first come first serve basis. Keep in mind that the schools will be closing for the summer and there are a number of very qualified graduates coming into the field and are ready to get to work. Contrary to popular belief, there are still young people entering our field. Please let any program director know that you are a member of the ABAC. A complete list of your local schools that offer collision repair courses and contact information is listed below for your convenience.

Unit No.	Address	School	Department Head	Instructor	Telephone
52	DANBURY 06810 Hayestown Ave.	<b>Henry Abbott</b>	<b>Robert Hipp</b>	Ed Welch Ext. 4027	(203) 797-4460 Ext. 4450
53	DANIELSON 06239 613 Upper Maple St.	<b>H.H. Ellis</b>	<b>William Congdon</b>	Patrick McColgan Ext. 1815	(860) 774-8511 Ext. 1318
49	GROTON 06340 189 Fort Hill Road	<b>ETG/Southeastern</b>	<b>Steve Violette</b>	John Oliva 441-0361	(860) 441-0360
55	HARTFORD 06106 500 Brookfield St.	<b>A.I. Prince</b>	<b>Joe Eichner</b> Cheney x416 649-5396	John Johnson	(860) 951-7112 Ext. 338
58	MIDDLETOWN 06457 60 Daniels St.	<b>Vinal</b>	Ray White	<i>Tom Crary</i> Ext. 390	(860) 344-7100 Ext. 326
50	MILFORD 06460 600 Orange Ave.	<b>Platt</b>	<i>Mario Ferguson</i>	Robert Turcotte	(203) 783-5360
61	STAMFORD 06904 P.O. Box 1416 Scalzi Park	<b>J.M. Wright</b>	<i>Danny Vater</i>	Michael Callahan	(203) 324-7363 Ext. 359
62	TORRINGTON 06790 75 Oliver St.	<b>Oliver Wolcott</b>	<b>Dan Thibault *</b>	Robert Ducey	(860) 496-5376
63	WATERBURY 06708 43 Tompkins St.	<b>W.F. Kaynor</b>	Edwardo Rosado	<i>James Lilienthal</i> Ext. 327	(203) 596-4302 Ext. 324

**Bold = STATE STEERING COMMITTEE MEMBER - \* = Chairperson**

*Italics = Additional State Steering Committee Member*

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## Rhode Island Insurers Asking for Too Much on Labor Rate Survey

### Rhode Island News

**Regulators invalidate surveys conducted by insurers asking for information beyond scope of mandated survey form.**

State regulators in Rhode Island have sided with repairers saying that some insurers there are overstepping state requirements while conducting the first round of labor rate surveys required by a new law passed in 2006.

The Rhode Island Department of Business Regulation (DBR), in a bulletin to insurers dated March 6, states that some Rhode Island auto insurers "...are requesting supporting and/or detailed information and data that exceeds the statutory mandate..."

The bulletin further explains that the DBR, "...may choose to gather additional supporting information, however, insurers may only request a '...full and complete description of all of the documents that evidence each actual rate charged...'"

The bulletin to insurers continues, "At the hearing on the regulation a number of insurers requested that the survey include supporting documentation. Since this was simply a survey and not rate setting, the Department declined to include that level of detail."

With a few states looking at mandating labor rate surveys for collision repair, Rhode Island has emerged as the nation's test-bed for such an approach to actually defining what the insurance industry means when it uses the term 'prevailing rate.'

John Petrarca, owner of Providence Auto Body and president of the Rhode Island Auto Body Shop Association, said, "I don't know how it is in other states, but in Rhode Island the insurance companies send out a letter that says they pay the prevailing labor rate. Well, we've been attacking that since 1999, asking them to show us how they arrive at the prevailing labor rate, and they have never done it. There has been no movement in our labor rate, not even five cents, since 1999, so we brought that to the State House."

Using an earlier attempt at this approach in California as their model, Rhode Island successfully passed a bill that requires all major insurers in the state to conduct an annual auto body labor rate survey in accordance with the new Regulation 108.

"Last year we took some of California's regulations that they had, and we tweaked it up a little bit. We took their survey bill, and took into consideration what the California shops thought was lacking in their bill, and made a law in Rhode Island," said Petrarca. "Ours is a statute, not a regulation as in California- theirs is open to interpretation, ours is not."

And that interpretation is the source of this latest argument.

"Ours statute says they have to use these three questions, and it has to be done every year," said Petrarca. But, says Petrarca, when insurers began to send out their first round of surveys in early January, some of them were asking a lot more than the required three questions.

According to Petrarca, GEICO, National Indemnity, Progressive and Allstate, were all asking for much more information than the law allowed. "GEICO sent out this ridiculous eight page document asking us what our mortgage was, what our utilities cost, what we paid our employees..."

"We already went through all this in the hearings when we wrote the regulation. There were three questions that were formulated by the DBR, and the insurance companies could use some variation, but they had to use the same three questions. GEICO and National Indemnity sent an eight page form for us to fill out!"

"The law addresses this. If in fact, the DBR seems to think that someone's labor rate is a little bit too high, and they want them to substantiate it, the law clearly indicates that the DBR has the right to ask you for that information."

"We don't have to list specific expenses, we don't have to list what we're paying our employees, and that is a matter of privacy for these businesses, let alone it would be difficult enforcing competition among the shops if everybody knew what everyone else's expenses were."

Insurers must file their first report of survey results with the Department not later than June 1, 2007.

In the meantime the DBR bulletin has advised all insurers that have requested data that exceeds the statutory mandate to "...amend its survey/request to Fully Licensed Auto Body Repair Facilities to be in compliance the Insurance Regulation 108."

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## **ABAC RECEIVES GLOBAL ATTENTION**

How far and wide is the Autobody Association of Connecticut recognized? Would you believe internationally? That's absolutely right!

An article was published recently by The Vehicle Builders and Repairers Association of Gildersome, Leeds in the U.K. citing the Autobody Association of Connecticut as one of the premier leaders in combating illegal steering by insurance companies. The article also includes the positive involvement of CT Attorney General Richard Blumenthal in pursuing passage of new legislation to eliminate influence and coercion by insurance carriers toward consumers.

Would anyone have believed that the Autobody Association of Connecticut would receive International interest? Guess what? They have! The best is yet to come!

If you would like to check out their association's web site, log on to [www.vbra.co.uk](http://www.vbra.co.uk)



## **NOTICES AND BULLETINS**

The ABAC would like to cordially welcome the following new members who have joined one of the most powerful Associations in the country. They are as follows

- **First Choice Auto Body ( Stamford, CT)**
- **Center Auto Body ( Milford, CT)**
- **Middletown Nissan (Middletown, CT)**

## **INSURANCE NEWS AND SCUTTLEBUTT**

Geico Insurance recently came under fire from Attorney General Richard Blumenthal for two issues. The first being misleading advertising, originally claiming that Geico repaired customer's vehicles. They have since removed the ad from television. The second issue was illegal coercion and persuading of consumers to bring their vehicles to Geico Drive in Claim Centers, who would strongly recommend that their Direct Repair Facilities would be the proper choice for the consumer to have their vehicle repaired at. Sources in the field now report that Geico decided to take the Attorney General's warning seriously by instructing all employees not to influence the consumers right to choose their own repair shop. They are also the first insurer to state on every appraisal a bold message located immediately after the grand total . The message reads something like this: Pursuant to CT Law, consumers have the right to choose the repair facility to repair their vehicle. Insurance companies shall not interfere with the consumer's choice of repair facility. It sounds like Geico is starting to pay attention. It may be an intelligent idea for all other insurers to do the same in the immediate future!

## Massachusetts News

### **MABA Files Legislation to Enforce 1963 Consent Decree in Massachusetts**

**State level legislation to codify Consent Decree is unique approach to enforce compliance with insurance industry agreement.**

The Massachusetts Auto Body Association has filed legislation that, if passed, would have the effect of enforcing major provisions of the landmark federal 1963 Consent Decree within the state of Massachusetts.

A state level approach to codify relevant sections of the Consent Decree is unique. MABA believes that, in light of the unwillingness or inability of current federal officials to act, a state by state approach offers an alternative solution to enforce the 44 year old agreement.

The 1963 Consent Decree was the result of an agreement between the US Department of Justice and 265 insurers affiliated with three national trade associations to settle a lawsuit brought by the DOJ, who accused the insurers of violating two sections of the Sherman (anti-trust) Act.

As a result of negotiation between the parties a binding "Consent Decree" was entered into to avoid a trial. In the agreement, the defendant insurers agreed to refrain from entering into any agreements or establishing any plan that would have the effect of appraiser or repairer steering, controlling how appraisers conduct damage reports, or controlling how repairs were made or the prices charged for repairs or appraisals.

Massachusetts House Bill 1049, filed by state representative Robert Nyman, if passed, would incorporate into Massachusetts law Section Four (IV) of the Consent Decree. In short, Section IV of the Final Judgment, as ordered by the court, stated that insurers would not participate in any activity that recommended appraisers, steered to or away from any appraiser or repairer, control activities of appraisers, allocate markets of appraisers, or control prices paid for appraisals or charged by repair shops for damage repair or parts replacement, whether by coercion, boycott or intimidation or by the use of flat rate or parts manuals or otherwise.

MABA spokesman Steve Regan explained that, over the years, many individuals and organizations have alleged that the defendant insurers, and many others, continue to be in violation of the agreement, and fought tirelessly to get the DOJ to go back to court to force compliance with their 1963 agreement. However, after years of collecting and forwarding thousands of documents and years of pleading with DOJ and Congressional officials to act on these alleged violations, little progress has been made. Unfortunately, only the DOJ, as the other party to the agreement, has the "standing" to ask the court to review whether the defendants are in violation of the agreement.

"Clearly, there are many obstacles to getting Consent Decree violations addressed by the federal government," said MABA spokesman Stephen Regan. "However, that does not preclude individual states from passing laws based upon the language in the Consent Decree. Language, mind you, that was agreed to by the insurers. They agreed the activity was illegal and agreed to no longer engage in those activities. A lot of individuals and organizations have been fighting for years to get these violations addressed. This is just another angle, limited to Massachusetts, to get insurers who are bound by this

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agreement to comply, as well as address the ongoing problem of inappropriate insurer control of the collision repair industry," Regan added.

In the original lawsuit leading to the Consent Decree, lawyers for the DOJ alleged in a civil complaint that insurers engaged in a conspiracy in unreasonable restraint of trade and commerce in the adjustment and settlement of automobile property insurance claims. The complaint said that their offenses caused the elimination of competition in the adjustment and settlement of automobile claims, in the automobile damage appraisal business and in the automobile damage repair business.

Some of the effects on the market noted by the complaint included repair shops 'which refuse to accept the sponsored appraisers' estimate have been foreclosed from a substantial segment of the automobile damage repair business; and prices charged by shops have been subjected to collective control and supervision by defendants and co-conspirators.'

Some of the specific offenses committed by insurance companies and noted in the complaint included: inducing member companies to channel automobile material damage repair business to those repair shops which will, and boycott those repair shops which will not: (1) Accept the sponsored appraiser's estimate as to the cost of repairs; (2) Give a price discount on replacement parts; (3) Maintain hourly labor rates at a figure which is considered the lowest possible rate in the area; and (4) Accede to the sponsored appraiser's determination of time allowances.

While the agreement was clearly binding on the defendants, Regan points out that it also stated, "The provisions of this Final Judgment shall be binding upon each defendant and upon its officers, directors, agents, servants, employees, committees, successors and assigns, and upon all other persons in active concert or participation with any defendant who shall have received actual notice of this Final Judgment by personal service or otherwise."

Massachusetts House Bill 1049 is expected to be assigned to the Joint Committee on Financial Services. No action has yet been taken on the measure.

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## New York News

# NY Shop Files \$40 Mil Suit against Progressive for Illegal Steering

**New suit details multi-year scheme motivated by 'money and greed' to knowingly mislead its insureds.**

North State Custom of Bedford Hills New York has filed a lawsuit against Progressive Insurance and several of its appraisers and adjusters for illegally steering collision repair customers to the insurer's DRP shops. The suit is claiming \$40 million dollars in damages.

Based in Bedford Hills, NY, North State has been in business for over 30 years. Today it operates a state of the art facility large enough to house eight frame racks and two downdraft spray booths. Under the leadership of its founder and President, Greg Cocco, North State has also earned the distinction of being a certified aluminum structural repair facility for the Mercedes Benz CL Class, and the Jaguar XJ8.

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The suit, filed in the Westchester County Supreme Court of the State of New York, alleges that since 2001, Progressive engaged in a massive scheme whereby it steers its insureds to its DRP shops by making claims that the non-DRP independent shops might not be guaranteed, or fully covered, or overpriced, or that the work will be unduly delayed.

Specifically, the suit claims that Progressive knowingly made, and continues to make, misleading and false or exaggerated statements concerning North State in an effort to coerce the claimant to have their car repaired at Progressive's DRP shops. The North State complaint also states that Progressive habitually coerced vehicle owners to have their vehicle removed from North State and brought to a DRP shop after telling them that North State is not a reputable body shop.

North State describes Progressive's scheme to steer customers as being motivated by money and greed without regard for their insured.

There are eight separate causes of action contained in the lawsuit ranging from Negligent Misrepresentation to Common Law Fraud. The suit also alleges that Progressive has committed unfair claims practices in New York State, specifically violating the state's steering regulations.

The New York state Auto Collision Technicians Association (NYSACTA) issued a statement in support of the North State suit saying NYSACTA strongly believes in the enforcement of steering laws calling illegal steering by insurers "the major defect in the current system of claims handling."

Ed Kizenberger, NYSACTA Executive Director said, "These are very serious allegations. Should these prove true it would substantiate many complaints that have been filed regarding illegal steering in New York State."

The law suit alleges a laundry list of claims against Progressive but illegal steering is the main focus of those claims. Inside the 42 page document, North State details some specific practices of Progressive and its employees, alleging that Progressive and its employees have repeatedly told claimants that North State inflates its estimates and they will not pay North State's estimates.

The court document details the practice: "Typically, the defendant will claim that it will only pay 50 percent of North State's estimate, and thereby effectively steer the insured/claimant to remove his or her vehicle from North State in favor of a Progressive DRP repair shop. Once the vehicle is removed, the DRP's final invoice for repairs is substantially similar in price (although not workmanship) as that offered by North State."

Mike Orso, President of NYSACTA said, "We all know the tricks and games that are being played by a majority of the insurance companies, their appraisers and adjusters. The inside information obtained in this lawsuit only confirms our suspicions; understand this is only one company. The collision industry needs to rise-up and support not only North State Customs but realize this type of illegal steering is the root of every single industry problem. Today is the first day of the rest of this suit."

Other claims detailed in the suit include:

- Progressive sent person(s) who were not qualified to issue damage repair estimates to appraise the damage to its insured's vehicles.
- Progressive failed to inform its insureds that its employees were not qualified to appraise high end vehicles and issue damage reports/appraisals concerning those vehicles.
- Progressive, with intent to deceive, does not properly and professionally evaluate the damage to its insured's vehicle
- Progressive intimidates and bullies claimants into the mistaken belief that they shall be required to make substantial out of pocket payments for the repair of their vehicle (unless they select a DRP facility).
- Progressive rewarded those employees who were successful at steering and penalized those who were not
- Progressive told insureds that North State would keep their vehicle for an unreasonably long period of time
- Progressive told insureds that it was prohibited to come on North State's property when such was never the case. According to the summons, dated February 13, 2007, Progressive and the defendants must answer the complaints within 30 days.

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# Mohegan Sun Casino



The ABAC invites all members and vendors to join together for a fun filled bus trip to Mohegan Sun Casino

**FOOD  
PRIZES  
ENTERTAINMENT  
&  
MUCH MORE!**

***\$35.00 Per Person***

***Includes:***

- . Bus Ride***
- . Snacks***
- . Beverages***
- . Prizes***
- . Buffet Dinner***

**June 16, 2007**

Sponsors are needed to help minimize the cost of this fundraising event and to aid in raising funds for your ABAC to continue to pursue issues that benefit everyone!

For more information or to make your reservation please contact

**Denise Banta  
860-848-0534**



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