

ABAC NEWS

*July
August
2019*



Special Edition:

***Auto Body Association of Connecticut Says
“Thank You” to Their Supporting Vendors***

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President's Message

Bob Amendola

Support Those Who Support You



I hope this message finds everyone well and I hope everyone has had a great summer.

I wanted to dedicate my President's message to our supporting advertisers and vendors.

The ABAC News was created from an idea that was forged back in the year 2000. At that time, Mike Wilkowski of Stanley's Auto Body was serving his term as President of the Auto Body Association of Connecticut. He was presented with this idea of a

dedicated association newsletter, complete with information on local and state issues, packed with industry news and the ability to offer vendors an opportunity to be seen by over 500 Collision and Mechanical Repair Facilities. What has followed has been nothing short of amazing.

What the ABAC could never have imagined is the tremendous outpouring of support from the advertisers who decided to come aboard. The ABAC News Supporting Advertisers have become the solid rock foundation that the Auto Body Association has been built upon. The association has been able to count on these supporting advertisers for financial support, meeting content, membership recruitment, the educational evolution of OEM certification and the support with the ABAC donations to Connecticut area technical schools and their programs and so much more.

Supporting advertisers have been involved in many other ways by sponsoring membership meetings, and hosting key industry leaders like Mike Anderson, Aaron Schulenburg, Larry Montanez and key officials like U.S. Senator Richard Blumenthal. A special thanks to Rich Perry of Albert Kemperle for his involvement with some of these key figures.

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Our Supporting Vendors' partnerships are a financial investment in us, and we truly appreciate their support. Their support is something to keep in mind when we are choosing our vendors within our own individual businesses. While the success of ABAC News for our association is credited to our dedicated team, we would not be where we are today without our supporting advertisers. Because of this, I would like to thank them and remind you to support those who support us.

Included in every single edition of ABAC News is a directory of our supporting advertisers and vendors. A complete list of such is also located on our website under the member information section. Please review the directory and consider them when you are choosing your partner vendors.

I'd like to thank our former Diamond Sponsor, Hoffman Auto Group, our Platinum Sponsor, Buckley Wynne & Parese, and our Gold Sponsors, Bald Hill Auto Group and Stephen AutoMall along with each and every one of our Supporting Advertisers that appear in every issue of the ABAC News.

While on the topic of support, I'd also like to encourage each and every one of our members to consider becoming more involved within the association. There are a multitude of different ways to do so and the more people we have together brainstorming, the stronger we will be as an industry. If you have any ideas or you want to help but you are unsure of how you can, I invite you to call or email me. Our officers and board of directors are volunteers who donate their time and effort to help improve our industry for us all. Please support them and join them in the fight, whatever way that might be for you.

Beginning in our next edition, September-October 2019, the ABAC News will be featuring 2 Vendor Spotlights. These spotlights will run in every issue moving forward and will be on a "first come, first served" basis. If you would like to have your company featured in the upcoming issue or any of our future issues, please contact Don Cushing at abacnews13@gmail.com or Heather Romaniello at abacadmin.heather@gmail.com

Thank you, once again, to all our Supporting Advertisers. Without you, the ABAC would not be able to continue the journey of being one of the best associations in the country nor would it have been able to attain the status of professionalism it has achieved.

Support Those Who Support You and remember, In Unity There is Strength.

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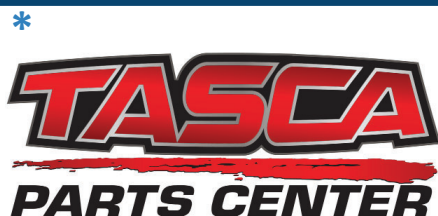
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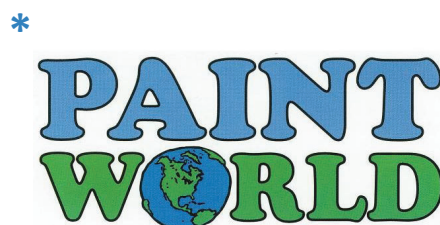
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Can a Manufacturer Require “Certification” as a Requirement to Purchase OEM Parts? I say No!



Several shop owners have reached out to me recently reporting that certain vehicle manufacturers will not sell the repair shop OEM parts unless and until that repair shop gets “certified” by the vehicle manufacturer. I believe this practice is unlawful and should be reported to the Attorney General’s Office.

The issue of “certification”, as I’ve come to learn, is controversial for a variety of reasons. Certification programs are often expensive and time intensive. They are not all equivalent in value or quality. Certification often does not give a repair facility any practical advantage in the context of repair quality or increased profit. Finally, there are a host of ways a repair facility can train its technicians and staff. Allowing an outsider to dictate how that must be done inappropriately takes that discretion from the licensed repairer; and establishes a discriminatory and arguably illegal “pay to play” system.

So how can they do this legally? I don’t think they can. Here’s how I see it. First, we have several anti-steering laws in Connecticut. See, for example: CGS § 38a-354, 14-65f, § 14-65i and § 14-65l. It is well settled that consumers have the right to choose the licensed repair shop of their choice. Requiring certification to buy parts clearly interferes with a repairer’s ability to fix vehicles, thereby interfering with a consumer’s right to choose the shop of his or her choice. In other words, the consumer’s choice is being illicitly limited to those shops with certification from the manufacturer of his or her particular vehicle. This restriction on the right to choose violates the spirit and letter of our anti-steering laws.

Second, this type of arrangement likely runs afoul of our antitrust laws; and in particular a concept known as a tying or a tie-in sales provision. In antitrust law, conditioning the sale of one commodity on the sale of another is generally considered a trade-restraining device, and accordingly illegal. In so far as manufacturers are conditioning the sale of OEM parts on purchasing a certification to work on a particular brand of motor vehicle, this arrangement would likely be considered a tying arrangement.

Third, there are likely a host of other Federal and state laws implicated in this practice. According to Connecticut law, for example, consider General Statutes § 35-26. That statute prohibits the unlawful restraint of trade or commerce. It holds that every contract, combination, or conspiracy in restraint of any part of trade or commerce is unlawful. General Statutes § 35-27 similarly prohibits unlawful monopolization or attempts to monopolize trade or commerce. General Statutes § 35-28 is also likely implicated. It prohibits certain acts for which the purpose or effect is restraint of trade or commerce. General Statutes § 35-29 is also arguably applicable in that it prohibits acts where the effect is substantial lessening of competition or creation of a monopoly.

While there are a number of ways to look at this practice from a legal perspective, one thing is clear: it doesn’t smell right, and it doesn’t feel right. I would argue that multiple laws are being violated on both a state and federal level. If you find yourself in this predicament, I would recommend you initiate a complaint with the Attorney General’s Office. Include a copy of this article with your complaint.

John M. Parese, Esq. is a Partner with the law firm of Buckley Wynne & Parese and serves as General Counsel to the ABAC. Buckley Wynne & Parese maintains offices in New Haven, Hartford and Stamford, and services clients throughout all of Connecticut. The opinions set forth in Attorney Parese’s articles are for education and entertainment purposes only, and should not be construed as legal advice or legally binding. If you have any questions or concerns about the content of this or any of Attorney Parese’s articles, you are encouraged to contact Attorney Parese directly.

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Name That Car Contest! What Classic is This?



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