

# ABAC NEWS

**JAN-FEB 2007**

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

## Attorney General Drafts Stronger Law Prohibiting Insurers From Steering Consumers To Select Auto Repair Shops

*January 24, 2007*

Attorney General Richard Blumenthal today announced draft legislation that would strengthen Connecticut's anti-steering law prohibiting insurers from forcing consumers to use a preferred auto repair shop as a condition of paying for the repair.

Blumenthal announced the legislation with leaders of the Auto Body Association of Connecticut who say steering by insurers - stifling fair competition - remains rampant in the industry.



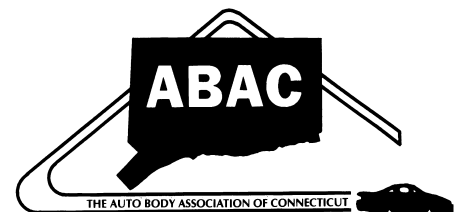
Attorney Gen. Richard Blumenthal &  
ABAC President Tom Bivona

Insurers use a myriad of coercive methods to skirt our anti-steering law, including providing consumers with a "preferred" list of repairers, intimating that other repairers may not guarantee their work, may charge consumers for some of the repairs or may not complete the repairs in a timely fashion. Other insurers provide for a reduced deductible if the consumer chooses a preferred facility.

*(Continued on page 2)*

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Today's proposal, modeled after a Rhode Island law, would bolster the state's ability to enforce anti-steering violations, which is considered an unfair or deceptive insurance practice.

It would also expand the conditions in which regulators could enforce the law. Currently, insurers are prohibited from "requiring" that consumers repair their vehicle at a specific shop.

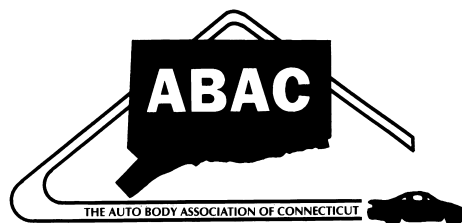
Blumenthal's proposal would expand the prohibition to prevent insurers from using subtle coercion to steer consumers.

"The bottom line: consumers deserve to choose where their car is repaired," Blumenthal said. "No insurer should straightjacket consumers, forcing them to use a 'preferred' shop. This law is intended to preserve consumer choice and industry competition - deterring anticompetitive relationships between certain insurers and auto repairers."

Blumenthal's proposal requires insurers to pay the reasonable and customary hourly rate that a consumer would typically pay for the repair - to the shop of the consumers' choice.

Under the proposal, appraisers would have to include the following explicit and conspicuous boldface notice to inform consumers of their rights:

***PURSUANT TO CONNECTICUT LAW, THE CONSUMER HAS A RIGHT TO CHOOSE THE REPAIR FACILITY TO COMPLETE REPAIRS TO A MOTOR VEHICLE; AND AN INSURANCE COMPANY MAY NOT INTERFERE WITH THE CONSUMER'S CHOICE OF REPAIRER.***



**OFFICE OF THE ATTORNEY GENERAL  
2007 GENERAL ASSEMBLY SESSION  
INSURANCE AND REAL ESTATE COMMITTEE**

**TITLE:** An Act Concerning Motor Vehicle Repairers and Insurance

**SUMMARY:** This proposal clarifies and extends the existing anti-steering law that prohibits insurers from requiring consumers choose a preferred motor vehicle repairer as a condition of paying for the repair and require insurers pay the reasonable and customary hourly rate that the typical consumer would pay for the cost of repair.

**TEXT:**

Sec. 1. Section 38a-354 of the general statutes is repealed and the following is substituted in lieu thereof: *(Effective July 1, 2007)*

(a) (1) No automobile physical damage appraiser shall request or require that appraisals or repairs should or should not be made in a specified facility or repair shop or shops.

(2) The appraiser shall include with the appraisal the following notice in clear and conspicuous boldface type of at least 10 point type:

PURSUANT TO CONNECTICUT LAW, THE CONSUMER HAS A RIGHT TO CHOOSE THE REPAIR FACILITY TO COMPLETE REPAIRS TO A MOTOR VEHICLE; AND AN INSURANCE COMPANY MAY NOT INTERFERE WITH THE CONSUMER'S CHOICE OF REPAIRER.

(b) No insurance company doing business in this state, or agent or adjuster for such company shall request or require any insured to use a specific person for the provision of automobile physical damage repairs, automobile glass replacement, glass repair service or glass products [unless otherwise agreed to in writing by the insured].

(c) As used in this section, "request or require" shall include any act to influence a consumer's decision including but not limited to (1) reducing the amount of deductible or premium or offering additional warranties if the consumer chooses a preferred repair facility, or (2) suggesting that choosing a facility other than a preferred repair facility will result in delays in repairing the motor vehicle, a lack of guaranty for repair work or additional costs to the insured.

Sec. 2. Section 38a-352 of the general statutes is repealed and the following is substituted in lieu thereof: *(Effective July 1, 2007)*

(a) All claims paid by an insurer, a holding company of an insurer or a wholly owned subsidiary of an insurer for any loss to motor vehicles or any claim for damages to motor vehicles, shall be paid to the claimant by check, electronic transfer to the claimant or other means that provide the claimant immediate access to the funds.

(b) The labor rate for the repair of damage to a motor vehicle that is paid by an insurer, a holding company of an insurer or a wholly owned subsidiary of an insurer to the claimant shall be based the usual and customary rate for such repairs. As used in this subsection, "usual and customary rate" shall mean the labor rate that the general public commonly pays for similar repairs on similar vehicles in the same geographic area of the state.

(c) Any violation of the provisions of this section by an insurer shall be deemed an unfair or deceptive insurance practice under section 38a-816.

## **An URGENT Request from ABAC President Tom Bivona:**

*To all ABAC Members and non-members:*

*Listed on the next two pages are the individual proposed bills pertaining to the Collision Repair Industry. The time is now to contact individual members of the Insurance and Real Estate Committee to gain their support for these proposed bills. Contact Executive Secretary Denise Banta at 860-848-0534 for the Insurance and Real Estate telephone contact list. Your participation is CRUCIAL to the success of YOUR future and that of your valued industry.*

**General Assembly      Proposed Bill No. 123**

January Session, 2007      LCO No. 698

Referred to Committee on General Law

**Introduced by:**

**SEN. FASANO, 34th Dist.**

### **AN ACT CONCERNING THE LICENSING AND REGULATION OF MOTOR VEHICLE APPRAISERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the general statutes be amended to transfer authority for the licensing and regulation of motor vehicle appraisers from the Insurance Department to the Department of Consumer Protection.

Statement of Purpose:

To transfer regulation of motor vehicle appraisers to the Department of Consumer Protection.

**General Assembly      Proposed Bill No. 290**

January Session, 2007      LCO No. 1933

Referred to Committee on Insurance and Real Estate

**Introduced by:**

**SEN. CRISCO, 17th Dist.**

### **AN ACT CONCERNING CLAIMS FOR LOSS OR DAMAGES TO MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That chapter 700 of the general statutes be amended to require all claims that are paid by an insurer, a holding company of an insurer or a wholly owned subsidiary of an insurer for any loss to motor vehicles or any claim for damages to motor vehicles, be paid to the claimant by check, electronic transfer or by other means that provide the claimant immediate access to the funds, which shall include reimbursement of any charges for towing and storage, unless such charges have been previously paid. Such payment shall be accompanied by a statement that includes the name of any establishment providing towing and storage services and the amount of any charges for such services.

Statement of Purpose:

To include information about towing and storage companies in claims paid for loss or damages to motor vehicles.

**General Assembly      Proposed Bill No. 5619**

January Session, 2007      LCO No. 1421

Referred to Committee on Government Administration and Elections

**Introduced by:**

**REP. FLEISCHMANN, 18th Dist.**

### **AN ACT REQUIRING ELECTION OF THE INSURANCE COMMISSIONER.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the general statutes be amended to establish the Insurance Commissioner as a state-wide elected official and to require that (1) the Insurance Commissioner (A) be elected in accordance with section 9-181 of the general statutes in the same manner as is provided for constitutional officers; (B) be elected to a four-year term; and (C) be first elected in 2006, and then every four years thereafter; (2) candidates for Insurance Commissioner be subject to the same rules on campaigns and fundraising as apply to candidates for state constitutional office; and (3) no exploratory or campaign committee for a candidate for Insurance Commissioner be permitted to accept contributions from: (A) Individuals, firms or corporations holding contracts for five thousand dollars or more with the Insurance Department; or (B) individuals who own a firm or corporation subject to regulation by the Insurance Department or an individual who is a manager, officer, director, partner or employee with managerial responsibilities at such a firm or corporation.

Statement of Purpose:

To require that the Insurance Commissioner be a state-wide elected official.

**General Assembly**      **Proposed Bill No. 391**  
 January Session, 2007      LCO No. 2325  
 Referred to Committee on Insurance and Real Estate  
**Introduced by:**  
**SEN. FASANO, 34th Dist.**

**AN ACT CONCERNING THE PROVISION OF LOANER VEHICLES TO CUSTOMERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That chapter 700 of the general statutes be amended to provide that when an automobile insurer pays or provides for a loaner vehicle while an insured's vehicle is being repaired, the loaner vehicle shall be of at least equal size, age and quality as the insured's vehicle.

Statement of Purpose:

To require that insurers provide customers with loaner vehicles of at least equal quality as their own vehicle.

**General Assembly**      **Proposed Bill No. 392**  
 January Session, 2007      LCO No. 2316  
 Referred to Committee on Insurance and Real Estate  
**Introduced by:**  
**SEN. FASANO, 34th Dist.**

**AN ACT REQUIRING AN ANNUAL SURVEY OF AUTO BODY REPAIR LABOR RATES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That chapter 700 of the general statutes be amended to require that each insurer authorized to issue an automobile liability insurance policy in this state conduct an annual survey of auto body repair labor rates. Such survey shall be in writing and be based on objective criteria including, but not limited to, the geographic location of the repair shop and type of repairs conducted. The results of such survey shall be submitted to the Insurance Department and made available to the public.

Statement of Purpose:

To require insurers to conduct an annual auto body repair labor rate survey.

**General Assembly**      **Proposed Bill No. 739**  
 January Session, 2007      LCO No. 2408  
 Referred to Committee on Transportation  
 Introduced by:  
**SEN. DOYLE, 9th Dist.**  
**REP. GUERRERA, 29th Dist.**

**AN ACT PROHIBITING STEERING OF BUSINESS TO REPAIRERS OF MOTOR VEHICLE DAMAGE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the general statutes be amended to provide that no automobile physical damage appraiser, insurance company doing business in this state or agent or adjuster for such company shall attempt to directly or indirectly coerce, persuade, induce or advise the consumer that the appraised motor vehicle damaged must be, should be or could be repaired at a particular location or by a particular individual or business.

Statement of Purpose:

To strengthen the existing antisteering language in section 38a-354 of the general statutes.

**General Assembly**      **Proposed Bill No. 813**  
 January Session, 2007      LCO No. 2332  
 Referred to Committee on Insurance and Real Estate  
**Introduced by:**  
**SEN. FASANO, 34th Dist.**

**AN ACT REQUIRING INSURERS TO PAY FOR ORIGINAL MANUFACTURED PARTS FOR MOTOR VEHICLE REPAIRS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That part II of chapter 700 of the general statutes be amended to require each insurer authorized to issue an automobile liability insurance policy to inform its policyholders of their right to have damaged motor vehicle parts replaced with original manufactured parts. If the insured chooses to have original manufactured parts used in the repair of his or her motor vehicle, the insurer shall be obligated to pay for such parts.

Statement of Purpose:

To require auto insurance companies to pay for original manufactured parts if the insured so chooses.

# Rhode Island shops to benefit from surveys

Jan 1, 2007

By: [Brian Albright](#)

Automotive Body Repair News

Rhode Island collision shops should benefit from new labor rate surveys, the results of which could nearly double existing hourly rates by next year. Under a new law, insurers are required to annually survey all licensed shops in the state, except those that have a DRP relationship with the insurer. The new rules are part of a legislation passed by the Rhode Island General Assembly in June.

"The surveys will be over by the end of the year, and we should know the numbers by next February," says John Petrarca, owner of Providence Auto Body and president of the Rhode Island Auto Body Shop Association, which lobbied to get the legislation passed. "The response from the industry has been very positive. The insurance industry is not happy about it, but this is long overdue." Petrarca expects labor rates to increase 75 percent to 100 percent. "It could come close to doubling," he says.

The legislation is based on similar regulations in California. Insurers must provide a description of the manner in which they determined the prevailing labor rate to the state's Department of Business Regulation. Insurers requested this requirement be removed, and for the law to allow for surveying techniques outside of submitting questionnaires to collision shops. Both were turned down.

Governor Donald Carcieri initially vetoed the legislation, but he was overridden by the legislature. Carcieri, a Republican, has had several vetoes overridden by the largely Democratic assembly, and has wrangled with the legislature on other insurance issues.

The Bureau of Automotive Repair in California instituted new regulations that relegated labor rate surveys to resource documents, preventing insurers from using them to set rates. They also prohibit insurers from using discounted rates negotiated with DRP shops as part of the survey. Many insurance industry associations are against the regulations, saying they'll cause an increase in premiums.

Rhode Island also passed laws requiring notification of the consumer's right to choose a repairer at body shops and on appraisal notices. Every repairer and drive-in claim center must now display a sign explaining this right.

The Auto Body Shop Association also supported another recently-passed bill requiring minimum requirements for the certification of collision technicians.

According to Petrarca, the \$38-per-hour labor rate paid by insurers has remained stagnant for the past 15 years, and is only half of his posted labor rate.

Next year, the Association will push for a bill that requires all vehicles to be examined by a licensed appraiser.

"Right now in Rhode Island, an insurance company can send a car to a direct repair shop without an appraiser," Petrarca says. "We want every car to be looked at by an appraiser to protect the consumer." For more information, visit [www.abari.net/](http://www.abari.net/). To see the survey, visit [http:// www.dbr.state.ri.us/documents/rules/insurance/InsuranceRegulation108.pdf](http://www.dbr.state.ri.us/documents/rules/insurance/InsuranceRegulation108.pdf).

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**Rhode Island News**

## **AUTO BODY SHOPS URGE SUPPORT FOR ATTORNEY GENERAL'S CONSUMER PROTECTION LEGISLATION**

**“DON'T LET UNSAFE CARS BACK ON THE ROAD,” SHOP OWNERS SAY**

HARTFORD, Conn., Jan. 24, 2007- The Auto Body Association of Connecticut (ABAC) today announced its support for stronger anti-steering laws, noting the state Insurance Department has done little to protect consumers from coercive auto insurance company practices.

The organization of statewide auto body repair shops called on the legislature to adopt new consumer protection legislation as proposed by Attorney General Richard Blumenthal.

In a press conference today at Airport Auto Body in Hartford, Atty. General Blumenthal announced that he is calling on the legislature to strengthen Connecticut's anti-steering laws because existing laws are too easily skirted or ignored by auto insurance companies and even the State Insurance Department.

Steering, an illegal practice, occurs when an insurance company tells a consumer what body shop to use for repairs following an accident. Members of ABAC have filed numerous complaints with the State Insurance Department, noting that insurance companies regularly try to ignore existing regulations by suggesting, for example, that repairs will take longer if a consumer goes anywhere other than to the company's "preferred" shop.

"All consumers have the right to take their cars to the body shops of their choice," said Thomas Bivona, President of ABAC. "Insurance companies are in business to indemnify consumers – not direct the repair of cars."

Bivona cited several examples of steering: Insurance company representatives sometimes tell consumers that there will be significant out-of-pocket costs if the car is repaired at a shop other than the "preferred shop." Another common tactic is for consumers to be told that if they have a car fixed at the shop of their choice, the insurance company could require an additional two weeks or more, just for an appraiser to determine the extent of the damage.

"The Auto Body Association of Connecticut would like to applaud the Atty. General Blumenthal for this important legislative proposal," Bivona said. "Steering has been against the law in Connecticut since the Weicker administration yet it is the daily practice of many major auto insurance companies."

"Too often, consumers are unaware that insurance companies direct work to preferred shops because those shops may cut corners on the repair job, perhaps using inferior parts, aftermarket parts that have never been safety tested, or they may even install used parts," Bivona added. "We can no longer allow potentially unsafe cars back onto our streets and highways."

"Today, insurance companies have slyly concocted a system allowing consumers to be duped and coerced – consumers often believe they have no choice but to follow the dictates of the insurance giants. That's just wrong. Since the Insurance Department has done nothing to enforce existing laws, it's time to strengthen the laws so others can take over the job of protecting the citizens of our State," Bivona said. "Now, thanks to Atty. General Blumenthal, stricter laws may soon be in place to protect consumers from the predatory policies of the powerful insurance companies."

This is not the first time Atty. General Blumenthal has initiated action to protect consumers from the automobile insurance companies. In September, for example, his actions forced GEICO to take misleading television advertisements off the air.

"This new legislation is going to help consumers as well as auto body shop owners everywhere in the state," said Bivona. "The Attorney General is taking the right steps so the State can regain control over the insurance companies and solve this problem."

The Auto Body Association of Connecticut is a statewide trade association of professionals dedicated to the advancement of the collision repair industry. The ABAC continuously strives to enhance the abilities and knowledge of its membership through education that will provide safe and dependable repairs for the public.

*Submitted by Michael London & Associates*

## ***NEGOTIATIONS : THE FINE ART***

### **SHOP OWNER RECEIVES HIS LABOR RATE WITH SALES TECHNIQUE!**

Recently an ABAC member shop owner in New Haven County had a repeat customer who was very upset, having just had a minor accident with his brand new vehicle, with damage consisting of a broken headlight and a scraped bumper cover.

The first thing this shop owner did was to put his customer at ease, explaining that his car would be like new again in 72 hours. He asked the customer to get his insurance policy card from the vehicle and that was all he would have to do, other than have a cup of coffee with his secretary.

The shop owner called his client's insurance company, explained that his customer had signed a repair order, he was putting him in a rental car immediately because of a broken headlight, (unsafe for the road). When he attempted to schedule an appraiser to come down to appraise the vehicle, he was told that there would be a major delay due to one appraiser being ill, another on vacation, a 2 week backlog!

The claims representative suggested that the shop owner fax his appraisal to her for review. The shop owner said that was fine except for one thing that needed to be agreed upon, his body labor rate, (non-negotiable), which was comparable to the average mechanical rates charged in his area. The claims rep almost fell off the chair she must have been sitting in, stating that they only would agree to pay their typical prevailing rate that they normally pay on all claims.

At that point, the shop owner stated that there was no need to fax his appraisal because he had a solution to the whole dilemma! He stated that their policy holder was having coffee with his secretary, and that he would figure out the labor rate difference right away and explain to him that for some strange reason his insurance company was only going to pay half of the claim and that he would be paying the balance.

He then explained that the policy holder would probably contact his attorney and sue her and the company for breach of insurance policy contract, which basically stated full collision coverage, less deductible!. When he requested the correct spelling of the claim's rep's full name for record, she became nervous, told the shop owner not to say anything to the policy holder, that she would call him back in ten minutes. Guess what? She called him in five minutes, explained to him that she had talked to her supervisor, and they would agree to pay his full labor rate and invoice!

Wow, what a change of heart!. The shop owner received a check 48 hrs. later for the correct amount, of course he photocopied it for record, and every one was happy!

It appears that legal precedent has been set for the next claim with that fine insurance carrier with this very smart shop owner!



## **COMP-EST System Glitch with Paint Calculations! Users Beware!**

ABAC member Andy De Joseph, owner of J&A Auto Body, uncovered and reported a major problem with COMP-EST Paint Calculations, (Jan. 2007 Edition)

The problem is as follows:

When you choose a part to paint, the actual estimate lowers the paint labor times on some parts. For example, a 2005 Saab sedan quarter panel shows 2.8Hrs. paint time, 1.1 hr. clear coat. However the actual time on estimate prints 2.0 hrs. paint time, and 0.8 hrs. clear coat.

This is only one example. There are many others. Any shop owner who uses COMP-EST should take immediate notice of this system problem, or risk losing lots of money!

Andy has contacted COMP-EST twice in the last two weeks. The company states that they are aware of this problem and should have a remedy available soon.

## **NOTICES AND BULLETINS**

The ABAC would like to recognize one of its members who did something special this past Christmas. George Gerard, owner of Madison Auto Body was one of the main contributing sponsors for the Fourth Annual Chaz & AJ(WPLR 99.1) Toy Drive for the Kids of Connecticut, held at Sports Haven, Long Wharf Drive, New Haven.

George took time out from his business and spent the day (December 15<sup>th</sup>) to help make the event a success. Because of George's efforts, along with others, many underprivileged children received toys for Christmas!

Great job and thanks for your time George!

## **INSURANCE NEWS AND SCUTTLEBUTT**

Attorney General Richard Blumenthal's recent TV press conference and overall media coverage has apparently caused at least two insurance companies to take notice and make changes. They are as follows:

- According to sources in the field, Geico Insurance has instructed its claims handlers not to influence any customers who have chosen their own collision repair shop for repairs. Quite a change from their previous approach!
- The Hartford Insurance Company, speaking on public radio, announced that their customers have the right to choose the repair facility of their choice, without influence also.

At least these two insurers are saying the right things. Maybe other carriers will see the light and follow with similar changes in policy.

# **CONSUMER ALERT!!!**

**Beware of any insurance company employees who require or influence you to bring your damaged vehicle to a specific repair shop for an appraisal.**

\*\*\*\*\*

**This is a direct violation of Connecticut Anti-Steering Law that protects you, the consumer. The law specifically states that no insurance appraiser, adjuster or employee shall require that appraisals shall or shall not be made at a specific repair facility.**

\*\*\*\*\*

**Protect your rights as a consumer!  
Choose the collision repair facility of your choice,  
not the choice of an insurance company.**



# UPCOMING I-CAR CLASSES SCHEDULE

*Don't miss out—Make your Reservations EARLY*

**FEBRUARY 21<sup>st</sup>** Wednesday, 1pm-10pm (appr.) 2 Gold class Platinum points

**NEW DAM06** Steering & Suspension Damage Analysis (1pm-5pm)

Camber out, Set back & Caster, Toe out, Steering Wheel not centered, Wheel tracking, Ride height, Alignment angles reading.

**FOMO1** Automotive Foams (6pm-10pm)

Structural Foam Considerations, Removing & Installing Expandable Foam.

**March 14<sup>th</sup>** Wednesday, 12pm-10pm (appr.) 3 Gold class Platinum points

**EXTO1** Bolted-on Replacement (12pm-5pm) 2 unit class.

Replacing Bumpers, Hoods, Fenders, Removing and installing Doors, Rear Closure panels, weather stripping and diagnosing leaks.

**EXT02** Welded and Adhesively Bonded Panel Replacement (6pm-10pm)

Replacing Door Skins, Welded-on Hinges, Quarter Panels, BoxSides, Side Panels, Roof Panels, & Rear Body Panels.

Classes will be held at:      Holiday Inn- North Haven  
                                            201 Washington Ave.  
                                            North Haven, Ct. 06473

Training is \$125.00/ unit at the door or 1 I-CAR voucher /coupon per point.

Full day 2 I-Car prepaid voucher/ coupons or \$250.00 at the door.

March 14<sup>th</sup> 2 I-CAR prepaid voucher/ coupons or \$250.00 at the door for EXTO1

And additional I-CAR voucher for EXTO2

Discount Coupon order form is on line at [WWW.I-CAR.COM](http://WWW.I-CAR.COM) For additional info contact Superior Auto (860-399-9999) or Fax (860-399-4046)

**Write contact person and names attending below and fax this registration to (860-399-4046).**

**Business Name:** \_\_\_\_\_ **Tel:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Contact:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Attendees (Please list)** \_\_\_\_\_

\_\_\_\_\_

# ABAC OFFICERS 2007

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