

ABAC NEWS

MARCH 2005



The Official Newsletter of the Auto Body Association of Connecticut

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ATTORNEY GENERAL URGES INSURANCE REFORM; PROPOSES STATEWIDE ELECTION OF INSURANCE COMMISSIONER

Tuesday, February 8, 2005

Attorney General Richard Blumenthal today proposed sweeping insurance reform, including statewide election of the insurance commissioner and a mandatory code of professional responsibility for insurance brokers and agents.

Joined at a Capitol press conference by Senate President Pro Tem Donald E. Williams Jr., D-Brooklyn, Senate Majority Leader Martin M. Looney, D-New Haven, and state Sen. Joseph J. Crisco Jr., D-Woodbridge, Blumenthal called for strengthened accountability and transparency in the insurance industry. He submitted a reform package to the legislature's Insurance and Real Estate Committee, which is co-chaired by Crisco.

Under Blumenthal's proposal, the insurance commissioner would become a statewide elected office, making him or her more accountable to consumers and taxpayers instead of the industry. Blumenthal is proposing this change as a constitutional amendment.

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The proposed legislation would also require greater disclosure by brokers and agents about their fiduciary duty to consumers, similar to real estate agents. Insurance agents would be required to disclose in writing whether they are acting on behalf of the insurer. The disclosure must describe completely and accurately the terms and amount of any compensation. Brokers and agents would also be required to disclose the details of all quotes from insurers, and the reasons for the broker's recommendation.

Under Blumenthal's proposal, a consumer would have the option to be a broker's sole source of compensation for any business on behalf of that consumer.

"My ongoing investigation and action against abuses has exposed twin evils in the insurance industry: secrecy and special payments," Blumenthal said. "Tougher rules are necessary, but not enough. We need better enforcement. An elected commissioner accountable directly to the people can fight abuses that raise insurance costs for everyone. Stronger legal standards can help stop a culture of concealed kickbacks where business is steered in exchange for bonuses, not the best deal for consumers."

Williams said, "We have an opportunity here for bold and innovative solutions to strengthen oversight of the insurance industry – an industry so crucial to this state. I join with the attorney general in making these reforms a priority."

Looney said, "I believe that we need stronger, consumer-oriented insurance regulation and the creation of an elected insurance commissioner will be the most powerful move in that direction."

Crisco said, "Anything that will help address the increasing cost of healthcare insurance either directly or indirectly is warranted. I will certainly bring these proposals to the members of the Insurance and Real Estate Committee for serious discussion."

Blumenthal said, "The commissioner's reporting responsibility should be directly to the people – not industry interests or other officials who appoint the commissioner. And consumers and taxpayers should hold their commissioner accountable."



Progressive Thinks I'm a Crook Because I Made a Profit

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John Shortell - www.bodyshopsolutions.com

Did you know that making a profit is considered fraud? That's right! According to some genius at Progressive Insurance, marking up a sublet bill and making a profit is committing fraud. I'm now a crook who needs to hang his head in shame and fear a visit from the Connecticut Motor Vehicle Department dealer's licensing cops. Yup, that's me, a damn, greedy, Republican, money grub. I'm costing the insurance company and they are not taking it any more.

Recently, some second-in-command yahoo named Jason Richling, at Progressive's Glastonbury Connecticut office called me to whine about a towing bill. I'm so ashamed.

A customer called and wanted us to pick up his 2005 Subaru Legacy at some garage on the other side of the state. I said, certainly, no problem. I called the towing service we use and sent them to pick up the car. The towing company paid the towing and storage charges owed to the garage that originally towed the vehicle. Then my towing service towed the vehicle to my shop and billed me for his towing expenses, plus the money he had paid to the other towing company. We started a repair order, called upstairs for a check, chased down two people to sign the check and paid the entire bill.

Next, I entered both tows into my trusty Tow Bill Helper software, which magically marked up the entire amount to give me my desired sublet gross profit. What? You don't make a profit on sublet repairs? Some business person you are.

Anyway, before we had the customer's vehicle towed we explained to him the problems we would have with his insurance company, Progressive. We carefully explained that Progressive would probably be willing to pay less than the amount needed to properly repair his vehicle, and that he would be responsible for any differences between the cost of the repair and what Progressive was willing to pay. He seemed to understand. Fine.

Knowing that the Progressive appraiser would soon arrive to look at the vehicle, I had my technician bring the car in and take off the few parts necessary to write an accurate appraisal. We had the vehicle up on the lift when the appraiser arrived. It had extensive damage to the underside. Apparently the owner took the vehicle over the river and through the woods to grandma's house. I, my technician and the appraiser spent about a half hour examining the vehicle looking for all the damage. Normally I would have written an estimate prior to the appraiser's arrival, but he showed up before I had the chance.

The appraiser then spent about an hour out in his office on wheels creating his stingy work of fiction Progressive calls an estimate. Of course, as predicted, and as we warned the customer, Progressive's estimate was deficient. Their labor rate was \$6.00 less than I will accept. We figured the owner would be responsible for about \$500 to make up the difference. Then it gets interesting.

The appraiser asks for a tow bill. I give him the print out from my Tow Bill Helper software listing both tows, what they cost, and the total. Apparently Progressive has been holding seminars on my Tow Bill Helper because he immediately said, "Nope, I need the originals."

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I asked him what he meant. What did he mean by “originals.” He wanted to see the slips that I was given by the towing service. I told him those slips were private internal business documents for our eyes only. He insisted that he needed to see them. Then I asked, “Would you ever, in a million years, dream of walking into a store and ask the clerk to see his invoice from his wholesaler to see what the store paid for that can of beans you’re about to purchase?”

He appeared confused. Had no one ever challenged him on this before? He told me he would pay me for towing when he had those slips. I said, “No problem.” I would just have to charge the customer and then he could get reimbursed by Progressive.

Once the appraiser left we called the vehicle owner and explained the damage, how much it would cost and how much Progressive was willing to “give” him. He was not happy. Why should he pay more than his deductible? Good question. He shouldn’t. But I certainly was not going to repair the vehicle just to pass the time. We need to make a profit on every repair, otherwise, why bother. The customer told me to hold off on repairs until he talked with his insurance company. You can guess how that worked out for him.

About an hour later we get a call from another body shop, about 30 miles away, wanting to pick up the car. A Progressive DRP wanted to pull a car from my shop. Oh well, no biggie. It wasn’t the first time, and it sure won’t be the last. We gave them the charges for towing, storage and tear down. I had a nasty cold and went home for the rest of the day. That evening my assistant called me at home to tell me she’d received a call from this Jason Richling at Progressive insurance. Dear Jason wasn’t happy. My assistant explained all the charges incurred, and informed him that the vehicle was not leaving the shop until they were paid. He rattled off a list of arrogant insults and asked that I call him in the morning.

The next morning I was feeling a little better. Then Jason Richling called. It made my day, yes indeed. He immediately began complaining that I was giving his company a hard time. How dare I mark up a tow bill? I’m running myself out of business and appraisers and insurance companies are all talking bad about me, and I’m so unreasonable. He told me his company does not pay a markup on any sublet bills. We don’t deserve it. We don’t do anything. Why should we make a profit on a sublet?

We don’t do anything when we buy parts either, but we make a profit on them. We mark up used parts. We don’t make the paint and materials but we make a profit on them. Any time your money is tied up in parts, materials, sublet bills, anything, you should be making a profit on that money.

Jason told me I was committing fraud because I wouldn’t show him my tow slips. When I explained that those invoices were private and secret business documents that no one but us had a right to see, he shot back with the most brilliant argument that I would have to show them to the IRS if they wanted to see them. Yes, Jason, great come back. I can see why they made you number two in your office.

Since I was committing such heinous fraud Mr. Richling was going to file a complaint with the Motor Vehicle Department, or he was going to convince the vehicle owner to file the complaint. I begged him to file that complaint. I have been trying to get the Connecticut Department of Motor Vehicles to give a formal ruling on the towing and storage issue for a year but they refuse to stick their neck out. Some in the department think it is illegal to mark up a tow bill. Can you believe it? People in charge of enforcing Connecticut laws don’t understand the laws they are supposed to be enforcing. Towing and storage laws only apply to license towers, something we are not. Our shop does not own a wrecker, therefore it is not bound by any laws regulating wreckers. I can charge whatever I want for towing (being reasonable, of course) and it really irritates Jason Richling, second-in-command at Progressive Insurance.

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The DRP shop picked up the car and paid the bill in full. I charged for my time and money invested in that repair order. I even charged for the time I wasted trying to explain economics to the genius at Progressive. Unfortunately for Progressive, I doubt if they got their money's worth. I don't think the information stuck. But I did enjoy my opportunity to speak with someone as esteemed and important at Progressive Insurance as Jason Richling. Oh yeah, I almost forgot, Mr. Richling informed me that "from now on, any customer who has a car in your shop will get a letter from us explaining how difficult you are to deal with, and that they will probably have to pay money out of their pocket if their car is repaired there." Sounds like a great lawsuit to me, don't you think? Truth is, I tell Progressive's insureds and claimants the same thing, only Progressive is the difficult party in my version.

You may be thinking to yourself, "Real smart jackass, you lost a job because you were too stubborn." And you'd be right. I did lose the job. In fact, it was a \$10,000 repair, of which about \$1000 should have been net profit. But Progressive only wanted me to make \$500 net profit. Yes, that is better than nothing, but that would just make me another cheap prostitute, wouldn't it?. If I laid down for \$500 this time, they'll want a better deal next time. Even a prostitute should have principles. Hell, Progressive is paying the DRP shop \$2 per hour less than they were so generously offering me. Isn't that sweet? The DRP shop manager asked how we get more money out of the insurance companies, how do we get paid what we get paid. He just demonstrated to himself why he doesn't get paid more.

One of the last things Progressive's Jason Richling said to me before he hung up was, "John, you're a piece of work." At least I can print what *he* thinks of *me*.

ABAC HIRES MEDIA FIRM

The newest member to join the ABAC team is Michael London who heads the media firm, Michael London & Associates. Mr. London brings to the table something that the association members have been lacking for quite some time; the ability to get information out into the media as it becomes necessary. So far, Mr. London's firm has performed with amazing speed and professionalism. His network capabilities have already proven to be vast, including relationships with every facet of the news media (newspapers, television, radio, etc.).

Along with his media networking, Mr. London is excited to work with the board of directors and officers and has presented some extremely beneficial marketing ideas to push key issues forward to obtain necessary results. ABAC president Tom Bivona has been extremely pleased with the performance of the firm. Stay tuned to your newspapers, radios and TVs for the latest ABAC news and information!

ABAC Meeting Draws a Full House at Quarterly Meeting

Guest Speakers Share Valuable Information with Members



***ABAC President
Tom Bivona***

One cannot begin to stress the importance of being a member of the Auto Body Association of Connecticut. The following information is just a fraction of what you missed. Join now and become educated, informed and successful in your business.

Tuesday March 15th, 2005 found the Country House Restaurant in East Haven packed with ABAC members, vendors and guests.

This proved to be quite a night for information as the many featured guests took to the podium for their presentations and informative talks.

Our Master of Ceremonies for the evening was once again Dave Fogarty of the Lorenson Auto Group. Fogarty welcomed everyone and covered the busy agenda for the evening. Dave introduced ABAC President Tom Bivona of My Way Auto Body. Tom thanked everyone for taking the time to attend the night's meeting and for their loyal support. Tom told everyone, "If you have a question, if you have a problem, call any one of the Board of Directors for assistance. If they can't help, you will be directed to someone who can help you." (The Board of Directors is listed on the back page of this newsletter.)

Next up to speak was Tony Ferraiolo of A&R Auto Body who spoke on current legislation. Tony brought everyone up to speed on current bills and announced that "The insurance companies are beginning to pay attention." Tony urged shops to support the ABAC by becoming a member. "Email your senators and make sure you send in your customer surveys."

Dave then thanked the co-sponsors for the meeting:

- Enterprise Rent-A-Car
- Richard Chevrolet
- Kent Automotive
- ADP

Enterprise Rent-A-Car took to the podium to thank all members for their support and how proud Enterprise is to be an ABAC member and to be able to co-sponsor the meeting.

Kent Automotive Regional Manager Larry Rosetti and Territory Manager Robert Cohn gave a presentation of their quality products. It was very informative and they passed out information to all members, offering their service to shops.

Fogarty then introduced past president Karl Mauhs from Hamden Auto Body. Karl spoke on "Is it worth it to sue an insurance company?" Karl's answer..."You bet it is!" He told us that 90% of the time you will settle before you even step into court. Says Mauhs, "It's time to take charge of YOUR business." Karl also tells us that 95% of insureds and claimants have gotten their money back. Good stuff!

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Our next featured speakers were Trudy Smith and Chris Sheehy From ADP. Trudy gave a terrific presentation of ADP's estimating software which showed many examples of how it estimates the labor time that includes repairs often overlooked by others. A question period followed with many topics covered.

Bob Amendola of Autoworks of Westville was the first of 3 former appraisers-turned-body shop owners. Bob mentioned what a challenge it is to be profitable. He told us to become more efficient and keep track of all the small things. He also talked of fuel surcharges and several other processes that he uses in his business that seem to work. Expenses are climbing higher and some of these costs need to be passed on to the insurance companies.

The 2nd former appraiser was Dan Dumont from Atwood's Auto Repair who said he went "from fixing cars to writing estimates. Allstate taught me how to write estimates. Atwood's taught me how to write a REAL estimate." He went on, "There's a big difference between what you can get away with as an appraiser and what you can write. You're only going to write what you can get away with (as an appraiser) nothing more! If you don't ask for it, you'll never get it."

Our 3rd former appraiser for the evening was Troy DeLeon of Girard Nissan. Troy asked the question, "Does anyone know the difference between an auto body man and an insurance man? It's the size of his checkbook... and the insurance company has the BIG checkbook!" "Write the estimate and ask for what you repair. You have to think of all the things that you do when you repair a vehicle." Troy talked about an estimate that was written 10 years ago. He went on to explain that when he recreated this estimate, even though the labor rate has gone up a little bit over the past 10 years, the labor times have been cut by about 15% on the data guides. Therefore, on that estimate he would have made \$0.70 an hour LESS than 10 years ago. Talk about going BACKWARDS!

Next up: "To Be or Not To Be A DRP." Bill Romaniello talked facts and figures. Bill personally hoped that the DRP program would have a tragic ending. He noted that over the past 8 years there has been about a 10% increase in the labor rate. That comes out to 1.25% per year increase. Paint and Materials has seen about a 13% increase in what can be collected which comes out to about 1.6% yearly. But paint companies have increased their product prices about 4-6% yearly! That's about a 40% increase over 8 years. Bill states, "You want to know why insurance companies are all over the television, advertising how they can save you money? Because every one of us that is involved in the DRP program has given the insurance company a 10% discount rather than use that 10% to advertise our own shop!" "You, as the shop owner, have put money in the insurance company's hands by letting them control the labor rate and letting them control your profits." A spirited question and answer session followed.

Our last, but certainly not least speaker of the evening was the always colorful and brutally honest John Shortell of Secor Collision Technology. John also has a great website, www.bodyshopsolutions.com. You owe it to yourself to check out this "right-to-the-point" website. John gave us his "first person" account of his article that can be found on page 3 of this newsletter. The article is certainly entertaining and truthful but to hear John tell it in person was priceless! Make sure you read it!

Our night ended with a raffle of vendor donations.

Make plans to join the ABAC and come to our next meeting in May, 2005!

DaimlerChrysler Offer Factory Backed Auto Insurance

NEW PERSONAL AUTO INSURANCE DRIVES CUSTOMERS BACK TO THE DEALERSHIP

One way to improve the bottom line for dealers is to keep customers focused on the brands. The new Chrysler, Jeep® and Dodge Auto Insurance does just that—it keeps customers focused on the brands and the benefits they offer, by making it convenient and cost effective to purchase the new auto insurance offered through DaimlerChrysler Insurance Company (DCIC).

The benefit to consumers

DCIC has partnered with American International Group, Inc. (better known as AIG), the largest insurance company in the world and the leader in affinity group insurance marketing, to provide consumers with a competitively priced, quality-focused vehicle insurance program.

With an average annual cost savings of \$358 for insurance premiums, many consumers will want to take advantage of the new DCIC insurance program. **Additional benefits include a guarantee to use authentic Mopar parts for repairs, a 24/7 Claims Service Hotline, and a host of convenient dealership referrals that are currently being piloted.** Plus, consumers who own more than one vehicle, including those produced by other automobile manufacturers, can use this insurance program for all of their vehicles!

FYI

Mopar (the parts division of DaimlerChrysler) is currently offering to “*price match*” most fascias, bumpers, headlamps and tail lamps on their brand vehicles. If you have a parts estimate calling for these selected aftermarket parts just contact a participating DaimlerChrysler dealer and they will give you all the details.

OEM parts on a vehicle that you are being told to use aftermarket sounds like a pretty profitable idea!

RHODE ISLAND NEWS

INVESTIGATION UNCOVERS SHODDY REPAIRS!

An investigative report that recently aired on **WJAR NewsChannel 10** in Rhode Island shows 3 customers who had been involved in accidents and had their vehicles (a red VW Golf, a Toyota Camry and a VW Jetta) repaired by auto body shops; then had their repaired vehicles inspected by Bob Collins, a vehicle appraiser who owns **Wreck Check of Boston**, a company that specializes in post repair inspection.

States Collins, *“These are cars that all had pretty much visible remaining issues with the repairs.”* Collins inspected all 3 vehicles within 13 months of the original repairs. His reports described the body work as *“substandard”* and *“unsafe”*. He says the red Golf was the worst. *“Because of the welds in the way the rear body panel was welded on and some other issues I determined that the vehicle was an unsafe repair.”*

The auto body shops that did the work on these vehicles are **“direct repair” shops**. They have a relationship with the insurance company and the insurance companies guarantee their work backing it up with a lifetime warranty.

The 3 people in this story say their insurance company “steered” them towards an auto body shop on the direct repair list. They say their insurance company discouraged them from choosing an auto body shop that wasn’t on the list. Words like “strongly suggested” and “highly recommend” and “this is who you should be going to” were statements that came from the vehicle owners themselves.

Of the 3 shops involved in the report, 2 of them released statements stating of their goals to customer satisfaction and that the vehicles involved were repaired correctly when they left their shops while one of the shops questioned the Wreck Check report seeing as more than 9 months had lapsed. The one shop that allowed an on camera interview also questioned the Wreck Check report since 13 months had lapsed since the repair was performed.

The Wreck Check reports weren’t paid for by the people who owned the cars. They were paid for by a group of independent auto body shops who aren’t affiliated with insurance companies. They oppose the direct repair system. One of the independent shops admits that his organization was actively looking for cars that had been fixed by direct repair shops.

In response, one of the direct repair shops involved asked “if the car wasn’t repaired correctly, why would you keep driving it for months?”

Progressive Insurance denies “steering” the customer towards a direct repair shop and has concluded that the direct repair shop involved did not handle the Jetta repairs properly and stood behind the direct repair shop’s warranty.

Nationwide Insurance which insured the red VW Golf and the Toyota Camry said it is company policy not to comment on specific claims.

Stay tuned!

Insurance Rumors & Scuttlebutt

All-State Insurance:

Subject: Video surveillance cameras

According to a local shop owner in West Haven, Connecticut, All-State appraisers have refused to enter his shop to appraise damage on policyholders' vehicles. The appraisers have told the shop owner that the order came from their office not to set foot in his body shop unless he turned his video-surveillance cameras off. One would wonder whether this is becoming an All-State company policy or enacting this behavior toward one single body shop owner. In the meantime, All-State appears to have no regard for the customer relations to their policyholders in these cases. Other shop owners who have video surveillance cameras should be aware of this fine practice!

Metropolitan Insurance:

Sources in the field report that Metropolitan recently did a cost analysis on claims at their D.R.P. shops and compared them to similar claims performed at independent body shops. The study produced amazing results! Guess what? The claims cost figures at the D.R.P. shops were consistently higher than those done at the independent shops. Hmm! The D.R.P. shops would not be padding the bill now, would they? Based on these results, it is rumored that the insurance carrier may be cutting back its direct repair program in the future.

Middlesex Mutual:

This carrier has been performing random labor rate surveys in the field and has been getting back varied results. Middlesex representatives have been asking shop owners two questions: 1. What is your posted labor rate? 2. What labor rate will you agree to perform repairs at? The second question appears to be a trick question to which most shop owners answered in an intelligent fashion. As one shop owner stated, his answer to question two was the same as his answer to question one, simply stated, "My posted rate is my business rate. What part of this answer don't you understand?"

A "Thank You" to Our Quarterly Meeting Sponsors!

Sincere thanks to our sponsors of our March 15th 2005 Quarterly Meeting for their generous contributions.

- **Enterprise Rent A Car** (Serving All Of Ct.) 1-800-Rent-A-Car
- **Kent Automotive** (Larry Rosetti) Regional Manager (cell # 570-947-0073
(Robert Cohn) Territory Manager (cell # 203-209-5493)
- **ADP** Trudy Smith (Management)
Chris Sheehy (Management)
- **Richard Chevrolet** Cheshire, Ct. Parts Dept. # 1-800-272-0453

Notices & Bulletins

- **The ABAC would like to welcome two new members.** They are Classic Auto Appearance (Old Saybrook) & Partyka Chevyland-Mazda (Hamden). Membership continues to grow every month with more and more shops realizing that it is very beneficial to become part of the collision repair network that is the Auto Body Association of Connecticut.
- **ATTENTION ALL MEMBERS:** Please continue to fill out consumers' right to choose forms that were faxed to you recently. These will be forwarded to the proper legislators on a continual basis. The main purpose of this campaign is to strengthen support for the current anti-steering bill that will be voted on in the near future.
- **COMPLAINTS:** Beware of any insurance company employees who violate any Connecticut statutes when settling auto physical damage claims. Violations would include, but not be limited to: steering, price fixing, failure to negotiate, etc. If you choose not to act and hold people accountable for violations, then you cannot expect the system to change. Stand up for what you deserve to have and contact any ABAC director or officer for assistance in filing complaints. Complaints involving price fixing may be directed to Attny. General Richard Blumenthal's office. Make sure you fax a copy of all complaints to ABAC Executive Secretary Denise Banta for record at (860) 848-0534.
- **LEGISLATIVE ISSUES:** ABAC Directors Bill Denya & Bill Romaniello have invested tremendous amounts of their personal time both on the phone and up in Hartford working diligently on legislative issues and bills that will directly affect the future of our industry. More active participation to support legislative issues would be very beneficial. You may wish to contact either one of these directors if you would like to take a more active role.
- **LAWSUITS:** Many insurance companies continue to be sued by shop owners who are tired of agreeing to settle claims for less money than they deserve. Business labor rates are just that and should not have to be negotiated. More and more shop owners are realizing this fact and not laying down. Shop owners who have filed lawsuits against insurance companies and appraisers seem to have been successful more often than not. If you are looking for an attorney to assist you with small claims actions against insurers, contact ABAC President Tom Bivona at (203) 769-4492.

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