

ABAC NEWS

**MARCH - APRIL
2014**

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The Official Newsletter of the Auto Body Association of Connecticut



STATE OF OUR STATE

**Tony Ferraiolo
A&R Body Specialty - ABAC President**

What has your ABAC been doing for you lately? Let me tell you. This winter season the ABAC embarked on the most extensive advertising campaign in ABAC history. We placed our message of YOUR CAR YOUR CHOICE on billboards and Comcast cable TV. Given the success of that project, the Board of Directors is discussing whether to continue our message throughout the year. Our billboard advertising received the best feedback, so we are leaning toward more billboards. With the help of Dave Fogarty, we also created a CONSUMER ALERT, to inform our customers of the use of After Market Parts and how they could affect their vehicles. We believe that an educated customer will make informed decisions in the repair of their vehicles.

The ABAC and its lobbyist have continued to monitor legislation at the Capitol to ensure that the laws and regulations that protect consumers and our businesses are not compromised. To this end, we submitted testimony regarding certain regulatory revisions sought by the DMV and offered testimony in support of raised bill 5288: An act concerning chemical road treatments. We pushed for more analysis of the corrosive effects of chemical road treatments on roads, bridges, highways and private vehicles. We are also still pursuing information on the LKQ wheel recall. We met with the DMV, the Attorney General's office and Senator Blumenthal's office in an attempt to further investigate this matter and seek assistance in informing consumers of the safety issues associated with this aftermarket part recall. We will not stop until we

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find out what prompted this recall. And, we believe there needs to be a better procedure to monitor After Market Part Recalls.

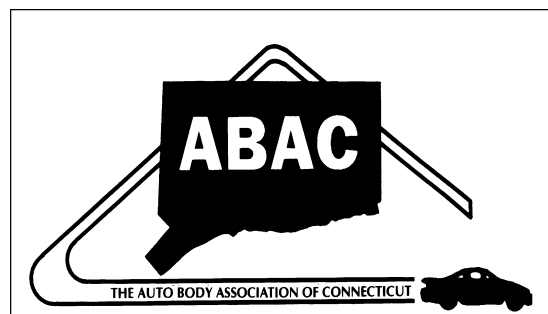
This year's membership meetings kicked off with a very informative and educational meeting presented by Larry Montanez of P&L Consultants. Larry informed attendees of what the future will hold for the repair of vehicles. He emphasized on the importance of ongoing training and equipment investments. He went into detail on the materials that are used in the construction of vehicles today and how the materials may differ in the future. Larry's information was received so well, we decided to bring him back in May for part 2 of his presentation. This will concentrate on advanced estimates, more accuracy and how to document and collect for what you are doing. Don't miss this important meeting.

Some of your Board of Directors attended the Northeast Leadership Forum in New Jersey. This meeting was for associations throughout the Northeast to discuss the future of our industry. Great discussions were had on a range of topics. The ABAC kicked off the discussion on the issue of OE training and what place I-Car should have in repair education. We voiced our opinion that the industry needs more choices beyond I-Car for repair education and that how much and what type of education is necessary to run each business should be left up to each business. We also discussed the topic of newer materials being used in modern vehicles. In this regard, the need for training and proper equipment will be of the utmost importance. Some vehicles, for example, will require certification from the vehicle manufacturer to even perform repairs.

Your board of directors meets every month. The board is comprised of individuals who donate their time to this Association. Without them, all of this would not be possible. I would like to thank them for their time, knowledge and hard work. And I would like to ask you for your support. If you would like to help our Association, or you felt the Association needs to do more for our members, I want to hear about it. And I would encourage anyone interested to call me about joining the Board of Directors. Please call me any time. Our association is well known for our strength and persistence. Get informed and get involved. In knowledge there is strength, in unity there is power. Hope to see you all at the May membership meeting.

Tony Ferraiolo

ABAC President



ABAC Hosts Larry Montanez of P&L Consulting at March Quarterly Meeting

The Auto Body Association of Connecticut held its Quarterly Meeting this past March 18th at the Country House Restaurant in New Haven, CT. In what is becoming the norm, a packed house of members, shop owners and managers gather for another night of education.

ABAC President Tony Ferraiolo kicked off the evening thanking our sponsors for the evening:

Primary Sponsors:

- **Albert Kemperle with locations in Hartford, Waterford, Kensington and Berlin, Represented by**
 - Joe Leahy
 - Will Anton
 - Joe Nunez
 - Janica Daly
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The Kemperle organization is a leading professional distributor of auto paint, body and equipment. Kemperle offers a vast, diversified and innovative product assortment of automotive finishes, supplies, tools and equipment. Since 1940, Kemperle has been supplying the automotive, fleet, marine, aviation and industrial markets with the highest quality of products and customer service in the industry.

- **Richard Chevrolet**
 - Ron Vernick – Parts Manager

Co-Sponsors

- **Bishop's Auto Parts**
 - Dan Bishop – President
 - Rob Rainwater – General Manager
- **Environmental Risk Services**

Tony credited Dave Fogarty for the recent Consumer Alert Bulletin that was given to everyone in attendance. (You will find a copy of it in this newsletter). He also reinforced the use of this bulletin to help your consumer and educate them.



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Our first presentation was from Rob Rainwater, General Manager at Bishop’s Used Auto Parts. Bishop’s is one of the largest used auto parts dealers in New England. Whether you are a professional mechanic looking to save some money for your customers, an auto body technician looking for the proper fender or just a do-it-yourself car owner trying to avoid a major repair bill, they have quality used auto parts for you. Bishop’s will deliver most parts nationwide and they deliver to much of New England.



What can Bishop’s offer you?

- Exclusive ABAC Member Discount – 10% off all invoices at the time of delivery to ABAC Members
- Reduced Cycle Time
- No Supplements and No Surprises
- Industry’s Strongest Guarantee
- Rental Car
- Quote Guarantee
- No Hassle Return Policy
- Remanufactured Products
- 24hr Turnaround

Bishop’s Used Auto Parts is also a member of the PRP Network (Premium Recycled Parts) which is the largest network of Independent Auto Recyclers that is united in supplying Premium Recycled Parts.

Ferraiolo then gave us all an update on the Hartford Lawsuit, the Progressive Lawsuit and the LKQ Wheel Recall (Remanufactured Knock-offs!)

Tony then introduced our main speaker of the evening, **Larry Montanez, Education & Training Advisor for P&L Consultants.** Larry is also:

- Certified Collision Damage Analyst
- Forensic Collision Damage Estimator
- ISO Certified Aluminum Welder
- Bosch Certified Data Analyst
- Verifacts Technical Advisor

Subjects covered by Larry:

- Materials & Material Sciences & Future
- Non-Included, Forgettable Procedures, Advanced Estimating and Procedures
- Estimating Case Studies
- How to prove WHY it is what it is



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Topics Discussed:

- Standard Steel
- High Strength Steel
- Ultra High Strength Steel
- Steel Precautions
- A.C.E. (Advance Compatibility Engineering) Crash Management

Larry also spoke of **“Understanding Industry Training”**

- Vo-Tech Schools – *Where it all begins*
- 3rd Party Training Programs – *Ongoing training*
- OEM Training – *Specific Information*
- OEM Welding Certification – *The Ultimate Test of SKILL*

Due to the tremendous amount of educational information that was being presented by Montanez, the ABAC has invited Larry back to our next ABAC Annual Meeting to be held on Tuesday May 20th, 2014 to present the remaining portion and more! So, if you’re looking for 1st Class information and education, you won’t want to miss the next offering of the Auto Body Association of Connecticut.



In The Headlights

Dave Fogarty - Lorensen Auto Group
“Am I Right or Am I Wrong?”



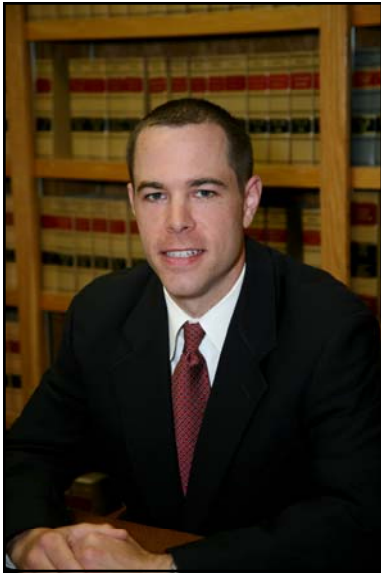
Let’s face it. No one has the gift for gab better than Dave Fogarty. If he believes in something, no one is more tenacious in getting our industry’s point across. His passion for this industry, trying to make it fair for consumers and Auto Body shop owners is genuine.

Dave was instrumental in developing a CONSUMER ALERT Bulletin to inform the motoring public of their choices in collision repair and the concerns of the use of Aftermarket parts. Dave is the Wholesale Parts Director for the Lorensen Auto Group and has held that position since 1994. He is responsible for wholesale parts for all of their stores:

- Acura of Avon
- Acura of Milford
- Honda of Watertown
- Lorensen Toyota
- Westbrook Honda
- Old Saybrook Chrysler - Dodge - Jeep

If that’s not enough, Dave is also the Senior Advertising Director for the ABAC News since its creation in 2000!
Dave we thank you for your unwavering support of The Auto Body Repair Industry and the Auto Body Association of Connecticut.

Camera Phone Pictures to Write Estimates Should be Declared Unlawful



I have been asked the following: *Can an insurer, instead of having a licensed appraiser physically inspect a vehicle, use camera phone pictures taken by the claimant to write estimates and pay claims?* My thoughts are as follows.

Connecticut law (Regulations § 38a-790-5) provides that:

If the appraiser and the repair shop fail to agree on a price for repairs, the appraiser shall not obtain a competitive estimate from another repair shop unless the owner of such other shop, or his authorized agent, has inspected the vehicle. No such competitive estimates shall be obtained by the use of photographs, telephone calls or in any manner other than a personal inspection.

Thus, according to § 38a-790-5, if and when there becomes a dispute between the appraiser and the repairer over the cost of repairs, the appraiser cannot use camera phone pictures to assess the loss. At the same time, there would seemingly be no violation of § 38a-790-5 if the insurer were to engage in this process prior to the involvement from the repair facility, which appears to be the predominant trend.

While it may not be a direct violation of § 38a-790-5, the practice of using camera phone pictures prior to getting a repair professional involved, appears illegal and unethical. Specifically, I would argue the practice violates our unfair insurance practices law (CUIPA CGS § 38a-816) and possibly other consumer protection laws. CUIPA provides in relevant part:

The following are defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) Misrepresentations and false advertising of insurance policies. Making, issuing or circulating, or causing to be made, issued or circulated, any estimate, illustration, circular or statement, sales presentation, omission or comparison which: (A) Misrepresents the benefits, advantages, conditions or terms of any insurance policy....

Another section of our CUIPA law reads:

(6) Unfair claim settlement practices. Committing or performing with such frequency as to indicate a general business practice any of the following: (A) Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;(F) not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear; (G) compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds; (H) attempting to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application;

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Finally, at the risk of boring you to tears, CUIPA also provides:

(O) using as a basis for cash settlement with a first party automobile insurance claimant an amount which is less than the amount which the insurer would pay if repairs were made unless such amount is agreed to by the insured or provided for by the insurance policy.

It is no mystery why insurers want to write damage estimates from camera phone pictures: they often capture but a fraction of the actual damage, thus allowing the insurer to send out an artificially low loss payment to the claimant (many of whom will pocket the check without repairing the vehicle). But as you know well, many of these vehicles are not safe to be put back on the road, which cannot be assessed from a cell phone picture.

Aside from the obvious safety infringements, and violations of the above cited insurance laws, this practice strikes me as a fundamental misrepresentation of policy or third party rights and benefits. In other words, it is a misrepresentation of benefits to attempt to pay off a claim based on claimant taken pictures – which we know do not, and cannot, depict the full extent of the damages. Insurers have a legal and often fiduciary responsibility to make fair and complete payments for covered losses. This system is plainly designed to save insurers money on its own labor costs (i.e. less paid appraisers) and on the amount it ultimately pays on claims (i.e. calculated underpayment of claims). The big losers here: repairers who lose work and consumers who are short changed. I think we all know who the big winner is here. But, there's good news yet! I'm pretty sure this will end up saving us all a boatload on our premiums when renewal comes around.

John Parese

Buckley & Wynne - Attorneys at Law

East Coast Resolution Forum and Leadership Meeting at 2014 NORTHEAST Conference & Tradeshow

At the 2014 NORTHEAST conference and tradeshow, AASP-NJ and the Society of Collision Repair Specialists (SCRS) co-sponsored their annual East Coast Resolution Forum and Leadership Meeting on the afternoon of Friday, March 21. Unlike previous years when associations simply presented their current news and events to the audience, this year's meeting was set up in a roundtable format to allow for more discussion amongst the participants who numbered around 60 individuals.

Jeff McDowell, President of AASP-NJ, started the meeting by welcoming everyone, and Aaron Schulenburg, Executive Director of SCRS, explained the new format of the meeting as part of their goal to "inspire good conversation amongst participants." Moderating the event, Ed Kizenberger, Executive Director of NYSACT and LIABRA, led the group in the Pledge of the Allegiance before reading an Anti-Trust Statement.

The discussion began with Tony Ferraiolo, President of the Auto Body Association of CT (ABAC), who posed the question of whether OEM training is more valuable than I-CAR Gold Class status and whether I-CAR certification should be a part of the manufacturers' required training. The discussion navigated a variety of perspectives with common thoughts that I-CAR

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fills some of the void beyond OEM training and that there can be value to I-CAR's "Gold Class," especially if I-CAR were receptive to addressing redundancies in some of the requirements.

Ferraiolo pointed out that some manufacturers require I-CAR courses even though shops and technicians may already have the training, and because training is expensive and difficult to obtain, he feels that it should be a business decision each shop owner makes on his own as the I-CAR training that is required often has no impact on a shop's day-to-day business. He suggests that shops should be able to pick and choose what is needed for their facilities instead of having the required courses dictated to them. The issue presents itself more specifically when certain OEMs require that the Gold Class designation be achieved to be recognized on their programs.

Also noting that some of the required courses are redundant for experienced technicians, Ferraiolo objects to what feels like a lack of options, and he feels that shops need to have choices about where they acquire training. Several attendees mentioned that more options may be available in the near future, though more information was not explicitly elaborated on about this possibility.

Gene Lopez of I-CAR interjected that some courses may be redundant to tenured employees, but he noted that I-CAR has answered this complaint in some cases with an equivalency test to measure core competency, adding "we have a form of tribal learning in this industry where people learn from other people, and that's a good thing until the information being passed along is incorrect."

As an example illustrating the topic of discourse, Kizenberger brought up how everyone is being confronted by Ford's new aluminum F-150, but though the aluminum design has been in progress for quite some time, it was only recently announced to the collision repair industry; Kizenberger believes that body shops would be better prepared to work on the new aluminum body if the announcement had been made earlier to allow them time to acquire the necessary training and equipment. A Ford representative shared that the manufacturer has answers coming about the process to deal with aluminum and about how to get certified through Ford.

Calming the group in an uncharacteristic manner, Tony Lombardozi, President of CCRE, pointed out "this industry will adapt to Ford and their aluminum vehicles in the same way we have dealt with every other crisis that has created a panic within the industry. Most shops have always been able to do what's necessary to live up to the challenge."

Michael Bradshaw of K&M Collision in Hickory, NC expressed his adamant belief that shops should not allow insurers to dictate the repair process. His shop sends a Notice of Deficiency to insurers who do not pay the full bill, and he guesses that the bill gets paid 80-85% of the time; for those who don't pay him, he utilizes an Assignment of Proceeds to pursue the remainder of the bill in court.

Larry Montanez of P&L Consultants discussed his personal experiences with similar results as Bradshaw's process, but he warned that, from his experience, these shops didn't really win money in their first case(s) because of fees, although it benefited them in future cases. He also shared that the use of an Assignment of Proceeds led to various investigations, so it's imperative to do a superb job of keeping records if a shop opts to go this route.

Next, the question arose of whether these practices are becoming the new normal, or if that is likely in the future. Some felt it is definitely possible with independent shops as more and more people are looking into alternate options for getting properly compensated. Lombardozi added, "those shops who use the assignment to litigate short pays will force insurers to rethink their policy on that practice. The more shops that win in court, the more it will begin to change insurers' behavior."

One attendee recounted how a CT shop owner informed the judge that pursuing litigation for short pays is how he always does it, helping his shop prevail in the lawsuit by establishing a standard for his business practices. This anecdote reinforced the belief that consistency in dealing with these issues is imperative if things are going to change. Charles Bryant,

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Executive Director of AASP-NJ, noted that shops have always buckled in the past, but they cannot afford to do that anymore – “it’s time to stand up!”

CT attorney John Parese emphasized the importance of empowering attorneys with necessary information, explaining that though the shops are often right legally, they are facing an opponent that’s smart and well-funded. “Ultimately, you’re on the right side; you just need to articulate it well in court.” Another shop owner mentioned that it’s difficult for shops to change overnight, and the majority of shops do what they need to survive because they don’t really care, or don’t know where to start, while the quality shops are trying to do the right thing for the consumer and also to get paid fairly.

After a short break, Kizenberger introduced the question of whether the industry should institute a grading system for shops and, if so, who would do the grading. Lombardozi believes there is a better way to solve this problem than through legislation – “let the bad shops weed themselves out. Allow the free market to dictate what we will do.” Schulenburg contributed his fear that in relation to state licensing programs, such a system of regulating licensed shops will become a simple means of revenue for the state, rather than doing what it’s intended to do in order to regulate non-licensed businesses.

Further commentary referenced the uphill battle in helping the legislators and consumers understand the varying levels of repair businesses, especially when the insurance industry trivializes the level of investment and acumen necessary to work on today’s vehicles. One attendee referenced a sentiment from Frank O’Brien, vice president of state governmental relations with the Property Casualty Insurers Association of America in regards to the pending legislation in Rhode Island that addresses shop grading; his comment was that “the legislation would essentially charge more for the Class A shop with all the ‘fancy’ gear, even though the Class B shop could do the job just as well for less money. It would be like requiring people to pay \$10 more for a sirloin at one butcher shop based on how the shop looks.” When Kizenberger questioned whether the industry should do something to put them on a level with I-CAR Platinum recipients in light of the new vehicles being released which must be repaired in a certain way, Lombardozi argued that it’s impossible to reach a level playing field because all cars differ, and furthermore, manufacturer recommendations only matter so much since the vehicle owner is the only one with the right to make decisions about the repair. Instead, he felt that the group should be asking what needs to be done to change the industry for the better, indicating that the industry itself needs to “address the problems we have and realize that associations have a place in this industry, but they can only go so far – it’s up to the repair people in the industry to determine what we need, to look at the industry and come up with solutions to our problems. We have to invest time, money and effort, but we can solve this industry’s problems!”

Peter Abdelmaseh of Superare Advertising & Marketing Agency, Inc. in Belmont, MA believes the industry is “putting too much pressure on associations to solve these problems” when the associations should be focused on bringing information to the industry. Instead, he suggests that a possible solution may be found by looking at the body of law and questioning why each law pertaining to the collision repair industry exists. As an association leader, Kizenberger feels that his duty is to act in the best interest of the consumer which, in turn, allows him to better represent the entire industry. Still, he believes each state should have a representative who understands that state’s laws because legislative awareness is vital. Furthermore, he points out that most people don’t even read their insurance policy, so it’s necessary to raise the level of awareness and create understanding of what consumers should know.

Referencing the recently defeated MD Parts Bill, Barry Dorn of WMABA asked if there is any advantage to introducing well-crafted legislation. Discussion surrounding the merits of legislative initiatives bounced back and forth. Lombardozi interjected with the reminder specific to that piece of legislation that no one can dictate the use of aftermarket parts since the shop assumes liability for the repair, and similarly, insurance companies cannot force shops to use specific vendors unless the shop allows it.

Schulenburg noted that consumers need laws to protect them from their insurance policies, and Lombardozi agreed that the collision repair industry is fighting the consumers’ battle which is difficult since the shop is not a named insured on the

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policy and the insurance industry is much better funded. Bradshaw agreed that it's imperative to focus on the consumer safety issue because, until then, complaints fall on deaf ears with legislators.

Another conversation ensued about the fact that recalls on aftermarket parts aren't as closely monitored as OEM recalls, creating a safety issue when shops are unable to locate vehicles that have been fitted with recalled aftermarket parts. Ferriolo circled back to the importance of educating consumers so they can fight their own battles, mentioning ABAC's current campaign to educate consumers.

Wrapping up the meeting, Bryant noted that he has seen a recent increase in steering by insurers refusing to inspect vehicles in a timely manner if they aren't taken to a DRP shop, or by refusing to respond to an independent shop's supplement forms. The general consensus amongst the group was that this issue has been occurring in other states as well. Bryant believes these types of issues should be addressed when they first occur because "it's up to us to change the problems that are out there!"

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Written by Chasidy Sisk

Revolutionary Estimating Tool at the Forefront of Collision Repair Technology is Unveiled

Toyota's Rick Leos Introduces New Technology for OEM Recommended Procedures; Industry Standardization Now Available to OEMs through a Unique Patent-Pending Software IP



Rick Leos

Toyota Motor Sales, U.S.A., and its Collision Program Developer, Rick Leos, unveiled a breakthrough collision repair estimating solution to several industry associations, last month in New England. Members of the Alliance of Automotive Service Providers of Massachusetts (AASP/MA), the Auto Body Association of Connecticut (ABAC), the Connecticut Collision Repair Specialists (CTCRS), and the Auto Body Association of Rhode Island (ABARI), were introduced to OEM Recommended Procedures—a tool that provides collision repair specialists with instant access to all the information needed to restore vehicles to their pre-accident condition. Leos' goal was to create a single-source solution that provides industry-wide parity for factory-recommended repair procedures and the parts associated with making those repairs, as well as a standardized approach to the

delivery of estimates to repairers, insurers, and customers, all in an effort to ensure repairs are completed safely and accurately to OEM standards.

"This program is a game changer for the industry," commented Leos. "By offering an estimating solution that provides OEM repair procedures, parts and technical information in one place, we help the industry by establishing a standardized approach to estimating, while helping collision repair specialists save time and money by decreasing cycle time and reducing supplements. It's a win for our customers, repair experts, and insurance companies alike."

Leos developed a program that serves up a patent-pending template solution that reduces preparation of a typical estimate from painstaking hours to mere minutes, saving collision repair specialists time, while increasing

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the level of efficiency and accuracy at the front end of the repair process. This revolutionary template-based estimating system means repairers no longer need to start from a blank sheet of paper; they begin with a fully detailed estimate, and omit what isn't needed rather than adding what is.

Additionally, OEM Recommended Procedures includes recommendations on parts that manufacturers designate as non-reusable, which by definition means they must be replaced rather than reused, along with supporting documentation detailing the procedures commensurate with the parts to be replaced at every step of the repair process. The template solution provides the collision expert with confidence in knowing they have the complete information related to a vehicle's repair, all in one place. Ultimately, it empowers shops to manage their business and customer satisfaction in a manner never before possible.



(L-R) Gary Danko, Balise Wholesale Parts Rep, Joe Belliveau-Denso Northeast Field Rep, Reggie Maxwell-OPS Parts Coordinator, Bernie Harnett, Balise Toyota Parts Mgr, Rick Leos, Collision Program Developer at Toyota Motor Sales, Jack Tyner, Balise Wholesale Parts Rep and Ted Maresh-American Honda Collision Select Marketing Mgr.

When repair specialists across the country have access to vital information direct from the manufacturer, safe and accurate repairs are assured and vehicle integrity is maintained. Toyota has blazed the trail for standardization that should be adopted by all OEMs. Stressing the importance of the tool for the end consumer is a top priority for Leos as he works to get other manufacturers on board. Consultation with industry associations has been essential throughout the development process, and continuous feedback from repair specialists and shops has been elicited to ensure the tool meets the needs of those who rely on this information to get the job done.

“Our goal is simple, to ensure customer safety and confidence across the industry,” stated Leos. “With nearly 90% of [Toyota] vehicles repaired outside of our network, it’s imperative that each and every collision shop has access to this information, and integrating data from other manufacturers, who have similar goals, only makes the tool more useful for those who are entrusted by our customers. I presented the initial program to collision shops about 18 months ago at the Auto Body Association of Connecticut member meeting and it was from the direct feedback from those members that helped me to move forward with this program,” added Leos, a 25-year collision industry veteran.



(L-R) Ken Zimmerer, Balise Wholesale Parts Director, Reggie Maxwell-OPS Parts Coordinator, David O’Neill, Balise Wholesale Parts Rep and Rick Leos, Collision Program Developer at Toyota Motor Sales

Overall, OEMs will achieve a significant impact in maintaining their repair and labor data through this collision

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estimating template system, and will ultimately gain greater visibility and transparency of the procedures and parts required to complete the repairs. The rollout of the first set of vehicle templates within Mitchell's system is anticipated in June 2014. A complete licensing program for OEMs and data providers is offered through Toyota's Licensing Representative, Creative Productions (Licensing Division).

To learn more about OEM Recommended Procedures, contact Rick Leos at (310) 468-3111 or rickette.leos@toyota.com or Creative Productions Licensing Division, Executive Vice President, Larry Castro (949) 258-4351 regarding OEM licensing opportunities.

These presentations were made possible through the efforts of the **Balise Auto Group's Wholesale Parts Express**. The Wholesale Parts Express was represented by:

- Ken Zimmerer – Wholesale Parts Director
- And their group of Wholesale Parts Representatives:**
- Gary Danko
 - Jack Tyner
 - David O'Neill

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