

Mark Your Calendars!
Upcoming Chapter Meeting Dates:

- March 6**
Southeast Zone
- March 13**
Midstate Zone
- March 20**
Western Zone
- March 27**
Northeast Zone
- April 3**
Southeast Zone
- April 10**
Midstate Zone
- April 17**
Western Zone
- April 24**
Northeast Zone



Be the Master of Your Own Destiny (Conclusion)

*By Lucky Papageorg
 AASP/MA Executive Director*

In the most recent issue of *New England Automotive Report (NEAR)*, I wrote about a book I had re-read recently. I mentioned that there were many interesting correlations which could be drawn between the story’s life messages and what we in the collision industry face on a regular basis. The similarities are not just because the story is about a race car driver, but also because of some trials and obstacles he must work through. Even with all the advice he was given – “They are too big and you will never win, you don’t stand a chance,” – he stuck to his principles and eventually succeeded at many levels. It was not necessarily a story with a completely wonderful and happy ending, however it did show what can be accomplished if you stay focused and know you are right.

The fact that throughout the story there are many races the main character participates in is a profound example of how the story reflects on the collision industry. We too are in a race every day. We are in a race to get customers in the door and once there, we are in a race to properly negotiate a fair and proper repair of their vehicle to restore it to “crashworthy” condition once completed. The race continues as we strive to accomplish the task in the shortest possible time while encountering many obstacles along the way. Once we have completed one race, we have to enter another if we are to become successful in what we have chosen as our profession.

The driver in the story practiced his trade every day in one form or another trying to become the best that he could. He has a keen sense of observation and learned from what the other drivers around him did. He learned not just from the other drivers’ success, but also what actions may have led to their poor performance or failures - the mistakes that kept them from

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President's Message by Molly Brodeur

Doing it the Disney Way

Ok, I'll admit it. I'm a Walt Disney World junkie. So when the opportunity presented itself to attend the recent Nissan Certified Collision Conference at Walt Disney's Grand Floridian Resort, I registered, booked flights and made arrangements to bring my family along for an extended getaway. Fast passes were locked and loaded, Disney character dining reservations were made and we geared up for another magical experience at Walt Disney World.

Over the years, especially once I became involved in operating and later owning a business, my love for all things Disney became more of an overall appreciation and quite frankly, amazement at how they are able to provide their guests with a magical experience from beginning to end. Whether you are staying at one of the resorts on the property, utilizing their transportation, dining in one of their fabulous restaurants or visiting one of the theme parks, Disney cares about YOU, and you can feel it.

Before I move on with my gushing of Disney, I really have to show some love for Nissan. Not only did they provide the collision shops in attendance with a world class experience, but they made us FEEL like we MATTER. The conference, which was aptly titled "Accelerate to Great," was a focused two-day training on how to not only improve the customer experience at your shop, but also, how to improve your interactions with your employees.

Most of the two-day conference was facilitated by the Disney Institute, which is "Disney College" for leadership and professional development. We took field trips to the theme parks with specific assignments. One of which involved interviewing "Cast Members" (Disney lingo for employees) and asking them pointed questions such as "What is it like to work at Disney?" and

"Why did you want to work here?" Everyone shared the responses they received when we returned to the conference center. As you can imagine, there were a myriad of reasons why folks wanted to work for Disney; however, they were all based on their own personal experiences visiting Disney as children and/or adults. They wanted to be able to provide the level of joy that they personally experienced to others. It was very powerful to see how experiences, which are based on how something makes you feel, can be life changing and chart a person's course in life.

So, where am I going with all of this? At the end of the day, if your employees are inspired to work for you, they are likely going to want to pass that same joy along to your customers – or guests, in Disney speak.

If they FEEL like they MATTER, the effect that will have on your business will be magical.

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ADALB Tackles Shop/Vendor Disputes

By Joel Gausten

At their December 5 meeting at Pathfinder Regional Vocational Technical High School in Palmer, the Auto Damage Appraiser Licensing Board (ADALB) started a conversation about whether an insurer has the right to “force” a customer or repair shop to use the supplier they prescribe when doing an appraisal. The question was introduced by Board member Lyle Pare (Plymouth Rock Assurance) in response to a letter he received by shop owner Mike Boucher (Custom Auto Body; East Longmeadow). This communication prompted a discussion of the following passage in CMR 211 133.04:

When an insurance company specifies the use of used, rebuilt or aftermarket parts, the source and specific part(s) must be indicated on the appraisal. If the repairer uses the source and specified part(s) indicated on the appraisal and these parts are later determined by both parties to be unfit for use in the repair, the insurance company shall be responsible for the costs of restoring the parts to usable condition. If both parties agree that a specified part is unfit and must be replaced, the insurer shall be responsible for replacement costs such as freight and handling unless the repair shop is responsible for the part(s) being unfit or unless the insurer and repairer otherwise agree. As to such costs, nothing in 211 CMR 133.00 shall preclude an insurer from exercising any available rights of recovery against the supplier.

According to Boucher’s correspondence, his shop received an insurance estimate that prescribed a non-Certified Automotive Parts Association (CAPA)-certified aftermarket bumper cover from a vendor that didn’t deliver to his area. Boucher then purchased a CAPA-certified part from another vendor and provided the insurer with a supplement that included a small part price increase for the CAPA-certified

product. The carrier refused to honor this additional charge.

Not surprisingly, the discussion on the above regulation led to pointed comments from the body shop representatives on the Board.

“The shops need to be aware that if they buy a part sourced by the insurance company and if it doesn’t fit, the insurance company owns it,” observed Bill Johnson (Pleasant Street Auto; South Hadley/Belchertown). “Charge for your admin time, charge for markup, charge for sending it back...If enough shops know the laws and that starts happening, I think a lot of this stuff will self-correct because the insurance companies do look at the bottom line.”

“We’ve had insurers leave [our shop] with parts in the trunk of their car,” commented Rick Starbard (Rick’s Auto Collision; Revere).

The conversation then moved on to address a related issue concerning insurers writing estimates that list parts from vendors that refuse to do business with the shop performing the repairs. Shop owner Peter Langone (Langonet Auto Body & Frame; Agawam) stated to the Board that some insurers still put Empire Auto Parts on their estimates for his shop despite his facility being blocked from buying from that vendor since 2014.

“I’m stuck with a vendor that will not come to me [and will not] even allow me on their website...I cannot access the part that they’ve written, so I cannot follow the regulation.”

“In all of the time you’ve been doing business with them, you’ve obviously returned the parts because they didn’t fit?” asked Board member Joseph Coyne, Jr. (Home & Auto Appraisal Bureau, Inc.)

“They were verified by the insurer that [they] did not fit,” replied Langone.

“So, now Empire has an attitude because you refuse to put an unfit part on the vehicle, and they have shut you off so you can’t follow the reg?” Coyne asked.

“That’s correct,” replied Langone.

Coyne later stated his empathy over the situation

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as presented by the shop representatives who approached the Board.

“I understand the body shop has a problem, but we’re a consumer board. The person who has the biggest problem here is the consumer, who is sitting without having his or her car repaired because a vendor refuses to sell to a body shop. That’s a problem.”

Pare expressed apprehension over the related issue of insurers refusing to pay for price part increases on aftermarket parts.

“I don’t understand why an insurance company would refuse to pay a price part increase on an aftermarket part if it’s certified and the shop uses it.”

The issues raised at the December 5 meeting carried on into the Board’s January 23 meeting at the Division of Insurance in Boston. The discussion on these matters began with a review of the following proposed Advisory Ruling drafted by Johnson and Pare (with subsequent amendments suggested by Pare during the January 23 meeting in bold):

*Appraisers should continue to follow 211 CMR 13.04 (1) and (1c) [...] on preliminary appraisals. If the vendor for the insurance company which has been listed as the source for the part(s) on the appraisal, cannot or will not make the part(s) available to the **consumer and/or the repair shop** due to the fact they have no retail facility in the geographical area or refuse to deliver such part(s) to **the consumer and/or the repair shop** for any reason beyond the control of **the appraisers, the appraiser** shall negotiate a replacement part of the same type of part(s) listed on the appraisal from an alternative vendor or source which will make the part(s) available to the **consumer and/or repair shop, and the insurance company** shall be responsible for the costs of the replacement part(s).*

Newly appointed Board member Samantha Tracy (Arbella Insurance), who replaced Coyne following the December 5 meeting, voiced unease with the aims

of the proposed Advisory Ruling.

“I’m concerned that we’re going to get in the business of issuing an Advisory Ruling every time the shop and the appraiser just can’t work out their differences... This [proposed Advisory Ruling] almost feels like we’re putting masking tape down the middle of someone’s bedroom and saying, ‘This is how we’re going to resolve our issue.’”

“Circumstances are going to happen,” she continued. “Parts are not going to be available to certain shops just because of their geographical location. I think the carrier should be reasonable, and the shop should be reasonable. What I’m concerned about is that we end up getting into a position where we have appraisers trying to find parts because a shop and this particular vendor don’t get along. Is that going to happen – that we intervene in that relationship, too? It just seems [we’re] stretching a little bit.”

Starbard responded to Tracy’s observations.

“There are some suppliers out there that refuse to do business with some repair shops. There are some suppliers out there that are listed on appraisals but have no retail facility in an area for a consumer to be able to buy that part... Some [aftermarket parts] manufacturers are better than others; some suppliers are better than others. Some have a policy of handling returns. When a shop constantly returns parts to certain suppliers, those suppliers say, ‘It’s not worth doing business with them. I refuse to sell to them.’ Those suppliers are still being listed on the appraisal. When a shop brings this to the insurer’s attention, the insurer basically says, ‘Too bad. That’s who we’re using.’”

Tracy reiterated her concern that the ADALB’s proposed actions would inappropriately regulate relationships between shops and vendors.

“If I’m a colossal jerk and I return everything that you send me and you decide that it’s not worth doing –”

“That doesn’t make somebody a jerk,” interjected Starbard. “They do high-quality repairs.”

“Maybe they do high-quality repairs,” agreed Tracy. “So, I work with you and I return 90-plus percent. You decide, ‘You know what? From a business perspective, it’s just not worth it.’ It’s not worth your

time...Is it appropriate for me to step in and manage that relationship?"

Responding to Tracy's question, Johnson stressed that the insurer indeed plays a critical role in shop/vendor interactions.

"If there's high return volume, that has to be agreed [on] by the insurance appraiser and the auto body shop. The auto body shop just can't send [the part] back and say, 'I'm not using [it].' The insurance appraiser would have had to go out there, look at the part and say, 'You're right. [The part is] not good-quality' and send it back. Otherwise, the shop would not have gotten paid originally. So, then a high return rate was both people agreeing... that part was not of good quality before it got returned – which *created* the high return rate. It's not just the shop saying, 'Oh, I don't like this.'"

AASP/MA Executive Director Evangelos "Lucky" Papageorg took Tracy to task for her negative comment in regard to shops with a high parts return rate.

"Because a shop wants to do quality work, you're categorizing them as 'jerks'?"

Tracy later apologized for her "poor choice of language."

Mark Compagnone, a claims unit manager for Liberty Mutual/Safeco Insurance, suggested to the Board that the shop/vendor issues being discussed were the result of financial disagreements between the parties.

"We spoke to some of these vendors that you talk about. Some of these shops were shut off for not paying their bills. We can't get involved in it."

Again addressing the Board to follow up on his comments at the December 5 meeting, Langone stressed that he maintains strong creditworthiness as a business owner and industry professional.

"In our total time in business, we've bought less than \$600 [in total products from Empire]. We have an A1 credit rating...They will not sell to us because of our return rate.

"If they won't ship me a part, I can't try the part, can't supplement [and] move on to a different part – all according to the regs," Langone continued. "I cannot follow the regs because I cannot obtain the first part."

Gabriel Hernandez, a sales representative from Empire Auto Parts, appeared before the Board to explain his company's position on ending certain customer relationships.

"We don't suspend [customers] just because we don't like them. They return parts unopened. My driver notices where he left [the part]...[it] is [still] there. High return rates is the reason for suspending [the shop]."

Papageorg took offense to the suggestion that shops are being shut off by vendors because they failed to fulfill their monetary obligations.

"I find that very insulting, because I know the people who have called me. I doubt very much that they're anything but near an A1 rating as far as credit."

After voting to approve the suggested amendments to the Advisory Ruling, the Board agreed to continue their discussion on the possible final approval of this Ruling at their February 26 meeting, which will allow for further comments from interested parties. In the meantime, Starbard made it clear that the current regulation spells out the insurer's exact responsibilities when it comes to writing for parts on an estimate.

"When an insurer lists a vendor on an appraisal, that is the insurance company's vendor. Whether the part's available or not, or whether it's of poor quality, that part is the responsibility of the insurer...Shops shouldn't be in the business of returning parts, eating their costs and then being reimbursed with a pink piece of paper that has an amount they paid for the part. And that's where *shops* have failed.

"When an insurance company's vendor listed on an appraisal will not make the part available, the part is unavailable - period," Starbard added. "That should be handled, as it is in most cases, with a five-minute phone call."

AASP/MA members are urged to watch the complete videos of the December and January ADALB meetings posted in the Members Only section of aaspma.org.

Executive Director's Message

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achieving their goals. As much as it seems to be an individual sport counting on the abilities of the driver to react and adapt to the everchanging track conditions, it really is a team sport. Even the greatest driver cannot possibly win without a gifted, talented and, most importantly, a knowledgeable pit crew. A pit crew who must work together as one to achieve the ultimate goal: Getting the driver to the finish line and the checkered flag. The driver and crew must learn to be proactive and not just reactive.

The driver in the story spent hundreds of hours watching tapes of not only his races, but also the races won by better drivers than himself who seemed to make winning effortless. We know that they too had once been like him. They had to learn what it took to win and they then continued to practice and improve on those techniques. As collision repairers, we should always be seeking ways to improve. The improvements come by studying and then sharing what we have learned with others around us and not keeping the “secrets” of our successes to ourselves. On the race track, the most dangerous competitor is not the driver with the fastest or more powerful vehicle; the most dangerous is the novice, the ones driving by the seat of their pants and hanging on, hoping to finish the race. These drivers make the mistakes that can cause the whole field to end up in one catastrophic pile up collision.

As the driver of your racecar (facility), you must constantly learn if you ever hope to be more than an “also ran” or worse yet a “DNF” (“did not finish”). The issues so many in our industry are confronted by are so numerous that the race can seem unwinnable. However, like the driver in the story, there are resources, tapes if you will, which are available for self-improvement and pit crew improvement.

AASP/MA is one training tool that you as the driver of your business has available. The tapes available to you are the remaining 30-plus chapter meetings planned for the rest of 2019 along with the information available on our website, which is ever improving. There are actual tapes there for you to watch as well. We post the ADALB meetings in their entirety

for you to view and see for yourself what is being said and decided about our industry. The decisions being made there can help smooth the road ahead of you, but only if you take the time to watch and learn.

One of the quotes in the book that struck me was, “In racing, they say the car goes where the eyes go. The driver who cannot tear his eyes away from the wall as he spins out of control will meet the wall; the driver who looks down the track as he feels his tires break free will regain control of his vehicle.”

As collision repairers, we must heed this advice. If we allow ourselves to only look at the wall - the apparent insurmountable insurance control we are subjected to - we will indeed crash and burn. We will either do so one by one, or in a devastating pile up. If we keep our eyes focused on the road ahead by being properly trained and prepare ourselves and our pit crew, we have the ability to not only survive the race, but thrive as a proud industry. Proud, because we know that as professionals, we know how to properly maneuver around the track and in doing so, be the “champion” for our fans (customers). We need those fans to understand what it takes to put a quality team together in order to provide them with the best possible product and keep them coming back to participate in your race by cheering you on. They must buy in and become part of your pit crew if the team, as a whole, is to be successful in the repair process.

A major issue we face is massive propaganda campaigns being waged against us. Primarily, that the insurer alone knows what is the best repair of the vehicle. Also that the insurers are the lead car, not the collision repair professional, which all must stay behind and follow around the collision repair track. This propaganda takes many forms. There are the subtle, maybe not so subtle, pieces of misinformation pushed on the vehicle owner through the onslaught of TV, radio and print advertising. The ads try to convince the vehicle owner that their only concern should be how much money they can save on their policy, and that the insured should rely on the insurer. Yes, the very same insurer who not once has mentioned proper repair procedures meant to protect their “claimant” in a subsequent collision. I say “claimant” because that is a switch in terminology along with a change in how the vehicle owner is viewed, once the “policy holder” has to place a request for money back to fix their vehicle.

This switch in terminology is no “accident!”

AASP/MA is striving to help your customers and you, be able to successfully maneuver the race course that is collision repair. Our website continues to add information to help consumers and shops alike be the best they can be, and combat the less than forthright information insurers seem bent on pushing.

One last comparison: Most races are run on an oval track and the drivers go over and over the same track repeatedly trying to achieve a win. We, in the collision industry, do the same every day. We must learn the areas of the track where we can accelerate and pass, as well as where we may need to be more cautious. We must keep our eyes on the road ahead and not on the wall that is there trying to make us crash and burn. The driver in this story had to contend with a multitude of lies and attempts to ruin his reputation in an effort to get him to quit or at the very least, give up his integrity. He kept his eyes focused on his goal and fought for many years, just like so many in

our industry, and ultimately was rewarded for his efforts.

Lest I forget, the name of the book is *The Art Of Racing In The Rain*, by Garth Stein. As much as the story is appealing because of the racing portion, it is even more entertaining because of the point of view from which it is told. The narrator/story teller is “Enzo,” the driver’s dog. Yes, named after the great racecar driver Enzo Anselmo Ferrari. “Enzo’s” amazing ability to understand the human condition and what makes us tick will make you laugh out loud and at the same time pull at your heart strings. I won’t ruin the story, but I dare you to keep a dry eye!

JUST BECAUSE THE TRACK IS OVAL DOESN’T MEAN WE HAVE TO KEEP GOING AROUND IN CIRCLES. KEEP YOU EYE ON THE ROAD AHEAD AND KNOW THAT AASP/MA WILL BE HERE AS YOUR - AND THE INDUSTRY’S - PIT CREW.

WHERE'S LUCKY?

**March 11 - April 5
2019**

Keep an eye out for future meeting dates and locations!

AASP/MA Executive Director

Lucky Papageorg is on the move!

Read below for his stops this month.

For the month of March, Lucky will be spending the second week in the **Midstate** region and will host a chapter meeting on March 13. (Location TBD.)

In the third week, he'll be visiting the **Western** region and will host a chapter meeting on March 20. (Location TBD.)

During the fourth week, he will be in the **Boston/Northeast** region and will host a chapter meeting on March 27. (Location TBD.)

He will be spending the first week of April visiting shops in the **Southeast** region and will host a chapter meeting on April 3. (Location TBD.)



Lucky can be reached at
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Guest Editorial

Mr. Smith's Kidney Replacement - A Satire

by Jim Nigrelli

"Hello, is Mr. Bob Smith home? This is Ace Health Care calling." Oh yeah, the company with the funny talking Zebra on TV.

"Yes," said Bob, "this is Bob Smith."

"Mr. Smith, the check for your kidney transplant is ready here at our office with our doctor's report. You can come in and pick it up, or we'll mail it to you?"

"Gee, I've been thinking of having that bad kidney done. I know I can get by with only one, but I'll probably do it. I'll come in for the check."

As Bob drove to the office, he thought, "That's strange, they usually pay the hospital directly - why are they giving me the check?"

When he arrived, he was given a check for \$15,879.46, payable to him and his bank, with the doctor's report and various other paperwork. Roberta in the office was pleasant as usual, and said, "Feel free to shop around with that."

"What an unusual thing to say," thought Bob as he headed to his car. It wasn't until he got home and scrutinized the situation that he realized that there is more to this than immediately meets the eye.

"Honey, did you know that we have a \$5,000 deductible on our health coverage? When did that change?" he queried his wife Helen. "And there is a list of hospitals which it says here will guarantee to do my kidney replacement for the amount of this doctor's report, but I don't see Main St. Hospital on here," he said quizzically. "We've always used Main St. - your appendix was done there - heck, both the kids were born there!"

Sure enough, the next day Bob Smith journeyed over to Main St. Hospital and asked for old Dr. Durite, the man he had always used for his health care.

"Bob, how are you?" asked Durite, "Come in and sit down. How's Helen and the kids?"

"Everyone's fine, Doc, but this kidney needs to be replaced and I'm thinking of having it done. Here's the paperwork from Ace Health Care."

As Dr. Durite read the provider's report, he furrowed his brow and concentrated intensely, which made Bob feel a little uneasy. "What's the matter, Doc, is there a problem?"

"Well, not really, Bob, but there are three things you should know before we book you into the hospital. In order to replace your kidney, it's necessary to also replace the main artery which feeds it, which is actually a separate task. Say Bob, how old are you?"

"Why, I'm 39," said Smith, more mystified at the tone of Dr. Durite's manner. "What difference does it make?"

"You see," explained Durite, "to replace the artery in the body of a 39-year-old man with a new one would actually be making an improvement to you. Ace Health Care feels that since your artery has been used by you for 39 years, they depreciate the cost of a new one 53 percent. Your life expectancy is 74 years, so you've gotten 53 percent usage out of your old artery. Your portion of the cost of a new artery is \$3,919.24."

Bob Smith was completely baffled by this information. "I may not have it done if it's going to cost me that much...I'm already shelling out a \$5,000 deductible," Smith blurted. "What are my other options?"

Durite continued, "Bob, you don't have to have the operation, you can keep the check and spend it any way you want to, but . . ."

"But what?" asked Smith, bracing himself for more bad news.

"If you die with a bad kidney, which someday you will, your provider will deduct \$15,879.46 from the life policy payment it makes to your wife because you didn't have it fixed," the doctor stated bluntly.

"WHAT!" exclaimed Smith, jumping out of his chair in animated shock. "Nobody told me this when I bought the policy!"

Dr. Durite caught up with Bob before he reached the office door. "Take it easy, Bob. Don't blame me - the reason we're not on that list is because we don't agree with this sort of thing and, believe me, it has cost us a lot of money."

At this point, Bob Smith was worked up into a state of high anxiety and confusion. He was starting to sweat, the blood was coursing through his veins and he couldn't think straight.

As he headed out the door, he cleared his mind enough to ask one last question. "Say Doc," he asked, "what's the third thing I should know?"

Dr. Durite felt uneasy about the answer to question number three, as he had been through this scene many times before... however, he knew he had to answer it.

"Well, Bob, in order to keep their costs down, Ace Health Care will only pay for a baboon kidney, but **THEY REALLY ARE AS GOOD AS A HUMAN KIDNEY!**"

Bob Smith hit the street that day going 90 miles an hour, with a furious pounding headache, more aggravated that he could ever remember, and with an uncertain feeling about the check in his pocket for \$15,879.46.

What he didn't yet realize was that if he did have the operation, and once his stitches had healed, Ace Health Care would want to re-inspect his kidney to make sure that he really did replace it!

By

Dr. Livingston- (I presume)



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