

Special Annual Meeting and Elections Edition



Automotive Service Councils of California
Professionals in Automotive Service ~ Since 1940

CALIFORNIA

Independent

FALL 2006

PROFESSIONALS IN AUTOMOTIVE SERVICE

Get Your Kicks!

The most wonderful time of year is once again upon us – it's time for the 66th ASCCA Annual Meeting and Elections, held September 29 – October 1, 2006, in fun-filled Buena Park, California. Every year, our ASCCA president chooses the location for the Annual Meeting and Elections and this year your President, Daniel Fogle, has chosen a Southern California location for the event.

As in years past, the meeting will be a three-day event; jam-packed with a formal dinner, a “not-so-formal” dinner held at Medieval Times (the themed restaurant), “ASCCA On Tour Training” education session, and a golf tournament to raise money for the ASC Educational Foundation. The party begins on Friday, September 29, 2006 at the Embassy Suites – Buena Park. (See this issue of the *California Independent* for registration information.)

Join us on Friday and participate in the Second Annual ASC Educational Foundation Golf Tournament at Westridge Golf Course in La Habra, California.

Then, meet back up with us at Medieval Times for a fun-filled dinner. Later meet and converse your candidates for the ASCCA 2007-2008 Board of Directors.

Saturday, while your family sleeps in, learn something new about “Finding and Keeping the Perfect Customers” with Larry Moore (fees apply), an “ASCCA On Tour Training” session. Then, satisfy your hunger at the Kick-Off Luncheon where you will hear the “ASCCA State of the State” address. Later, join us for the 2007 Board Elections, no host reception and President's Annual Banquet and Awards Ceremony.

Sunday, the final day of the three day extravaganza, we will hold a Board of Directors meeting and 2007 Planning Session, and finally, an ASC Insurance Services meeting.

So, come one, come all and GET YOUR KICKS IN YEAR 66!!!

ASCCA State Candidate Forum

[Editor's Note: As part of their application for consideration as a candidate for the ASCCA Board of Director's each prospective board member is asked to complete a questionnaire. Answers to questions related to business, personal information and ASCCA activities are listed, as well as answers to five additional questions at the end. Each answer has been reproduced as submitted and has not been edited for content. Please note that not every candidate may answer every question. The candidates are listed in alphabetical order by first name. This year there are six candidates for six positions.]

(continued on page 4)

In this issue . . .

President's Message.....	2
Executive Director's Report	3
Diesel Fuel Additives for 2007	4
New Car Care Guide Unveiled.....	5
Independents Losing \$5.8 Billion	8
Industry Meeting Calendar	9
ASC Educational Foundation News..	10
Filling A Position.....	12
When Is An Employee Not Fired?	12
Employer Liability for an Accident...	12
Meetings & Contacts.....	15
ASCCA Meetings Calendar.....	15

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www.ascca.com

President's Message



Daniel Fogle
State President 2006

Tell Me About It!

In this issue of the *California Independent* you will find candidate profiles of the six shop owners running for the ASCCA 2007-2008 Board of Directors. I encourage you to read their profiles closely to get a better feel for those who will represent your interests at the state level in the coming two years. This year, as always, the Board of Directors elections will take place at the ASCCA 66th Annual Meeting and Elections held at the Embassy Suites Hotel – Buena Park, near Los Angeles.

I would like to take this opportunity to make sure you understand how important and valuable your presence at the Annual Meeting and Elections is to me and my fellow Board members. You see, we are shop owners just like you, and like you we regularly encounter situations in our daily lives as shop owners that we would like someone to look into, make a difference concerning, and (hopefully) resolve. Well, that's what your association is for – we elevate and unite automotive professionals, and give them VOICE. Your voice. Our voice. A unified voice.

The 66th Annual Meeting and Elections is your chance to meet, greet and network with those men and women who have dedicated at least two years to making sure your concerns are heard at the state office, the BAR and the legislature. So, come and share your views with us. We may not always agree, but that's what a governing body is about – listening to all points of view and concerns and then working together to come to a consensus and then finally (and most importantly) moving forward in the appropriate way to really make a difference. Because, that's what it's all about. Your Board members aren't here for the glory, we're here to make a difference and work to make our industry better, make the laws and regulations ruling our industry more fair and easier to understand, and to make sure that the average shop owner has an entity that is bigger than themselves to speak for them.

I look forward to seeing you at the Annual Meeting!

Corrections & Info:

There are a number of information pages and communication forms available on the website for matters pertaining to *The Independent* on the ASCCA Website. Go to: www.ascca.com

How to Submit Material to *The Independent*:

Material must be submitted in writing to: Shauna Scott, Editor

PHONE: 800/810-4272

E-MAIL: shauna@ascca.com

FAX: 916/924-6702

MAIL: 758 University Avenue,
Sacramento, CA 95825

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Additionally, please be advised that the opinions and comments expressed by the contributors to this periodical are those of the contributors alone and do not necessarily reflect the opinions of the Automotive Service Councils of California, its officers, directors, employees, or members.

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Executive Director's Report



Shelly Nolder
Executive Director

A Word from Your Executive Director

The 66th Annual Meeting and Elections is upon us. Your ASCCA Board of Directors and staff are excited about this event and are working on making it a fun and relaxing way for you to reconnect with your fellow members and friends at ASCCA. Check this issue of the *California Independent* for registration information and be sure to reserve your spot early for what promises to be a memorable weekend.

Our theme for this year is "Get Your Kicks in Year 66" and this is a direct reference to the highway of highways built in the 1920s spanning the United States from Chicago to Los Angeles, which happens to be the location for this year's annual meeting. Route 66, as it is known, has been immortalized in the American consciousness as many generations of motorists enjoyed traveling on "The Main Street of America."

Route 66 saw the massive relocation of Americans during the Dust Bowl years and afterwards and spawned many innovations that we take for granted today, including motels and service stations. It's importance to the social and cultural fabric of the United States and the impact it had on the automotive industry should not be underestimated.

The romance of the "open highway" encouraged thousands and thousands of Americans to come to see the automobile as part and parcel of being "American." Route 66 was considered by many to be the road to opportunity as Los Angeles and California in general became an increasingly desirable place to live. In addition, the trucking industry used Route 66 to deliver goods as opposed to northern routes due to the better weather. In the end, all of these forces, the open road, optimism and opportunity, as well as unbeatable weather, combined to make Route 66 an economic powerhouse.

Today, ASCCA is on its own Route 66 as we travel into the future. We can see the past in our proverbial rear-view mirror and our future before us on the open road.

Won't you get hip to this timely tip
When you make that California trip
Get your kicks in Year 66!

We'll see you in Los Angeles!

ASCCA Board & Directors



Dan Fogle
President
(661) 273-4123



Bob Klingenberg
1st Vice President
(661) 631-5765



Larry Nobriga
2nd Vice President
(510) 351-8961



Allen Pennebaker
Secretary
(925) 254-2012



Glenn Davis
Treasurer
(909) 946-2282



Bob Constant
Past President
(831) 372-6575



Marion Vosburg
Director
(559) 291-0629



Declan Kavanagh
Director
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Kris Cesena
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(650) 342-8480



Patrick Donovan
Director
(951) 652-5264



Andrew Pollino
Director
(209) 472-9866



Ryan Tunison
Director
(925) 484-2400



Jon McConnell
Director
(805) 969-1357



Stuart Terry
Director
(619) 287-6158



Jack Crawley
Director
(714) 526-3303



Carol Bartels
Ex-Officio
(916) 332-1883



Dan Biggs
Ex-Officio
(805) 781-3925

Some Diesel Fuel Additives May Not Be Appropriate for Model Year 2007 Diesel Engines

Diesel fuel additives that are not clearly labeled as approved for use in model year 2007, or newer engines, should not be used in new diesel motor vehicles according to the Automotive Specialty Products Alliance (ASPA).

ASPA made the announcement to coincide with the implementation of new ultra low sulfur diesel fuel requirements that went into effect June 1, 2006 that will enable 2007 model year, or newer, diesel (on-road) engines to reduce emissions by more than 90 percent.

Under the Environmental Protection Agency (EPA) regulations after June 1, 2006, diesel fuel additives are required to include label information related to acceptability of use in 2007 model-year diesel engines. ASPA members are working with their point-of-sales partners and others to alert diesel equipment operators and others as to the proper use of additives in model-year 2007 diesel engines.

For additional information, visit www.aspalliance.org/dieselfuel.

Continued from pg. 1

ASCCA State Candidate Forum

Allen Pennebaker: Chapter 20 – Mt. Diablo

(Business Information) My wife, Terry, and I have owned Orinda Motors Inc. since 1996. This building was designed as, and has been operated as, an automotive repair facility since the 1930s. The company consists of three semi-autonomous businesses. Orinda Motors, the part that has been in operation the longest, is a full service and repair center for cars, light trucks and SUVs. Our Express Oil Change and Tire Center, directly next door, is our answer to both the "quick oil changes" and the tire stores. Orinda Auto Rentals, run from the Orinda Motors business office, supplies used rental cars for repair customers as well as the general public. Besides myself and Terry, Orinda Motors Inc. employs 18 people. **(Personal Information)** I have been in this industry for all of my adult life, from pumping gas and changing oil while in high school to the present, as owner and operator of one of the largest independent facilities in our county. I have served on many boards and/or committees, from my children's schools, to swim clubs, to sports organizations, to Chambers of Commerce, to the Automotive Service Councils of California. My wife and I participate on committees and lead study groups at our church. **(ASCCA Activities)** I joined ASCCA shortly after we purchased our business. The first couple of

years, I felt the organization was marginally helpful other than the networking with other successful business people. At that time the organization was in the recovery stage from some previous issues. Our chapter was very tenuously connected to the state organization, and generally had a poor attitude about the organization. This was due in part to the state level issues, but also due to some intransigent chapter members who were uninterested in working to improve that connection to the state organization or work to improve our chapter. I volunteered for our Chapter Representative position and served in that capacity for a couple of years. During that time, through the efforts of many members, our chapter has become very involved both locally and at the state level. Our chapter Board of Directors is able to get members to volunteer, our monthly dinner meetings get a good turnout and our Chapter Representatives now attend every Team Weekend. I have personally attended two Legislative Days as well as the BAR Sunset Review hearings. I currently attend most of the BAR Advisory Group meetings and am on a first name basis with most of the senior BAR staff. I sit on the ASCCA Government Affairs Committee and Chair the Membership Committee, as well as serve as current State Secretary for ASCCA.

Bob Constant: Chapter 52 – Central Coast

(Business Information) Forest Hill Auto Service is a general independent auto repair facility working on American and Japanese made cars and light trucks. We are also a Basic Smog Inspection Station. We are an AAA approved repair shop, ASE Blue Seal Shop and one of only two Certified Green Auto Repair shops in Monterey County. Forest Hill Auto Service has been in this same location since 1963, and we have owned it since 1989. **(Personal Information)**

(continued on page 8)



1923 North Fine,
Suite 101
Fresno, CA 93727

(559) 251-4060

- Environmental Laws
- OSHA "Right to Know Laws"
- Air Toxics & Emissions Reports
- Stormwater & Wastewater Reports
- Hazardous Materials Management Plans
- Hazardous Waste Requirements
- NFPA Labeling, MSDS's, Employee Training
- CAL-OSHA Injury Prevention Plans (SB 198)



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New Car Care Guide Unveiled by Car Care Council

Advance copies of the new Car Care Guide are now available to AAIA members. **ASCCA members are entitled to the AAIA member discount.** The 56-page aftermarket "vehicle owner's manual" was developed over 12 months through a consortium of industry leaders in conjunction with the Car Care Council and has been market tested with consumers and service professionals across the country.

The guide was unveiled at the Global Automotive Aftermarket Symposium (GAAS) by Jay Burkhart, Federal Mogul, who serves as chairman of the Car Care Council Executive Board.

The consumer-friendly guide to caring for their vehicle focuses on nine major service occasions and 12 major component groups, providing maintenance tips covering about 90 percent of aftermarket work for vehicles 4 to 15 years in age. The Car Care Guide opens up the consumer dialogue at the point of purchase and gives the

(continued on page 8)

ATI Nose Profits

At ATI, we specialize in making struggling shops successful and taking successful shops to the next level. Our passion is helping the owners of independent auto repair shops reconnect with those once bright dreams that have been worn away by the daily grind of running a business.

Voted the #1 Automotive Management Company in America by Frost & Sullivan.

Attend the next **Automotive Training Institute Taking Control** workshop (get a great discount thanks to the ASC scholarship program) and turn things around today!

Call 866-389-7999 for dates and locations.

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*Get your Kicks in
Year 66!*



SEPTEMBER 29-OCTOBER 1, 2006



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(714) 739-5600 OR 1-800-EMBASSY

HOTEL RESERVATIONS

\$115/Night
Deadline to Register with
Embassy Suites Buena Park Hotel:
September 8, 2006*

Mention you are with the
Automotive Service Councils of CA
Group Code "ASCC" to get our
group rate.

****Note that registering at the
Hotel will NOT register you for the
Annual Meeting and vice versa.
Please send in the registration
form to the ASCCA Headquarters
Office to register .***

TRANSPORTATION

**The hotel is located about 30 min-
utes from John Wayne Airport and
about 60 minutes from
Los Angeles International Airport.**

SHUTTLE

Super Shuttle is available for
\$18.00 from both airports.
To reserve your shuttle call
1-800-BLUE VAN



Schedule of Events

(All events are Business Casual dress unless noted)



**ASCCA Registration Desk Open from 3:00 PM—6:00 PM on Friday and
8:30 AM—11:30 AM on Saturday**

Friday, September 29 — Welcome to Buena Park!

Today is an opportunity for you and your family to enjoy many great local attractions in the Buena Park/Anaheim Area! Embassy Suites provides a free shuttle to and from Disneyland and attractions within a 5 mile radius for registered hotel guests. Downtown Disney (free admission), located outside of Disneyland Park is filled with several great restaurants and shops for your enjoyment. The ASC Educational Foundation will hold its Annual ASCEF Golf Tournament in La Habra, CA at Westridge Golf Course at 10:00 A.M. for all of you golfers! Tonight please join us at the world famous Medieval Times (next door to the hotel) for an unforgettable evening of fun, feasting and friendly rivalry. After dinner, meet and greet our 2007 Board of Directors Candidates in their rooms for some great conversation and libations!

10:00 A.M. to 4:30 P.M.	ASCEF Golf Tournament @ Westridge Golf Course, La Habra, CA (Details TBA)
6:00 P.M. to 8:15 P.M.	Dinner at Medieval Times <i>(Casual)</i>
9:00 P.M. to ?	Candidate Hospitality Suites

Saturday, September 30

Start off your day on your own with a full cooked-to-order breakfast (for registered hotel guests only). At 9:00 AM join us for an informative ASCCA On Tour Training Education Session on "Finding and Keeping the Perfect Customers" brought to you by Larry Moore, Past ASCCA State President and operator of Larry's AutoWorks - recently selected as one of Motor Age Magazine's "Top Ten Shops in the US". At 11:00 our Executive Director will give ASCCA's "State of the State" address while we enjoy lunch followed by the 2007 Board of Director's Elections and Annual Meeting at 12:15. Relax for the afternoon and join us this evening at 6:00 for the highly anticipated President's Annual Reception and Banquet followed by our Awards Ceremony and Entertainment.

9:00 A.M. to 10:45 A.M.	On Tour Training Education Session—"Finding and Keeping the Perfect Customers" with Larry Moore*
11:00 A.M. to 12:00 P.M.	Kick off luncheon and "State of the State" address
12:15 P.M. to 1:15 P.M.	Annual Meeting & 2007 Board Elections <i>(Business)</i>
1:15 P.M. to 6:00 P.M.	Afternoon on your own
6:00 P.M. to 7:00 P.M.	No Host Reception <i>(Formal, Black Tie**)</i>
7:00 P.M. to 10:00 P.M.	President's Annual Banquet, Awards Ceremony and Entertainment <i>(Formal, Black Tie**)</i>

*\$20 additional fee for On Tour Training Seminar

** Tuxedo/Formalwear desired for Board Members

Sunday, October 1

Join us this morning for our ASCCA Board of Directors Meeting and 2007 Planning Session. Help ASCCA set it's direction in 2007 by being a part of this important event. Chapter Representatives are strongly encouraged to attend

9:00 A.M. to 1:00 P.M.	ASCCA Board of Directors Meeting/2007 Planning Session <i>(Business)</i>
1:00 P.M. to 2:00 P.M.	Lunch on your own
2:00 P.M. to 3:00 P.M.	ASCIS Management Committee Meeting
3:00 P.M.	Annual Meeting Adjourns

2006 Annual Meeting Registration Form

Please Fax to (916) 924-6702 or mail to 758 University Ave. Sacramento, CA 95825



Name: _____

Spouse/Guest Name(s): _____

Company: _____

Phone: _____ Fax: _____

Email: _____ Chapter: _____

Registration Fees are \$129 for the first person, \$99 for each additional attendee and include all meals. Registration must be received by September 15, 2006. No refunds will be possible after that date.

<input type="checkbox"/>	Registration for Annual Meeting	1	@ \$129 per person	=	\$129.00
<input type="checkbox"/>	Additional Guest Registration	___	@ \$99 per person	=	___
<input type="checkbox"/>	On Tour Training Education Session	___	@ \$20 per person	=	___
<input type="checkbox"/>	1 Meal Only (Please List: _____)	___	@ \$50 per person	=	___
Total Registration Fees				=	___

I will attend the following events:

- | | |
|--|---------------|
| <input type="checkbox"/> *Medieval Times | Guests: _____ |
| <input type="checkbox"/> Education Session | Guests: _____ |
| <input type="checkbox"/> *Lunch/State of the State | Guests: _____ |
| <input type="checkbox"/> Annual Meeting and 2007 Board Elections | Guests: _____ |
| <input type="checkbox"/> *President's Reception/Banquet Sat PM Steak _____ Chicken _____ Veg _____ | Guests: _____ |
| <input type="checkbox"/> Board of Directors Meeting/Planning Session | Guests: _____ |
| <input type="checkbox"/> ASCIS Management Committee Meeting | Guests: _____ |
| <input type="checkbox"/> Please Send Me Registration information for the Golf Tournament | |

(* All Receptions are No Host. Additional Charges apply for all guests at meal functions.)

Payment: ☐ M/C ☐ VISA ☐ American Express ☐ Discover ☐ Check (make payable to ASCCA)

Credit Card # _____ Exp Date: _____ 3 Digit Code (on back): _____

Name on the Card: _____

Card Billing Address: _____

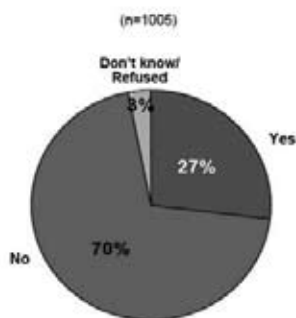
City, State, ZIP: _____

Complete this form and return via mail to: ASCCA, 758 University Ave, Sacramento, CA 95825**Or fax to: 916-924-6702.****Any questions? Call Elizabeth Hicks at (800) 810-4272!**

Independents Losing \$5.8 Billion in Service & Parts Annually: Study Shows Lack of OE Information Taking a Toll

A recent survey of more than 1,000 independent repair shop owners, service managers and service technicians reveals that \$5.8 billion in service and parts sales is being lost annually because they are unable to readily access the necessary repair information and tools from car manufacturers to properly diagnose and repair vehicles, according to the Automotive Aftermarket Industry Association (AAIA). The survey, conducted by

Confidence that Car Companies will ALWAYS Provide the Necessary Information and Tools Required for Repair

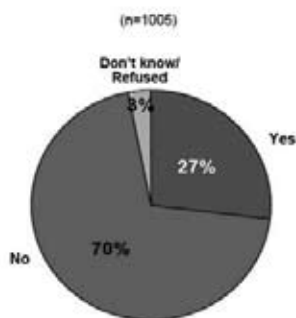


Q15. In your opinion, do you feel confident that the car repair companies will always provide access to the necessary information and tools required for repairs?

Opinion Research Corporation, directly contradicts recent statements made by the Consumers Union through *Consumer Reports* that the service information issue has been solved.

The survey also found that independent repair shops lose additional sales when forced to turn away 1.2 million consumers each year because they do not have the information and tools to diagnose and repair their customer's

Confidence that Car Companies will ALWAYS Provide the Necessary Information and Tools Required for Repair



Q15. In your opinion, do you feel confident that the car repair companies will always provide access to the necessary information and tools required for repairs?

vehicle. Also, 70% of survey respondents revealed that they have no confidence that vehicle manufacturers will always provide them with the necessary tools and information in the future, according to AAIA.

"Without a doubt, this independent survey demonstrates the extensive problems being encountered by independent repair shops that cannot

(continued on page 13)

Continued from pg. 5

Car Care Guide Unveiled

"Be Car Care Aware" campaign an exciting, new and tangible platform for a media and public relations blitz. A mass rollout of the guide will take place this summer and aftermarket companies are being contacted to place orders as the guide will be mass produced at a nominal cost.

For more information and a review copy of the Car Care Guide, e-mail Rich White at rich.white@aftermarket.org.

Continued from pg. 4

ASCCA State Candidate Forum

In 1989 I retired from the U.S. Army after serving more than twenty-four years on active duty. My wife, Noriko, our two sons, Andrew and Allen, our cats and dogs and I decided to make our home on the Monterey Peninsula. I am active locally in the Chamber of Commerce, and at the state level with the Leadership Council of the National Federation of Independent Business. My hobbies are woodworking, and supporting the local Boy Scout camp by doing building and construction work with their maintenance committee. I also enjoy fine dining. **(ASCCA Activities)** I've been an active member of Chapter 52 of ASCCA for more than fifteen years. Within the chapter I have served in all chairs of responsibility, except Treasurer. At the state level, I currently serve as Chair of the Government Affairs Committee, and several chairs within the Executive Committee, and as State President in 2005. I have also been active at the BAR Advisory Group meetings, and served on a number of task forces throughout the years. **(Personal Qualities)** The foremost quality I bring to the ASCCA is a sincere commitment to be actively involved in the betterment of our industry.

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Non-Deductibility Statement

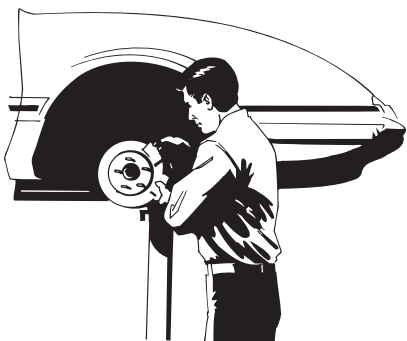
Pursuant to IRS regulations you are hereby notified:

Contributions or gifts to the Automotive Service Councils of California are not deductible as charitable contributions for Federal Income tax purposes. However, your dues may be deductible under other provisions of the Internal Revenue Code except for that portion which is allocated to Association political and lobbying expenses.

ASCCA estimates that the non-deductible portion of your dues attributable to political and lobbying expenses for the 2006 year are as follows:

ASCCA Lobbying:	3%
Total Non-Deductible Portion of Dues:	3%

Please consult your tax advisor for further information.



Continued from pg. 8

ASCCA State Candidate Forum

The organization's current and future fiscal well-being, and the protection of our members' businesses are the basis of my decisions. As our association vision statement says – we are about the business of raising the standard of the industry and giving voice to our membership in the hallways of the government.

(Areas of Expertise) Government affairs, association operation and finances, governance of the association, willingness to study new ways of doing things. **(Areas of Association Governance)** ASCCA should spend its resources: Number 1 – on Government Relations, specifically on regulatory agencies that impact our industry, and on the Legislature to make them aware of our challenges. We must partner with the Education Department to increase the focus on Vocational Education. Number 2 – on the Certification of Shop Owners, until we raise the standard for shop owners and help them become effective business owners, they will be forced to cut corners which hurt all of us. Number 3 – on Public Awareness, by this I mean we need more corporate sponsorship of our association and its mission, and in addition we need the funding from said corporations to reach our goals. **(ASCCA in Five Years)** Unless we are successful in reaching out to corporate sponsors and other sources of funding we are going to be in trouble. ASCCA also needs to stand strong in the face of other associations within the state. Our members have to be taught that the days of benefits such as rebates from workers' compensation are gone; sources of cheaper prices for oil and products we use have not been utilized by our members. We have to realize the one benefit ASCCA stands for is an active Government Affairs Committee. Our role needs to expand in the field of education, so that our shops will have technicians to hire in the future. But, the

(continued on page 10)

Industry Meetings Calendar

The following are meetings ASCCA encourages you to attend, as their outcome directly affects you and your industry. Please note that all meetings are subject to change without notice and you are advised to check on meeting times and locations the day before the event if you plan to attend.

August 22	Inspection and Maintenance Review Committee	Coastal Hearing Room, EPA Building, 1001 "I" Street, 2nd Floor	Sacramento, CA	(916) 322-8181
September 12	BAR Advisory Group Meeting	TBA	San Deigo, CA	(800) 810-4272
September 26	Inspection and Maintenance Review Committee	Coastal Hearing Room, EPA Building, 1001 "I" Street, 2nd Floor	Sacramento, CA	(916) 322-8181
September 29-October 1	ASCCA 66th Annual Meeting & Elections	Embassy Suites Hotel - Buena Park	Buena Park, CA	(800) 810-4272
October 24	Inspection and Maintenance Review Committee	TBA	Sacramento, CA	(916) 322-8181
November 13	BAR Advisory Group Meeting	TBA	Sacramento, CA	(800) 810-4272
November 28	Inspection and Maintenance Review Committee	TBA	Sacramento, CA	(916) 322-8181
December 9-10	ASCCA Team Weekend	TBA	San Fransisco, CA	(800) 810-4272
December 26	Inspection and Maintenance Review Committee	TBA	Sacramento, CA	(916) 322-8181

Welcome New Members

Shop Name	Chapter
Toyopros	5
North Hollywood Muffler Auto.....	5
MasterTek	5

**The ASCCA Website
is available for you
24/7!**

**Please visit
www.ascca.com for
all the latest
association
information!**

ASC Educational Foundation

ASC Educational Foundation Scholarship Fund Contributions 2006

Name	Chapter	Amount	Designated Scholarship
Chapter 8	8	\$100	General
Honda Hospital	23	\$50	General
Inside Garage	23	\$20	General
Portola Valley Garage	23	\$10	General
Burlingame Motors	23	\$10	General
Universal Underwriters	23	\$10	General
Larry's AutoWorks	42	\$100	Jim Hunt

Continued from pg. 9

ASCCA State Candidate Forum

members have to get involved at the state level for this to be effective. Younger shop owners need to get into the association. **(Automotive Repair Industry in Five Years)** Until the industry realizes the value of association membership we will continue to be divided by outside interests. The result of that division will be continuing decisions by governmental agencies and others which hurt us. Shop owners must make enough to pay themselves AND their employees. Labor rates will continue to jump dramatically until the public and educators are made aware of the technician education shortfall.

Declan Kavanagh:
Chapter 11 –
San Fernando Valley

(Business Information) We are a general automotive repair facility, specializing in European automobiles. We have been serving our community in the same location since 1958. **(Personal Information)** My grandfather owned a garage in Dublin, Ireland. My father brought the family business to America. I am a third-generation garage owner. I am married with three children:

one daughter and two sons. My hope is to have my sons carry on the family business as a fourth generation. **(ASCCA Activities)** We have been members since 1965. I have been actively involved in ASCCA since 1995. I have been, and am presently, my chapter's President and Representative. I have also been the Chapter Vice-President. At the state level, I am currently Vice-Chair on the Membership Committee and on the Board of Directors. I attend Board meetings and Chapter Meetings every month. I attend most, if not all, ASCCA sponsored events. **(Personal Qualities)** Leadership skills, college educated, discernment skills, excellent communicator. **(Areas of Expertise)** Outside industry experience as a member and director of other associations for over twenty-five years; Motion Picture television Controller Association, Video Software Dealers Association, National Association of Record Merchants. **(Areas of Association Governance)** Target growth membership and reduce expenses as income has reduced from insurance company revenue and find other sources of revenue, either above the line or below the line. **(ASCCA in Five Years)** ASCCA five year membership increase at a minimum

of 10%, in addition to a slow steady growth (3-5%) in revenues each year. **(Automotive Repair Industry in Five Years)** More capital intensive for a shop owner to succeed in repairing customers' vehicles, strength of the membership in the association will enable the shop owner to compete effectively with the manufacturer and maintain market share.

Glenn Davis:
Chapter 14 – Inland Empire

(Business Information) I own an AAA approved general repair facility. I have been in business for twenty-four years. I have two employees and a four bay shop. I spent the first twelve years in Glendora and the last twelve years in Upland. **(Personal Information)** I have been married to Maureen for the last sixteen years. We have no children. Our hobbies include horseback riding and golf. I am a Car-Chief on a NASCAR Super Late model Team. **(ASCCA Activities)** I have been a member of ASCCA since 1984. I have served on two Chapter Boards. My duties have included being Chapter Treasure for Chapter 05 – Foothill and Chapter 14 – Inland Empire, as well as Chapter Representative and

(continued on next page)

Continued from pg. 10

ASCCA State Candidate Forum

President for Chapter 14. I have also been involved with Chapter 05's scholarship programs at Pasadena Community College and Citrus College, as well as worked with both chapters on training and education. My past duties on the state level have included being on the Trade Show, Membership, and Endorsement Committees. I am currently the ASCCA Treasurer and Chairman of the Education, Training and Information Committee and the Golf Tournament Committee. I also serve as a member of the Long Range Strategic Planning Committee.

(Personal Qualities) I have the ability to bring spirited discussions forward on topics that affect our association. I strive to bring out all points of view before making decisions and I am passionate about my opinions. **(Areas of Expertise)** I have an analytical mind. I am always looking at the big picture while considering small picture consequences. My ability to engage spirited discussions helps to resolve many impasses. **(Areas of Association Governance)** ASCCA has to be the predominant resource for garage owners in California. We need to have a quick response mechanism designed to fulfill the needs of our membership. We need to provide our membership with timely updates and answers to their questions when they call and provide affordable programs that enhance our members' ability to stay in business. Our legislative and legal tenacity must be first rate. Our members need to know that ASCCA is watching their backs. **(ASCCA in Five Years)** It is my vision that ASCCA will become the only game in town when a garage owner opens his/her business. Our recognition as leaders in the auto repair industry must be respected, as well as feared. **(Automotive Repair Industry in Five Years)** The personal transportation industry is taking new shapes every day. Our businesses will need to change with the environment. ASCCA

needs to help our members with these changes, as well as helping the consumer understand what those changes mean to their lives. Whether the future is electric, hybrid or fuel cell technology, I believe that we are poised to respond to those challenges.

Marion Vosburg: Chapter 25 – Fresno

(Business Information) Diesel-Tune of Fresno began twenty-two years ago as a result of an entrepreneurial seizure. The business began, and has been built, one customer at a time by catering to owners of diesel cars and pickups. After being in the same location for seventeen years, we were forced to move in November 2005. It was quite a shock discovering all the great stuff that had been collected and now had to be gotten rid of in a hurry. A thirty yard refuse bin and an iron scavenger were the answer. The business today remains about 90% diesel. Our new customers come mostly from personal referrals. The business continues to grow and we love the challenge that electronics has brought to the diesel field. Wow! What an improvement! **(Personal Information)** Our youngest graduated from college on the East Coast in January 2005. This ended our East Coast travels, as she returned to California and is now teaching in Orange County and getting married in August. Now we travel throughout the state to visit the grandkids. My wife and I have been Girl Scout volunteers for many years and I currently serve on the Board of Friends of El-O-Win, a Girl Scout camp near Shaver Lake. Most weekends during the season find us working at the camp. Previously, I spent seven years as a high school agriculture instructor, eleven years teaching diesel technology at a community college, and one year as work experience coordinator and job placement director. My hobbies include boating, fishing, flying, gardening and naturopathic medicine. **(ASCCA activities)** I joined the Fresno chapter in

1987 after a friendly, persuasive, personal visit by three shop owners affectionately known as the "join or die" Fresno ASCCA mafia. I have served as Chapter Secretary, Vice-President, President, Chapter Representative, and have chaired numerous committees. Because I am married to the newsletter editor, I get to suggest topics for publication, fold, staple and stamp. Currently, I serve on the Chapter Board, and am Chair of the Policies and Procedures Committee, as well as the Scholarship Committee. At the state level, I have chaired the Education, Training and Information Committee, and the Executive Director Search Committee; last year I was the state Secretary and served on the Executive Board; I have served on the Scholarship, Grassroots, and Government Affairs committees. I helped to prepare and author the Adopt-A-School Program. **(Personal Qualities)** Because of my background as an employee, employer, educator, program developer, manager and marketer, I bring a broad perspective to the issues that confront our organization. I believe the leaders of ASCCA must not only have a vision of what this organization can become, but must also set yearly measurable goals and develop a viable action plan that has continuity. I can help keep a focus on the vision, insist on annual goal-setting and assist in meaningful action planning. **(Areas of Expertise)** I can: express thoughts and ideas clearly and with enthusiasm; observe, listen, learn and speak out when I think the wrong course is being taken; speak to the vision or large picture and leave the minutiae to the staff where it belongs, and yet be cognizant of the necessary details; get to the point of the discussion and leave out the BS and personal war stories; think and act to the benefit of the organization as a whole; be a team player. **(Areas of Association Governance)** Membership growth and retention must take a priority position if we are to maintain a

(continued on page 13)

Filling a Position During a Medical Leave

A California Court of Appeal determined that an employer acted **properly** when it terminated an employee upon her return from medical leave. The employer had filled her position with a full-time employee during the employee's leave and had no vacant positions for which she was qualified upon her return to work.

The court determined that the company's policy was beyond what the law required and it was implemented consistently. The court found that the employee failed to provide any evidence that she was able to work when her position was filled or that she was terminated because of a disability. To the contrary, the evidence demonstrated that at the time her position was filled, she was unable to perform her job even with accommodation. Further, the company had legitimate, non-discriminatory reasons for not reinstating her - there were no positions available for which she was qualified. The company followed its policy and implemented it in a non-discriminatory manner. *Williams v. Genentech, Inc.*, 2006 Cal. App. LEXIS 691 (2006).

What Should You Do?

- Ensure your leave of absence policies comply with the law and that they are followed.
- Consistently communicate with employees on a leave of absence regarding medical certifications, return to work, and employee rights under company policy.
- Consult legal counsel prior to terminating an employee upon return to work from, or during, a leave of absence.

When Is an Employee Not Fired?

In an unusual case, the California Supreme Court denied an employee's disability retirement claim finding he had not been fired from his job. After suffering from a work-related injury, John Stevens applied for disability retirement benefits through his former County employer and was denied such benefits because the Board of Retirement found that Mr. Stephens had not been dismissed from employment. Mr. Stephens claimed that he had been dismissed because his employer told him not to return to work until his doctor permitted him to perform the modified light duty assignment that was being held for him.

The court found that there is no legal authority to find that an employer functionally or effectively terminates an employee by telling the employee to go out on sick leave until his or her medical condition improves sufficiently to enable return to the job. Mr. Stephens' employer provided him with a modified light duty position consistent with the medical restrictions and it appeared that Mr. Stephens suffered additional injury. His employer had directed him to take leave, utilize any and all paid time off, and either wait until his injury improved or obtain additional medical authorization to return to work. At no time did his employer dismiss, or terminate, his employment. Indeed, Mr. Stephens remained on the payroll at all times. In sum, the County's attempts to accommodate Mr. Stephens were consistent with legal requirements. *Stephens v. County of Tulare*, (Ca. Supreme Ct. May 25, 2006). No. S129794

(continued on next page)

Employer Liability for an Accident on Employee's Personal Time

An employee with implied authority to use a company vehicle for personal use rear-ended a couple who suffered injuries from the accident. The couple sued the company, and was awarded \$277,662 in damages. The court determined that the company policy and protocol regarding use of company cars implied permission to the employee to use the company car to run a personal errand. As the owner of the vehicle, the company was found liable for the couple's injuries.

The court determined that the employee handbook's lack of specificity regarding "personal use" of company property inferred that the employee, with authorization, may be able to use company property. It was therefore reasonable for Mr. Lewis to believe the key shack attendant has the authority to let him use the car. The court also cited to the company's lack of specific protocol when using company vehicles such as a failure to have a system subsequent verification of vehicle use, and no review of gas, oil, or mileage usage as indicators that the company's business practice amounted to indifference as to how the vehicles were actually used. This indifference creates an inference of permission to use company vehicles for purposes other than strictly business. *Taylor v. Roseville Toyota, Inc.* 2006 Cal. App. LEXIS 564

What Should You Do?

- Carefully review your employee handbook with the assistance of legal counsel regarding personal use of company property.
- Ensure consistent protocol is in place to monitor the use of company property.
- Train all employees in the appropriate use of company property.

~California Chamber of Commerce

Continued from pg. 10

ASCCA State Candidate Forum

solid financial base. If we did a five year financial projection, it would show that our financial base will weaken because of the inevitable increases in operating costs. We must constantly search for new revenue sources. Public awareness is an area that needs more attention from our organization. I have proposed for several years that we need a public relations officer at the state level who can not only produce public media statements for the motoring public about our purpose and commitment, but can also furnish copy to the chapters for them to provide to their local publications (newspapers) and chapter newsletters, a team effort of awareness. A cost/benefit ratio for evaluation of our legislative advocacy needs to be developed to help the budgetary process. We must continue to search out and to offer superb member benefits, carry on with our government relations, and strengthen our grass roots efforts. **(ASCCA in Five Years)** ASCCA has great potential to take the leadership position and speak for the auto service industry. This potential can be realized with a clear vision, a five year plan, greater public and member awareness, and with increased legislative clout and increased numbers and participation. ASCCA has three clear choices: we can maintain the status quo; we can grow; or we can wither and die. It is up to our chapter leaders, our Chapter Representatives and the state Board of Directors to set the course. Enthusiasm, clear thinking, and determination are what are needed. ASCCA must determine what it stands for; then express, express, and express to its members, to the motoring public, and to elected officials who we are, and exactly what our impact is on the economy and on the California vehicle fleet. Our organization can hide in Sacramento and we members can cower in the parts room, or we can stand up and be visible and vocal. **(Automotive Repair Industry in Five Years)** The

next five years will be exciting for this industry and those who service the motoring fleet. This excitement is coming in the form of starterless engines; fuel cells; cleaner, greener diesels; gaseous fueled engines; gas or diesel electric hybrids; OBD III and IV; and satellite performed tune-ups. We will improve our Internet communications and marketing. One challenge lies in learning these new technologies and being able to service whatever comes our way. Another challenge comes in the form of teaching more of our members how to be professional business people. It has become clear, after listening to some of our leaders, that if we will put away our technician personalities and instead develop professional business personalities, we will be able to produce sufficient funds for employee benefits, wages, training and tools. For those who obtain this professional level of business, the technician shortage will cease.

Patrick Donovan:
Chapter 32 – Hemet

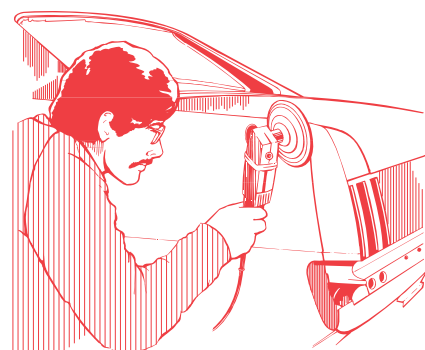
(Business Information)

I purchased my shop, Hardy's Auto Service, three years ago, although the shop has been in business for twenty-six years. Our shop does general auto repair as well as heavy line work, as nearly 60% of my business is heavy line work.

(Personal Information) I have been in the automotive repair industry since 1982 and spent twenty years in the Hemet/San Jacinto Valley. My wife and I are coming up on thirty years of marriage and enjoy camping, entertaining, and spending time together. My wife and I also enjoy going for motorcycle rides.

(ASCCA Activities) I have been in ASCCA for almost ten years now. I started my first year in ASCCA as Chapter Education/Training Chairman. Currently, I am my chapter's President, Vice-President and Representative. My ASCCA state-level positions have included being a member of the Grassroots Committee and the Education

Committee. However, during the last few years, I have been a member of the Bylaws, Policies and Procedures Committee. I am very dedicated to ASCCA, and have been to every ASCCA Legislative Day held since becoming a Chapter Representative and attend all the BAR meetings I can. **(ASCCA in Five Years)** I see ASCCA being the most important player in California for independent auto repair shops. ASCCA has done so much for our industry and I see ASCCA continuing to be the voice of the independent shops and doing more good things for our industry, so that our industry will continue to be so much better off that everyone will wonder what we in the automotive industry would have done without ASCCA.



Continued from pg. 12

When Is an Employee Not Fired?
What Should You Do?

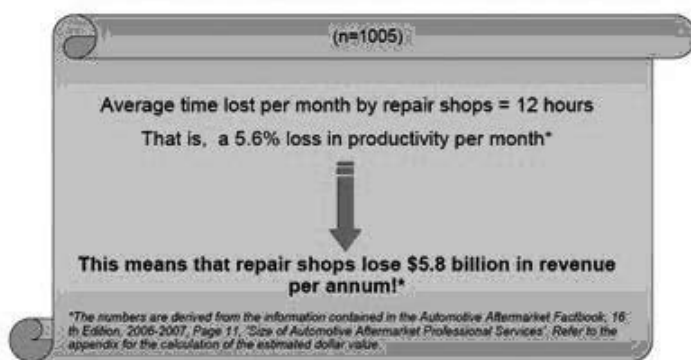
- Accommodate employees upon return to work consistent with his/her physician's instructions.
- Maintain and document consistent communication with employees regarding the appropriateness of their job duties based upon any required or recommended accommodations.
- Ensure at all times employees can perform the essential functions of their job with or without reasonable accommodation, as recommended by their physician.
- Provide employees time off, but keep them on the payroll, while recovering from a workers' compensation injury.

Continued from pg. 10

Independents Losing 5.8 Billion

obtain the tools and information they need to be competitive with new car dealers," said Kathleen Schmatz, AAIA President and CEO. "Not only are the independents losing billions of dollars in business, too many consumers are being inconvenienced by being forced to take their vehicle to a dealership after being turned away by their first choice local repair shop."

"This comprehensive look at the repair issue further shows that while car companies claim the problem is solved, the reality does not support their assertions. Passage of the Motor Vehicle Owners Right to Repair Act (HR 2048) is the only way to provide a strong message for now and into the future that all information and tools must be made readily available to the



independent aftermarket.," said Schmatz. "Without the equitable access to repair information outlined in the 'Right to Repair' Act, more and more repair shops will be forced to turn away customers and consumers will have no choice but to go to the car dealer to get their cars serviced."

The "Right to Repair Act", which was introduced by Representatives Joe Barton, (R-TX), Edolphus Towns, (D-NY) and Darrel Issa (R-CA), would require the car companies to make the same service information and tools capabilities available to independents that they provide their franchised dealer networks. Architects of the "Right to Repair Act" added new language this year to clarify that car company trade secrets are protected unless that information is provided to the franchised new car dealer. The new language also clarifies the responsibilities of the Federal Trade Commission in enforcing the bill's requirements.

To read the full report, visit www.aftermarket.org and for more information about the "Right to Repair Act" visit www.RightToRepair.org.

~AAIA

Employers Now Able to Verify that Social Security Numbers and Names Match

The Social Security Administration (SSA) has created an online program called the Social Security Number Verification System (SSNVS). The only purpose of the SSNVS is to verify that Social Security numbers and names that employers have been provided match and are correct for purposes of completing W-2 forms.

The SSA emphasizes that such verifications can only occur after an employee has been hired and that the use of SSNVS is applied to employees consistently. If the SSA notifies an employer that the name and Social Security number do not match, rather than taking immediate adverse action, employers are encouraged to communicate with the employee immediately of the problem. The SSNVS service is free and employers may sign up for the service at www.socialsecurity.gov/bso/bsowelcome.htm.

What Should You Do?

- Add the SSNVS to your policies to ensure the SSNVS is utilized after hire and to current employees.
- Inform employees through an offer letter that after they accept the offer, your company will use the SSNVS system.
- Implement the SSNVS verification process in a non-discriminatory manner.

~California Chamber of Commerce

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Industry and Endorsed Vendors Contact List

BAR, Chief:

Dick Ross (916) 255-4565

BAR, Industry Ombudsman

Rick Fong (916) 255-2893

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Headquarters (916) 444-6670

CARB: General Number

..... (800) 242-4450

EPA: Headquarters

..... (202) 272-0167

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Mike McBurney (888) 724-6742 x6986

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Barbara Martin (800) 725-1243 x8519

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Joe Blinn (559) 432-1100 x3505

Thomson Delmar Learning:

Jessica Cipperly (518) 348-2578

ConocoPhillips-Kendall Oil

Bill Curry (310) 376-0179

Automated Marketing Group

John Bamford (303) 543-9600

Chapter Meetings & Contacts

Bakersfield (58) — Meetings: 4th Thurs., 6:30 pm, Place varies. Mbr. Info.: Bob Klingenberg at (661) 631-5765.

Central Coast (52) — Meetings: 3rd Wed., 6:30 pm, place varies. Mbr. Info.: Fernando Garibay at (831) 758-8277..

Coachella Valley (30) — Meetings: 2nd Tue., 6:30 pm, Augua Caliente, Rancho Mirage. Mbr. Info.: Kenneth Williamson at (760) 346-3115.

East Bay (16) — Meetings: 2nd Tue., 7:00 pm, The Englander Restaurant, San Leandro. Mbr. Info.: Ron Bessette at (510) 774-3394.

Foothill (5) — Meetings: 1st Tue., 6:30 pm, Marie Callender's, Pasadena. Mbr. Info.: Jo Ann Fischer at (714) 773-0949.

Fresno (25) — Meetings: 2nd Thur., 7:00 pm, Ramada Inn, Fresno. Mbr. Info.: Ray Rasmussen at (559) 855-2398.

Gold Country (36) — Meetings: 2nd Tue., 6:30 pm, place varies. Mbr. Info.: Robert Brocke at (530) 477-5712.

Hemet (32) — Meetings: 2nd Tue., 6:30 pm, Sizzler, Hemet. Mbr. Info.: Phil Fournier at (909) 927-2102.

Inland Empire (14) — Meetings: 3rd Tue., 7:00 pm, Royal Cut Restaurant, Ontario. Mbr. Info.: Glenn Davis at (909) 946-2282.

Long Beach (18) — Meetings: 3rd Tue., (no mtg. July & Aug), 7:00 pm, Colonial Cafe, Long Beach. Mbr. Info.: Sam Baayoun at (562) 433-5523.

Merced (33) — Meetings: 3rd Tue., 6:45 pm, Eagle's Nest Restaurant. Mbr. Info.: Rick Schroeder at (209) 722-3856.

Mid Cities (1) — Meetings: Varies, call for info. Mbr. Info.: Russ Okimoto at (562) 926-7317.

Mt. Diablo (20) — Meetings: 3rd Thur., 7:00 pm, place varies. Mbr. Info.: Barbara Livingstone at (925) 837-1000.

Napa/Solano Counties (9) — Meetings: 2nd Tue., 7:00 pm, Rockville Inn, Fairfield. Mbr. Info.: Tracy Renee at (707) 642-1900.

North Orange County (48) — Meetings: 3rd Wed., Wyndam Anaheim Park Hotel, Fullerton. Mbr. Info.: Jo Ann Fischer at (714) 773-0949.

Orange Coast (50) — Meetings: 3rd Thur., 7:00 pm, Doubletree, Irvine. Mbr. Info.: Rita Thomas at (949) 855-0590.

Orange County (49) — Meetings: 3rd Thur., 7:00 pm, Sterling Suites Hotel, Anaheim. Mbr. Info.: Ken Hamilton at (714) 535-4100.

Peninsula (23) — Meetings: last Tue., 7:00 pm, place varies. Mbr. Info.: Vallerie Williamson at (408) 264-9495.

Redding (99) — Meetings: last Wed., 7:00 pm, place varies. Mbr. Info.: Tim White at (530) 246-9277.

Sacramento (34) — Meetings: 4th Tue., 7:00 pm, Frasinetti's Winery. Mbr. Info.: Carol Bartels at (916) 332-1883.

San Diego (24) — Meetings: 3rd Tue., 7:30 pm, Handerly Hotel, San Diego. Mbr. Info.: Stuart Terry at (619) 287-9626.

San Fernando Valley (11) — Meetings: 3rd Tue., 6:30 pm, Odyssey Restaurant, Granada Hills. Mbr. Info.: Marilyn Schanley. at (818) 768-3656.

San Francisco (21) — Meetings: last Wed., 6:30 pm, Delaney St. Restaurant. Mbr. Info.: Paul Grech at (415) 474-7323.

San Joaquin Valley (6) — Meetings: 2nd Thur., 6:30 pm, place varies. Mbr. Info.: Andy Pollino at (209) 472-9866.

San Jose (42) — Meetings: 2nd Wed., 7:00 pm, Michael's at Shoreline, Mt. View. Mbr. Info.: Valerie Williamson at (408) 264-9495.

San Luis Obispo (17) — Meetings: 3rd Wed., 7:00 pm, place varies. Mbr. Info.: Smitty Price at (805) 546-9892.

Santa Barbara (8) — Meetings: 3rd Wed., 7:00 pm, Mulligan's Café, Santa Barbara. Mbr. Info.: Rachel Barajas at (805) 682-9441.

Santa Clarita (3) — Meetings: Varies, call for info. Mbr. Info.: Kevin Browning. at (661) 251-6736.

Santa Cruz (15) — Meetings: 3rd Tue., 7:00 pm, Hindquarter, Santa Cruz. Contact: Nate Smith at (831) 476-1332.

Santa Rosa (28) — Meetings: 1st Tue., 7:00 pm, Coco's Family Restaurant, Santa Rosa. Mbr. Info.: Barbara Baker at (707) 546-4280.

South Bay (1940) — Meetings: 3rd Thur., 7:00 pm, place varies. Mbr. Info.: Peter Alper at (310) 328-1981.

South Los Angeles (10) — Meetings: 4th Thur., 7:00 pm, La Parrilla Restaurant, Los Angeles. Mbr. Info.: Les Morris at (323) 778-1014.

Tulare-Visalia (26) — Meetings: 4th Thur., 7:00 pm, place varies. Mbr. Info.: Jaimie Hammond at (559) 688-4713.

Ventura County (2) — Meetings: 2nd Tue., 6:30 pm, place varies. Mbr. Info.: Kathy Riggs at (805) 983-8100.

West Los Angeles (12) — Meetings: Varies, call for info. Mbr. Info.: Dee Cherko at (310) 837-0446.

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December 9-10, 2006

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