

Final Recommendations for the Bureau of Automotive Repair (BAR)

[Editor's Note: After many months of testimony, meetings and reports the Joint Sunset Review Committee finally released their report on the Bureau of Automotive Repair. We have included the text of those recommendations in their entirety for your information. Our Executive Director, Jennifer Zins, the Government Affairs Committee chaired by Carol Bartels and other members of the volunteer leadership of ASC will be involved in the implementation of each of these reforms and continue to advocate for more broad-based reform efforts to take place after the enforcement monitor has time to assess the current operations of the BAR. If you have questions please contact ASC at (800) 810-4272.]

Recommendations of the Joint Sunset Review Committee and the Department of Consumer Affairs

ISSUE #1: Should administration of California's laws regulating automotive repair and the motor vehicle emissions "Smog Check" Program continue to be administered by BAR, or should its programs be administered by either a different government agency or should the structure of the Bureau be changed?

Recommendation #1:

The Joint Committee and the Department recommend the appointment of an enforcement monitor.

Comments: In order to explore the various issues presented to the Joint Committee, an enforcement monitor should be established within BAR. The enforcement monitor would review and assess BAR's field operations. Additionally, the enforcement monitor would research and analyze the need for, and/or feasibility of, the following proposals:

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ASC Leaders Meet With New BAR Chief BAR Advisory Committee Meeting Held to Discuss Issues

Richard "Dick" Ross, 62, of El Dorado Hills, has recently been appointed by Governor Arnold Schwarzenegger as chief of the Bureau of Automotive Repair at the Department of Consumer Affairs. He most recently served as an assistant team leader at the California Performance Review and prior to that he was deputy commissioner of the Criminal Investigation Branch at the California Department of Insurance. Ross who has a long and distinguished career in law enforcement, retired from a 30-year career with the Federal Bureau of Investigation in 1997. This position requires Senate confirmation and the compensation is \$111,768. Ross is a Republican.



ASC Members Meet New BAR Chief Dick Ross

Several ASC members as well as Executive Director Jennifer Zins met with Mr. Ross during the BAR Advisory Committee meeting in Sacramento on July 12.

Mr. Ross seemed genuine in his compassion for his new position and by all indications looks like he will be both cooperative and supportive as we tackle the tough issues impacting our industry at the BAR level together. The Advisory Committee was well attended by a number of ASC members including President Dan Biggs, 1st Vice President Bob Constant, 2nd Vice President Bob Klingenberg, Government Affairs Chair Carol Bartels, Government Vice Chair Andy Pollino, Chapter 16 Rep Larry

Mr. Ross and our Executive Director Jennifer Zins



Nobriga. Chapter 6 member Chris Irvine and Chapter 50 member Paul Frech.

Several important industry issues were deliberated and discussed during the Advisory Committee meeting including an initial discussion on technician licensing and certification, update on the BAR Advisory Notice Pilot Program, legislative updates on measures impacting auto repair shops as well as updates on Smog Check. ASC members did an excellent job representing the industry and ASC during this important meeting.

The leadership of ASC looks forward to working with Mr. Ross to effect positive and meaningful change with respect to BAR regulatory issues.

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President's Message



Dan Biggs
State President 2004



Members:

Spring has sprung, Fall has fell, summer is here, and it's hot as H... (well... you know how that finishes)! School is out, vacationers are on the move, and our summer busy season is upon us — or is it? Many of us wait and hope the business that summer brings will bail us out of the harm that early Spring and late Fall did to us (at least did to most of us). But there are those exceptional shops that seem to stay even throughout the year, no matter what season it is. Why is that?

Is it the way we do business? Is it our location? Is it the city?

I think all of these factors contribute to our success (or failure). So what do we do about them to change our potential earnings?

We have to determine what we are. Who are our customers? Have we streamlined our business so much that we have eliminated certain types of customers? Did the economy of the past change our business of today? Have we made any kinds of change in the way we do business in the last 10 years? How about the last 5 years? How about last year?

The point I'm trying to make here is we have to constantly evaluate our business, evaluate our customers and evaluate our potential. We have learned from the past what *not to do* in the future, but we also have to learn what *to do* in the future.

That's what being in ASC can do for your business. You have available to you a wealth of information from your fellow members, classes available only through membership and an association staff that is always willing to help you find exactly what you're looking for.

Maybe after the Summer slows down for you we can find out who did the best and ask them how they did it.

Don't be afraid to ask, they're a member just like you and I. Go ahead and ask! Then share it with the rest of us!

Have a wonderful rest of the summer!

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Executive Director's Report



Jennifer Zins
Executive Director

ASC

Your Partner. Your Resource. Your Voice.

You have heard this for over a year now, that ASC is your partner, your resource and your voice. We hope that you know that the leadership and staff of ASC are committed to fulfilling this promise to you, the ASC member. We have been working hard throughout the year to continue to strengthen and support your association as we all move together in a very positive and forward direction. To this end, ASC is committed to being your partner, your resource and your voice.

ASC - Your Partner

ASC is YOUR state trade association. Representing nearly 2000 automotive repair professionals in the state of California, our mission is to provide business resources for our members and to advance the professionalism of the automotive repair industry. ASC stands ready to assist ASC members with inquiries, help resolve concerns and do whatever we can to help you prosper and be a successful business owner. Growing the membership of ASC is of paramount importance in 2004 and beyond. We are excited to launch our 2004 Membership survey to gain valuable insight and information from you, the ASC member to make your association, bigger, better, stronger. You can count on ASC to be your trusted industry partner.

ASC - Your Resource

Have a question, need an answer?? The staff and leadership of ASC are prepared to provide you with the resources you need to succeed. From ASC Insurance Services to CITGO Oil purchasing program, ASC has developed the programs and services you need to be at the top of your game and help your bottom line. In addition, the ASC web site (www.ascca.com) serves as a tremendous resource to you. A complete section of the web site has been dedicated to the growth and success of our chapters including announcing chapter events, educational seminars and encouraging members to get involved in their local ASC chapter. Questions to your most frequently asked questions about business and industry issues are brought to you via the web site and ASC's timely broadcast faxes and email alerts. Providing members with important industry resources such as education, training and information is a priority for ASC in 2004 and in fact ASC is sponsoring a hybrid technology-training seminar in the Fall. Watch your mail for more information about all of the resources that ASC provides for its members. You can count on ASC to provide you with all the resources you need to succeed as a business owner.

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BAR Recommendations

- A statutory definition of "fraud."
- The establishment in regulation of formalized diagnostic and repair standards.
- The licensing or registration of technicians working within the various fields of automotive repair.
- The establishment in regulation of a formal code of conduct for automotive repair dealers and technicians.

ISSUE #2: Does BAR and its current structure provide for meaningful input from the public and from the regulated industry?

Recommendation #2: The Joint Committee and the Department recommend that the BAR industry ombudsman position be retained. The Joint Committee recommends that the ombudsman name be retained to emphasize his or her role in investigating and resolving complaints. The Joint Committee also recommends that the independence of the ombudsman be assured.

Comments: This position should be retained. This individual receives, researches and makes recommendations regarding Bureau operational and policy concerns from members of the industry. The industry liaison reports to a Department Deputy Director. Any resulting issues and policy change recommendations would then be shared with the BAR Chief for possible follow-up action. Concerns have been expressed that the ombudsman should be truly independent from BAR and be adequately resourced to respond to industry concerns.

ISSUE #3: Should BAR's Advisory Committee be continued?

Recommendation #3: The Joint Committee and the Department recommend continuation of the Bureau's Advisory Committee.

ISSUE #4: How and when should the Monitor be appointed and what should be his or her role and responsibilities?

Recommendation #4: The Joint Committee recommends that the Enforcement Monitor recommended in Recommendation #1 should be appointed by the Secretary of the State and Consumer Services Agency as soon as possible this calendar year, and be budgeted for as part of the BAR's 2004-2005 Budget. The Monitor should 1)

review and evaluate BAR and perform other duties as designated by the Secretary and the Joint Committee; and 2) provide periodic reports with recommendations to the Department and Joint Committee. The monitor position should be named the Administration and Enforcement Monitor to reflect the broader role he or she has in reviewing, assessing, and making recommendations regarding the issues presented to the Joint Committee.

Comments: The Joint Committee has in the past recommended Enforcement Monitors for the Contractors State License Board (CSLB), the Board of Dental Examiners (BDE), and most recently, the Medical Board of California (MBC.) The Enforcement Monitor provides an opportunity for an objective third party experienced with the operation of state agencies to investigate and evaluate the operations of a state licensing agency over a relatively long period of time (usually 2 years). This provides a more in-depth, rather than short-term "snapshot", opportunity to determine how well the licensing agency is performing its mission, and provide periodic reports on his or her findings and recommendations for resolving problems that he or she believes exist. A number of criticisms have been made about the inherent structure of the BAR as a Bureau in the Department as being unresponsive to consumer and industry problems. A Monitor who will work with all affected constituencies, and who has sufficient time to investigate day-to-day operations can assist greatly in determining the need for any structural changes in the way California's Automotive Repair and Smog Check laws are administered. This could include the need for changes in the enforcement process, the establishment of repair standards, as well as determining the need for other changes in the laws and administrative procedures, staffing, budgeting, and public education and outreach. The positive experience with the Monitors at both the CSLB and the BDE led to the recommendation last year for the use of a Monitor at the Medical Board.

ISSUE #5: The recent audit of the Bureau by the Internal Audit Office of the Department of Consumer Affairs found general compliance with most laws and regulations, but did identify several areas that could benefit from operational improvements.

Recommendation #5: The Joint Committee recommends that BAR should continue to work with the Department to address the issues raised in the audit, and report on its progress to the Joint Committee.

Comments: The Internal Audit Office of the Department conducted an operational audit of the Bureau during 2003 and issued its audit report in February 2004. The audit made the following findings and recommendations:

- BAR's strategic planning process generally aligns with state and departmental guidelines, but lacks elements for measuring progress towards achieving its goals and objectives. BAR should finalize its action plans and develop appropriate performance measures. It should also perform periodic reviews of actual operational results and provide the required quarterly reports to the Department.
- BAR's licensing /cashiering data system is inadequate and requires additional staff effort to compensate for the system's limitations. The Department, with BAR's assistance, should explore the feasibility of developing and implementing a comprehensive database system to address the current system's limitations.
- BAR's licensing processes are adequate, but could benefit from improvements. BAR should review the current tracking systems to determine whether modifications to the existing processes might eliminate some of the repetitive efforts, and BAR should also take steps to ensure file documentation is complete.
- BAR needs to improve oversight of its evidence funds. BAR should work with the Department's Office of Administrative Services to immediately request approval for the use of evidence funds, and BAR should re-establish its review process of individual evidence funds, and review fund amounts to ensure funds are appropriately established within department guidelines.
- BAR's enforcement operations adequately address consumer complaints, however, several areas need improvement. BAR should

continue to explore ways to reduce its processing times for Consumer Protection Operations (non-smog) complaints and ensure all pertinent documentation is retained in the case files.

BAR has generally concurred with the audit findings and has commenced taking steps to address these issues and recommendations. A later follow-up report will provide information on the progress that BAR has made.

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Executive Director Message

ASC – Your Voice

ASC is your eyes and ears in the State Capitol and regulatory agencies in Sacramento. Our team of government affairs committee and myself as your industry lobbyist work together to tackle the tough issues that impact you as an automotive repair dealer. ASC is actively involved in a number of campaigns that affect you as a business owner including: repealing the employer mandated health care bill (No on Prop 72); fixing 17200 loopholes (yes on Prop 64); reforming California's workers compensation system; fighting CARB's proposed 15 year, 150,000 mile proposed warranties; and many more. ASC is actively involved in a number of industry and business coalitions and task forces in Sacramento to ensure your interests are communicated to policymakers. You can count on ASC to be your voice in the legislative and regulatory arenas.

ASC values your membership and your commitment to your industry by supporting your state trade association and participating in our endorsed programs and services. We want you to focus on your business and continue to be the driving force behind the automotive repair industry. Please count on ASC to be your partner, your resource and your voice.

**Chapters —
Visit your section
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Chapter Update Form.**

Legislative Update

Yes on Prop 64 – Stop Shakedown Lawsuits in Full Swing

Now that the California Secretary of State has issued the ballot initiative proposition numbers the campaigns are in full swing including the Yes on Prop 64 campaign which ASC is heavily involved in passing.

We would like to thank all of you who responded to the Small Donor Letter recently sent out to our membership! We are also actively looking at building a database of folks who would be willing to talk about any run-ins they may have had with either the Trevor Law Group or any other attorney firm who tried to extort money out of you using the 17200 loophole.

The opposition is trying to cast this as a "big business" issue and claiming that only big corporations who are trying to escape being sued in the "public interest" are behind this initiative. We all know that is patently misleading and that small businesses just like yours have been taking it in the teeth for years by unscrupulous attorneys and their frivolous lawsuits.

Call us and give us your names and whether you would be willing to talk to reporters, go on radio talk shows, write letters to the editor and tell your stories so the public knows it's small businesses like yours that have suffered from 17200 abuse.

Call ASC TODAY at (800) 810-4272.

Overtune SB 2 – the Health Care Tax and Vote NO on 72

The effort to overturn SB 2 (mandatory health coverage for employees in California) is also going full steam ahead. Earlier this week the No on Prop 72 campaign submitted its ballot arguments to the California Secretary of State's Office. The arguments were signed by Allan Zarembert, president of the California Chamber of Commerce and other prominent folks.

The compelling arguments framed the measure as government run health care and addressed costs to businesses, schools, non-profits and employees as well as the negative effects Prop 72 will have on the economy and the administration of private and public health care coverage.

Don't get confused — a NO vote on 72 will overturn SB 2. No, we don't really get it either but the campaign assures us this was the best way to go about it. More information to come so keep an eye out!

Warranty Task Force Meeting Held on July 13

The Warranty Task Force reconvened on Tuesday July 13 via conference call to discuss progress and new developments in the aftermarket's response to new car warranties (15 year/150,000 miles).

Several national and state aftermarket representatives participated in the meeting including ASC Executive Director

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- Elections!**
- Golf Tournament!**
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- Long Range Strategic Planning!**
- Special Speakers!**
- Candidate Hospitality Suites!**
- Annual Banquet!**
- Board Meeting!**

Watch the Independent, website and your fax machine for more information!



New Policies Adopted by the ASC Board of Directors in June 2004

The Bylaws, Policies and Procedures Committee continues to work on revising the ASC Policy Manual to bring it up to date and streamline some of our operations. With input from Chapter Representatives, the ASC Board of Directors and the ASC Executive Committee several policies were revised as of the June Team Weekend including our Elections Policy 2-5 which has been replaced and superseded by the following: Policy 2-5A – Election Policy – Candidates and Nominating Committee, Policy 2-5B – Election Policy – Ballots, Policy 2-5C – Election Policy – Proxy Voting, Policy 2-5D – Election Policy – Election Committee, and Policy 2-5E – Election Policy – Election and Counting of Ballots. Other policies that were revised include: Policy 3-1 – Minimum Standards for ASC-CA Chapter Affiliates, Policy 3-3 – ASC-CA Assistance to New Chapters and Policy 4-1 – Potential Members and State Members. Other events of note include Policy 2-15 which is currently under revision and Policy 4-4 has been suspended indefinitely pending further review.

All of these revised policies can be found on the ASC Website at www.ascca.com in the members only section. We maintain a current and complete ASC Policy Manual as well as our ASC Bylaws online. All current and adopted bylaws, policies or procedures can be read online and policies can be downloaded onto your computers in word documents that you can print and distribute to your chapters.

The text of each of these policies has been mailed to your chapter representative and chapter president. Please don't hesitate to contact those folks or the ASC Headquarters at (800) 810-4272 if you would like an additional copy for yourself.

Green Business

Our own Bob Constant from Forest Hill Auto Service in Pacific Grove became a "Certified Green Business" in May. Mr. Constant joins the only other automotive repair shop in Monterey County, fellow ASC member Kevin Donohoe at Pacific Motor Service, as a Certified Green Business shop!

The Green Business program was started by Cal-EPA and another long-time ASC member Larry Moore was deeply involved in its original conception and development. ASC members have been the leaders in adopting these standards for automotive repair facilities in the state of California. If you want to be Green too, contact your local county health department for more information!

Congratulations to both on leading the way in Monterey County!

Insurance News

ASC Insurance Services Seeks New Health Insurance Brokerage Firm

Periodically, as part of their due diligence, the ASC Insurance Services Management Committee reviews their agreements with all of their contracted service providers to ensure that those agreements are up to date and servicing ASC members and our other customers in the manner in which they should. After looking at the many ways in which the health insurance and employee benefits industry has changed in the last few years, it has been determined that it is in the best interests of our agency and our members to see if any opportunities exist to expand and enhance our policy options outside of our currently available offerings.

To this end, ASCIS has exercised a 90-day option in their agreement with CIMS, Comprehensive Integrated Marketing Services, in order to allow time for us to go out to market with a Request for Proposal to see if there are other brokerage firms specializing in health insurance and employee benefits who might meet some of our newly developed criteria for program offerings we would like to offer in 2005 and beyond. CIMS has been given the opportunity to fully participate in this process.

If you have a current health insurance or employee benefits policy with CIMS, your policy status will not change and you will experience no interruption in benefits or in service. We will update you when the final decision is made as to whether we will continue using CIMS or if we have negotiated a different arrangement with another entity. If you have any questions, please don't hesitate to call Chuck Coppage at ASCIS at (916) 679-2951.

Workers Compensation Insurance Rates—Don't Look for Immediate Reductions

A lot has been made recently about the recent workers compensation reform bill passed in the legislature. We've warned you before, but we need to warn you again, you can't necessarily expect immediate relief. We were on a speeding

Titanic for years and no piece of paper is going to turn this ship around immediately. The entire industry has to Whoa Nellie and make a wide turn out to sea before we can head back to port. One reason for this is that much of the language (like new definitions for permanent disability) hasn't even been written yet and isn't due to the legislature and regulators until January of 2005.

The legislature is also working on several clean-up bills that will make some minor changes in the reform package. The reform package went through many last minute re-writes in the middle of the night as the negotiations drew to a close and so some of the original language conflicts with other things or doesn't actually make the intended changes that they thought it did (believe us—many 2:00 a.m. re-write sessions end with the shouted phrase, "Whatever! Just type, we'll fix it later, they are voting in fifteen minutes!"). Now they have to go back and fix those technical glitches in the language.

ASC Insurance Services has one of the most competitive programs out there and we write a ton of business through Preferred Employers. Some of you saw increases on your July renewal and were alarmed because you thought rates had been cut.

Rates have been cut but they were cut from a JANUARY increase. Insurance companies can re-file rates twice per year, once right before July and once right before January. Preferred Employers, seeing the possibilities of real reform coming out of the recently passed legislation, cut their rates off of

their JANUARY hiked rates. Those of you who renew in July weren't subject to that January hike, so you are renewing now thinking you will see lower rates. Well you did, they are quite a bit lower than what they would have been otherwise, but still a little bit higher than what you paid last July.


Take heart, we expect more decreases in the next re-rate period in January and next July you should see some actual rate relief if this bill does what we think it will. Over the last two to three years your increases each July have been lower than some other policy holders as you didn't pick up the January increases. There will now be some lag in getting the decreases on the way back down.

The carriers want to see what the new reforms actually translate into so we've seen some moderate reductions so far but not the drastic ones that were advertised. The Department of Insurance was playing politics by screaming to the rafters about these massive rate reductions they were "demanding." The bottom line, it doesn't make good business sense to slash rates until you know what costs you're really looking at. Undisciplined rate reductions in the name of competition is what got us in this mess in the first place.

Feel free to call our experts at ASC Insurance Services Shannon Blakeman at (916) 609-8396 or Lorraine Stevens at (916) 609-8402 if you need more information.

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Educational Foundation Fund Raisers are a "Win-Win"

Well, our fund raiser extraordinaire, Walt Commans, has done it again. He held a fun raffle during the June Team Weekend in Los Angeles and raised \$720 for the Educational Foundation. The winner of the raffle, Robert Salerno, walked away with a sweet Hewlett Packard all-in-one Fax/Copier/Scanner machine. Robert, hope you get your computer in good working order so you can utilize this great office tool. Thanks to the Peninsula, San Jose & Inland Empire Chapters for donating this machine for the raffle!

At the previous Team Weekend in Sacramento (March 2004), Walt raised approximately \$500 while raffling a nice satin-quilted jacket donated by Citgo. Dwain Bartels won the jacket, hope you're staying warm & toasty.

And at last year's annual meeting in San Diego (October 2003), Walt raised close to \$800 raffling a Flat Screen TV with built in DVD & VHS players. Ken Fox won the TV. Hope you're enjoying it Ken. Many thanks to the North Orange County, San Diego & Orange Coast Chapters for donating the TV!

Walt is working fastidiously on a great raffle for this year's annual meeting. If it all works out, he will be raffling a weekend getaway to the Ahwahnee Lodge in Yosemite. You won't want to miss out on this opportunity. Hope you can make it to the annual meeting.

Many thanks to all of you who have donated to the ASC Educational Foundation Scholarship fund through our raffles or along with your dues. Please keep it up! (Contributed by Kris Cesena, Educational Foundation Committee Chair.)

Legislative Day 2005

Mark your calendars now for the AALC Legislative Day 2005 which will be held on Monday, March 21, 2005 in conjunction with the March Team Weekend. This day is the opportunity for us to meet with our legislators and discuss issues vital to our industry! We are looking forward to another well attended and interesting event!

Hybrid Vehicle Technology Training Seminars Sponsored by ASC

The ASC Education, Training and Information committee is pleased to announce hybrid vehicle technology state-wide training seminars to be conducted in the Fall of 2004. This special series of seminars that will begin in San Diego and conclude in Northern California are conducted by national expert and instructor Craig Vanbatenburg and will feature in depth knowledge and understanding of this new breed of vehicles to help you stay ahead of your competition by learning today how to repair the vehicles of tomorrow.

ASC will be conducting 8-9 seminars throughout state beginning in late September and running through mid-October 2004. The leadership of ASC is proud to bring high quality and cutting edge technology and management training to our members in their own backyards at affordable rates.

All ASC chapters are encouraged to consider sponsoring a seminar in your part of the state. Chapters wishing to sponsor these seminars will be asked to provide a proper venue for the seminar, share in the promotion of the seminar to your members, associate members and potential members, as well as sponsor the food and beverage needs. If your chapter is interested in sponsoring this cutting edge training seminar, please contact Committee Chair Glenn Davis at 909/946-2282. Chapters will be given consideration on a first come, first served basis.

Dont miss the boat on this one! This seminar will give you a definite edge on your competition. Learn today how to repair the vehicles of tomorrow. Watch your mail, fax, email and ascca.com for more information.

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Learning From Losses

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Mechanic Severely Burned

INCIDENT DESCRIPTION

A 37 year-old auto mechanic received third degree burns on 35% of his total body while performing diagnostic work on a car's ignition and fuel system.

The employee removed several fuel injectors and spark plug wires while troubleshooting the engine trouble. While looking in the engine cylinders to see if the engine was getting fuel, a stream of fuel was emitted by an injector onto the employee's shirt. He continued to work on the car, when a spark ignited his clothing. The vehicle's ignition was in the "on" position.

Immediately after the employee was sprayed with gas, his employer told him to change his shirt and wash the gas from his arms and hands. Had he done this, the painful injury may have been avoided.

RECOMMENDATIONS/DISCUSSION

1. Immediately remove clothing and wash body areas contaminated by flammable or combustible fluids.

When you get flammable or combustible liquids on you, don't hesitate to remove clothing and wash contaminated parts of the body. Even when you know you will only be doing a job for just a few additional minutes, you don't know how, when, or where a spark might occur that could ignite the flammable. If the employee had removed his contaminated clothing immediately after being sprayed with gasoline, this incident may have been avoided.

2. Know the rules for working with flammables and combustibles.

Thinking it will never happen to me, only increases your chances that it will eventually happen to you. Keep fires, open flames, smoking materials and spark producing devices away from flammables and combustibles. If the employee had turned the ignition off, this incident may have been avoided.

Facts & Figures:

- Mechanical or electrical problems caused three out of four vehicle fires at public service stations.
- Gasoline was the material first ignited in one-third of vehicle fires at these properties.
- Static discharge was blamed for 3.2 percent of fires that occurred outside vehicles or structures.

LFL 1002

Accident prevention is the responsibility of your Company's management. The information in this publication should not be considered all encompassing, or suitable for all situations, conditions or environments. Every business is responsible for implementing an effective injury and illness prevention program and should consult with legal, technical or other advisors as to the applicability of this information to your business.

Membership Drive 2004

Just a heads up that the original concept for the Membership Drive 2004 that we started to roll out in May and June has been pulled for some retooling. Thanks to those of you who were interested and keep your eyes on those prospects! As soon as we redo the concept we will be coming back with a bigger, better drive for everyone! Watch for our announcement sometime in the fourth quarter!

New Number for Jacobs and Gregory!

As an ASC Member you get a half an hour free legal consultation per month on any business or personal issue you may be facing with our attorneys Katie Jacobs and Dave Gregory. As of July 17, 2004 their **AREA CODE HAS CHANGED!**

Please make this change in your rolodex and in your chapter newsletters! The new number for Jacobs and Gregory is: **(951) 781-9091!**

Chapter Development Workshops

May 1st and 8th, 2004

Recently two workshops were coordinated by ASC Staff members and held in the Northern and Southern parts of the state. These chapter workshops were held to give the chapter directors, members and representatives a chance to come together and share helpful ideas back and forth on any number of chapter issues. Walt Commans of the ASC Staff led the workshop in the South and was joined by Jeff Shultz, our new Chapter Liaison in the Northern California, at the Northern one. Many thanks to Chapter 50 for providing an informational manual that was full of good ideas and that many chapters found very useful.

The most exciting concept of these workshops was that of chapters sharing with other chapters. First on the list was the sharing of chapter newsletters with the other chapters. Listing of chapter events and meeting information on the Chapter Calendar section of the ASC Website. Special note of upcoming training classes or special events should be passed to the other chapters that are within driving distance. Community involvement events and successes should be shared not only in newsletters, but also should be passed to the ASC Staff and to the 2nd Vice President. Not only are success stories good to include on the agendas for chapter representatives meetings, they are also good to publish in the California Independent newsletter for other chapters to read about and enjoy.

Representatives from the chapters in attendance took some good notes and we have a full report posted in the Chapter section on the ASC website. A brief overview of the topics discussed is provided below:

Meeting Locations — Meeting Format Chapter Meeting Topics - Long Range Strategic Planning - Chapter Coordinators - Shop Nights - Meeting Flyers - Chapter Training Classes - Board Members - Dues Statements - Chapter Newsletters - Chapter Directories - Dropped Members - Inactive Members - Associate Members - Prospect Pool - Welcoming New Members

(continued on page 12)

Chapters & Members In The News

Bill Dianda, member of Chapter 15 – Santa Cruz, has owned and operated Quality Automotive in Santa Cruz since 1974. He has always had a love of cars and helping people. He is the founder and an event coordinator for two non-profit car shows each year. The first one is at Quality Automotive and is called the Quality Car Party. The show raises money for the Santa Cruz High School Auto Shop. The other is at the Santa Cruz Beach Boardwalk and is called Hot Rods at the Beach. That show raises money for Industrial Arts Scholarships along with the Santa Cruz Police Officers Association.

This June was the 10th Anniversary for the Quality Car Party. The amount we raise at the show is the only funding the auto shop receives for the year. Santa Cruz High School has one of the two industrial arts programs offered for students in the county. Most other programs have been discontinued

because of lack of funding. Our goal is to keep this program available to all students in the area. Last year we raised a total of **over \$3,800** for the auto shop. This year we raised **over \$2,800**. The show is made possible by over 50 local business and many more volunteers that donate time, raffle prizes, and money to keep these programs alive.

This year will be the Seventh Annual Hot Rods at the Beach. The proceeds from the show are donated to the scholarship program of the Santa Cruz Police Officers Association that benefits the Santa Cruz High School Auto Shop and ROP students. Students who complete the Automotive Service Technology Program through the Santa Cruz County Regional Occupational Program at Santa Cruz High School or another school within the county are eligible to apply for a scholarship. An application must be submitted, including the student's high school transcript and a letter of recommenda-

tion. The applications are reviewed and scholarships are awarded in June at the student's high school's awards ceremony. The first scholarship is \$2,000 and if they continue the next year the scholarship is \$1,500. Over the last six years, we have awarded **over \$50,000** in scholarships. The SCPOA, the Hot Rods at the Beach event staff, and supporters are proud to help industrial arts students further their education.

Congratulations to Bill for his dedication to the students of Santa Cruz High School and to Chapter 15 for having such a worthy person a part of their membership roll!

Kris and Dan Cesena and Honda Hospital in the News!

Congratulations to Kris and Dan Cesena for having their shop featured in a front page article in the July 2004 Parts and People – Northern California Edition Magazine! The article highlights the many great features of Honda Hospital including their marketing efforts, innova-



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tive customer contacts and their warm and friendly atmosphere. Thanks to the Cesenas for mentioning the Automotive Service Councils of California in the article! It's press like this that keeps getting the word out there that this is the place to be! Check out the article online at www.partsandpeople.com!

Two Students Win Ford/AAA Student Skills Contest

The results are in and Chapter 25—Fresno has a lot to be proud of! Ron Rose, member of Chapter 25, coached Brad Carter and Sean Gillespie (a part time technician for Mark Cannon, Clovis Garage, Member of Chapter 25) to champion California in the Ford/AAA National Student Skills Competition! They placed #34 in this grueling event.

This is a great achievement for these students who were competing in a crowded field and a terrific way to show automotive student technicians that ASC and their chapters are committed to seeing them succeed! Congratulations and we can't wait to see what happens next year!

ASC Member Presents Scholarship

Recently Bill Carpenter, Group Wholesale Market Manager, Western Group for NAPA Auto Parts, made a personal presentation of an ASC Educational Foundation Scholarship to winner Eric Gackle!



The Scholarship program for 2005 will be kicking off sooner this year than usual. Keep an eye out for scholarship applications which will be distributed to the membership, in the Independent and on the website at www.ascca.com in September! Work on getting your students ready now! Let's all help our automotive technicians of tomorrow reach their goals!

Chapter 48: Susan G. Komen Cancer Foundation Event

Chapter 48 raised \$16,000.00 to go to the Susan G. Komen Cancer Foundation! Their fundraising effort has allowed them to be co-sponsors of the Orange County area "Race for the Cure" in September of this year. They will be given booth space in the supporters area at no cost to their Chapter and will man the booth with ASC members. The booth will be used to focus support for cancer awareness, community involvement and ASC. Promotional materials regarding the value of ASC will be passed out to a possible 5-8,000 people (there are approximately 23,000 participants, plus their supporters). Don Mussche (Cheryl's husband), Ira Newman and Jack Crawley will be in charge of this promotional event being held at the Fashion Island shopping center in Newport Beach. More information will be available as we get closer to the date. All surrounding chapters are invited to participate and for more information please call Jack Crawley at 714-526-3303.

HAD ENOUGH?

Enough stressful weeks barely pulling a paycheck?
Enough hard work without building any real wealth?

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

Call 866-389-7999 for dates and locations.

ATI Automotive Training Institute
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Here are just a few California shops that believe this workshop is where the turnaround starts.

Arnold German, Arnold's Auto Repair • Jay Thompson, Auto Service Plus • Tracy Richards, Automasters Automotive • Marilyn Brown, Automotion • Bruce Johnson Jr, Automotive Excellence • Robert & Nikki Ayers, Ayers Automotive • Karl Hlawdaty, B & M Automotive • Jack Rhiel, Big O Tires • Greg Mettelka, Bob's Automotive • Doug Kerr, KB Smog • Tom Deer, Tom's Master Mechanics • Jim Devore, Devore Automotive • Jeff Jardine, West LA Mercedes • Mitch Harmatz, Park Plaza Shell • Ed Pipan, Supreme Automotive • Dan & Kris Cesena, Honda Hospital • Lenny Baker, S.A.M.C.O. • Craig Heiser, University Automotive • Santos Prado, D & S Service Center • David Morris, Morris Automotive • Larry Moore, Larry's Autoworks • Steve Dellinger, OK Radiator • David Loynd, Discount Alignment • Joel Lebron, Joel's Automotive • James Broussard, Dr. J's Automotive • Jim & Mary Payne, Driving Machine • Allan Nystrom, Mountain Auto Service • Warren McCord, Dean's Automotive • John Modesti, Modesti's Independent Repair • Lynne Cardwell, Car Care Center • Joe Schneider, Schneider Autohaus • Harry & Jerry Taylor, Campbell Auto • Bill Ballard, Bonita Valley Auto Care • Ray McCulloch, Purrfect Auto Service • Dennis Schlundt, Dennis Auto Repair, Inc. • Cal Brown, Cal's Auto Pros • Jimmy Voitel, J & J Auto Service • Donald Wang, DRW Transmission Specialists • Jim Williams, Folsom Autotech • Darryl Brant, California Auto Repair Services • Steve Brigandi, West Coast Automotive Specialists • Greg Mahan, Campbell European Motors • Jim Johnson, Certified Motors

(continued from page 5)

Legislative Update

Jennifer Zins. The coalition is actively pursuing a number of avenues to obtain information and has developed several strategies that will now go to the ASC Government Affairs Committee for their opinion on which one would be the most preferable and the one most likely to succeed.

As the strategy for a collective after-market response to warranties unfolds, details will be provided to all participating associations and their members.

In-District Meeting Scheduled for Congressman Radanovich in Turlock

ASC will co-host an in-district meeting with Congressman Radanovich (R-19) on August 10th, (time and location TBA). We will be discussing his sponsorship of the Motor Vehicle Owners Right to Repair Act (HR 2735) and other federal issues of interest.

We will publish a recap of the meeting and any photos in the next issue of the Independent. In the meantime if you would like to host an in-district meeting or to obtain further information, contact ASC Executive Director Jennifer Zins at (800) 810-4272.

BAR Sunset Bill Passes Committee

The Assembly Business & Professions Committee has recommended approval of SB 1542 (Figueroa), codifying the recommendations of the Joint Legislative Sunset Review Committee for dealing with challenges at the Bureau of Automotive Repair (BAR). On a 13-0 vote, the Committee sent the bill to the Appropriations Committee.

If adopted by the Legislature and signed into law by the Governor, the bill would set up an Operations and Administrative Monitor who would, for two years, examine the operations at BAR to determine the extent of the systemic problems identified by the industry and make recommendations on remedying the defects identified. This bill is strongly supported by several industry organizations including ASC and ARC.

Industry Supported Career Technical Education Reform Passes First Hurdle

Assemblywoman Carol Liu (D-Pasadena) guided AB 2596 through the Senate Education Committee on June 24 on an

8-1 vote. The Senate Appropriations Committee will take the bill up in August after the July recess. ASC, ARC and other organizations representing the skilled trades sector of the California economy are sponsors of the bill, which has been amended from its original form. We seek its passage as an urgency measure, which means that it would take effect immediately upon the Governor's signature. We will need 26 votes in the Senate to put this into effect.

(continued from page 9)

Chapter Development

We are in the process of developing our "Chapter Hints" area on the ASC website and welcome any suggestions on any of the above topics you may have that work well in your chapter. By sharing knowledge and experience we can work to strengthen all of our chapters in California!

We got such a good reaction from the chapter leaders who attended these workshops we are considering formally planning another series to be held in 2005. Please keep the good ideas coming!



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Legal Forum

Ask Katie & Dave

Dear Katie and Dave:

My employee is going through a difficult time right now — a messy divorce — and we are trying to work with him. Yesterday I got a call from someone who saw our employee driving recklessly on the freeway. I don't want to kick a man when he is down, so I just sent him home early without pay. Did I do the right thing?

— Concerned Employer

Dear Concerned Employer:

It is always difficult when an employee's personal life interferes with

his or her work. If the employee is driving a customer's car in reckless manner — you are responsible. In legal terms it is called "respondeat superior" which basically means that as the employer you are responsible for what your employee does. If you know that an employee is having trouble driving and then you give him the keys to the car, you are also responsible for "negligent entrustment." This means you should not give the car keys to someone you have reason to believe might easily wreck the car. The same thing would apply if you gave the car keys to a 10 year old — no matter how responsible he or she might be.

I am not sure what is accomplished by sending the employee home early without pay. If you are doing it because you believe it will get his attention, it depends on the employee if it will work. Remember there are technical rules about paying an employee who shows up for an eight hour work day and who is then sent home. You must pay the employee for at least four hours of work. There are no exceptions for disciplinary actions.

If this is otherwise a good employee and it is possible to arrange the workload so that this employee does not have to drive until he can get "his act together," it would be the ideal solution. Otherwise you might not have an option but to terminate the employee. You cannot put your customer's vehicles at risk, no matter how much you might like the employee.

Change of Address Notification

If you have moved or your address label is incorrect, please correct on this form. From time to time, we receive requests from people to remove their name from our mailing list. Sometimes members move from a location, and the new shop owner does not wish to continue receiving the *Independent*. Other people, for one reason or another, are receiving duplicate copies.

If you have a correction or you wish to stop receiving the *Independent*, please clip out this section (along with your mailing label on the back page) and mail it to:

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Please indicate the reason for your request:

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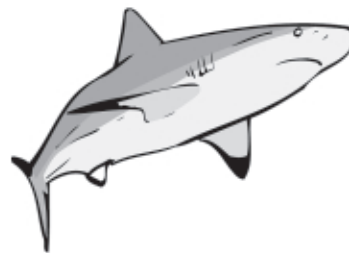
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Maxine Jones Induction into the ASC Hall of Fame

The ASC Hall of Fame Induction ceremony for Maxine Jones was held on June 12, 2004 at the Embassy Suites Hotel LAX. Over 100 friends, relatives and



*Maxine Jones honored for over
40 years of service*

business associates were present to honor Maxine for her many contributions and years of service to the association. Many thanks to Dee and Alan Cherko, Elaine Salerno, emcee Mike Mahneke and Elizabeth Hicks of the ASC Staff who put in many hours of work to pull off this terrifically coordinated event.

The evening began with a photo montage set to music prepared by Robert and Nikki Ayers. Maxine received many honors, plaques and gifts from individuals, chapters and the ASC Board of Directors who joined with other members in contributing to an all expense paid golf trip to Hawaii and a gift certificate for a new set of clubs.

The ASC Educational Foundation President Kris Cesena and longtime friend Jessie Mooney presented Maxine with a certificate renaming the Jim Jones Scholarship to the Maxine and Jim Jones Scholarship. Entertainment was provided by old friends and comrades Gene Walinski, Jim Gergen, Lou Pastel and Matt Park (pianist). They sang some fun songs from years gone by and many folks in the crowd joined in the singing.

ASC President Dan Biggs and Past President Alan Cherko presented Maxine with a beautifully framed resolution and welcomed her into ASC's Hall of Fame. Maxine made a short and gracious speech and thanked everyone for their kindness and for making this such a night to remember.

Thanks to everyone who attended and graced Maxine with their presence at this most important occasion.

Paid Family Leave Benefits to Begin July 1

Beginning July 1, 2004, California's new Paid Family Leave insurance program will provide partial wage replacement to covered employees who must provide care for a seriously ill child, spouse, parent, domestic partner, or who need time to bond with a new child.

This employee-paid benefit—administered by the State Employment Development Department and signed into law in September 2002—is actually an expansion of the existing State Disability Insurance (SDI) program. On January 1, 2004, the SDI withholding rate increased by 0.08 percent to help pay the initial cost of the Paid Family Leave program. For covered workers, it will replace approximately 55 percent of lost wages for up to six weeks during a one-year period.

California employers and workers can learn more about this new insurance program through EDD's Web site (www.edd.ca.gov) and informational materials. It is important that employees have a clear understanding of what this benefit does and does not provide so they can make well-informed choices before deciding to use Paid Family Leave.

Paid Family Leave does not provide employees with job protection or return rights. However, an employee's job may be protected if the employee and his or her employer are subject to provisions of the federal Family Medical Leave Act (FMLA) or the California Family Rights Act (CFRA). Small businesses not subject to these laws are not required to provide job protection to an employee electing to use Paid Family Leave. For more information about FMLA, visit the Department of Labor's Web site at www.dol.gov. For more information about CFRA contact the California Department of Fair Employment and Housing at 1-800-884-1684 or visit them on the Web at www.dfeh.ca.gov.

There are a number of requirements employees must meet in order to claim benefits. Employees must notify their employer of their reason for taking leave in a manner consistent with their company's leave policy. There is a seven-day waiting period before benefits are paid, and an employer may require the employee to use up to two weeks of accrued vacation leave prior to receiving

benefits. A medical certificate will be required when a claim is filed to provide care for a seriously ill family member. The certificate must state that the serious health condition warrants the participation of the employee to provide care. A separate certification must be completed for leave associated with the birth, adoption, or foster care placement of a child.

Employers may be wondering what kind of usage to expect among their employees. The U.S. Commission on Leave found that about 20 percent of (FMLA-covered) employees surveyed desired leave to care for a new child or a seriously ill loved one, and that the vast majority of this group took it. The Commission also found that 3.4 percent of those surveyed desired such leave but did not take it, mostly because they could not afford the loss of income. Paid Family Leave benefits are designed to provide some financial relief to these workers to temporarily provide care.

For example, Paid Family Leave will allow employees to provide care for a parent with a critical illness, a spouse who needs chemotherapy, a child recovering from surgery, or to bond with a new child. The ability to care for family when it is most critical also should allow employees to return to work and be able to focus on their work responsibilities.

The EDD Web site (www.edd.ca.gov) holds a wealth of information on Paid Family Leave insurance, including more detailed answers to frequently asked questions. A special toll-free number for ordering claim forms and providing assistance has also been established at 1-877-BE-THERE. Although employers are not responsible for providing claim forms to their employees, those who wish to keep a supply on hand as a convenience may order 25 or fewer claim forms by calling the toll-free number. Orders of more than 25 claim forms should be done through EDD's Web site.

**The ASC Website is
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Need to list a classified? Free to ASC members. Just fax text to ASC at (916) 924-6702 or email to info@ascca.com.

Membership Survey 2004

The Membership Survey 2004 was sent out in July. It was mailed to each member of ASC and the deadline to return was July 31, 2004. Thanks to all members who returned it! Those of you who did are in the running to receive a free DVD player! We will draw the winning survey out of the stack and announce it in August! In the meantime, watch for the survey results to be published in the next issue of the Independent and on the website!

Chapter Meetings & Contacts

- Bakersfield (58)** — Meetings: 4th Wed. 7:30 pm, place varies. Mbr Info: Michael Elliot at (661) 845-2274.
- Central Coast (52)** — Meetings: 3rd Weds. 7:00 pm, place varies. Mbr Info: Pat McDonald at (831) 899-2425.
- Central Valley (27)** — Meetings: 2nd Tues., 6:30 pm, Early Dawn Cattle Co, Modesto. Mbr Info: Robert Raduechel at (209) 575-6326.
- Coachella Valley (30)** — Meetings: 2nd Tues, 6:30 pm, Augua Caliente, Rancho Mirage. Mbr Info: Fred Divine at (760) 343-1226.
- East Bay (16)** — Meetings: 2nd Tues., 7:00 pm, The Englander Restaurant, San Leandro. Mbr Info: Ron Besette at (510) 774-3394.
- Foothill (5)** — Meetings: 1st Tues. 6:30 pm, Brookside Country Club, Pasadena. Mbr Info: Chuck Chatham. (562) 928-1725.
- Fresno (25)** — Meetings: 2nd Thurs., 7:00 pm, Ramada Inn, Fresno. Mbr Info: Ray Rasmussen at (559) 855-2398.
- Gold Country (36)** — Meetings: 2nd Tues., 6:30 pm, place varies. Mbr Info: Robert Brocke at (530) 477-5712.
- Hemet (32)** — Meetings: 2nd Tues., 6:30 pm, Sizzler, Hemet. Mbr Info: Phil Fournier at (909) 927-2102.
- High Desert (31)** — Meetings: last Tues, 6:30 pm, Location varies. Mbr Info: Walt Carnwright at (760) 245-5777.
- Inland Empire (14)** — Meetings: 3rd Tues., 7:00 pm, Royal Cut Restaurant, Ontario. Mbr Info: Glenn Davis at (909) 946-2282.
- Long Beach (18)** — Meetings: 3rd Tues. (no mtg July & Aug), 7:00 pm, Colonial Cafe, Long Beach. Mbr Info: Sam Baayoun at (562) 433-5523.
- Merced (33)** — Meetings: 3rd Tues. 7:00 pm, Place varies. Mbr Info: Kelly Velasco at (209) 826-6409.
- Mid Cities (1)** — Meetings: Varies, call for info. Mbr Info: Russ Okimoto at (562) 926-7317.
- Mt. Diablo (20)** — Meetings: 3rd Thurs. 7:00 pm, place varies. Mbr Info: Barbara Livingstone at (925) 837-1000.
- Napa/Solano Counties (9)** — Meetings: 2nd Tues. 7:00 pm, Rockville Inn, Fairfield. Mbr Info: Tracy Renee at (707) 642-1900.
- North Orange County (48)** — Meetings: 3rd Weds., Embassy Suites, Brea. Mbr Info: Jo Ann Fischer at (714) 773-0949.
- Orange Coast (50)** — Meetings: 2nd Thurs. 7:00 pm, Irvine Marriott, Irvine. Mbr Info: Rita Thomas at (949) 855-0590.
- Orange County (49)** — Meetings: 3rd Thurs. 7:00 pm, Sterling Suites Hotel, Anaheim. Mbr Info: Ken Hamilton at (714) 535-4100.
- Peninsula (23)** — Meetings: Last Tues. 7:00 pm, place varies. Mbr Info: Vallerie Williamson at (408) 264-9495.
- Redding (99)** — Meetings: 3rd Thurs. 7:00 pm, place varies. Mbr Info: Tim Morlock at (530) 244-4423.
- Sacramento (34)** — Meetings: 4th Tues. 7:00 pm, location varies. Mbr Info: Carol Bartels at (916) 383-2076.
- San Diego (24)** — Meetings: 3rd Tues., 7:30 pm, Handerly Hotel, San Diego. Mbr Info: Stuart Terry at (619) 287-9626.
- San Fernando Valley (11)** — Meetings: 3rd Tues. 6:30 pm, Odyssey Restaurant, Granada Hills. Mbr Info: Marilyn Schanley. at (818) 768-3656.
- San Francisco (21)** — Meetings: last Weds. 6:30 pm, Delaney St. Restaurant. Mbr Info: Paul Grech at (415) 474-7323.
- San Joaquin Valley (6)** — Meetings: 2nd Thurs. 6:30 pm, place varies. Mbr Info: Andy Pollino at (209) 472-9866.
- San Jose (42)** — Meetings: 2nd Weds. 7:00 pm, Lou's Village, San Jose. Mbr Info: Valerie Williamson at (408) 264-9495.
- San Luis Obispo (17)** — Meetings: 3rd Weds., 7:00 pm, place varies. Mbr Info: Smitty Price at (805) 546-9892.
- Santa Barbara (8)** — Meetings: 3rd Wed. 7:00 pm, place varies. 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 Tuesday. 7:00 pm, Hindquarter, Santa Cruz. Contact: Nate Smith at (831) 476-1332.
- Santa Rosa (28)** — Meetings: 3rd Tues. 7:00 pm, Sam's For Play, Santa Rosa. Mbr Info: Barbara Baker at (707) 546-4280.
- South Bay (1940)** — Meetings: 3rd Thurs. 7:00 pm, place varies. Mbr Info: Peter Alper at (310) 328-1981.
- South Los Angeles (10)** — Meetings: 4th Thurs., 7:00 pm, Margarita Joens Restaurant, Los Angeles. Mbr Info: Les Morris at (323) 778-1014.
- Tulare-Visalia (26)** — Meetings: 4th Thurs., 7:00 pm, place varies. Mbr Info: Jaimie Hammond at (559) 688-4713.
- Ventura County (2)** — Meetings: 2nd Tues. 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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**ASC-CA
Calendar**

MEETING/EVENTS SCHEDULE

2004

Aug. 23-27, 2004	ASC 3rd Quarter Committee Meetings Conference Call
Aug. 31, 2004	3rd Quarter Board of Directors Meeting Conference Call
Oct. 7-10, 2004	ASC Annual Meeting and Elections Embassy Suites San Luis Obispo, CA

2005

March 1-2, 2005	2005 Aftermarket Legislative Summit Washington, DC
March 19-20, 2005	Team Weekend Sacramento, CA
March 21, 2005	AALC Legislative Day Sacramento, CA

All Events Listed Subject to Change

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