



# CHAPTER "99" NEWSLETTER ASC-CA-NORTH



*Automotive Service Councils of California*

CELEBRATING **70** YEARS  
+ 1940-2010

**MARK YOUR CALENDERS NOW!**  
ASCCA Chapter 99 is bringing to  
you an exciting Chapter Meeting  
& Business Management Training

**Dinner Meeting - September 29**

Maylan Newton of Educational Seminars Institute will  
be speaking on Process & Procedure for the shop

Lulu's Restaurant  
2220 Pine St., Redding

**Special Presentation on September 30<sup>th</sup>**

Maylan will be presenting a 3 hour seminar on  
**Communication - Effective communication makes the difference!**

The biggest money waster in repair shops today is poor communication. The confusion that poor communication creates frustration and a loss of clients. Take home tools to improve you shops communication. This class gives you tools to immediately improve your communication with both the customers and the staff. 68 % of the customers leave because of an attitude of indifference on the part of the service provider. This perception of indifference is a communication issue! Good communications helps retain customers and employees.

Join us **Thursday** at the  
Shasta College Auto Facility  
7 PM - 10 PM  
11555 Old Oregon Trail  
Redding, CA 96003

Presented by  
Maylan Newton of



Educational Seminars Institute  
Automotive Management Specialists  
[www.esiseminars.com](http://www.esiseminars.com)

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**RSVP**  
to reserve  
your seat  
Steve Lustig  
Steve's Auto  
530-365-1265

\* per person

## Tires

### **Tire safety checks are required starting September 1, 2010**

One of two ARB approved tire guides is available here:

<http://tireguides.com/Default.asp?>

To receive tire pressure info updates, sign up at

<http://www.arb.ca.gov/cc/tire-pressure/tire-pressure.htm>

The latest version of the requirements is here:

<http://www.arb.ca.gov/regact/2009/tirepres09/finalfro.pdf>

The following passages in bold print are especially interesting to me.

***(f) Relationship To Other Law. Nothing in this section allows automotive service providers to operate in violation of other applicable laws, including but not limited to:***

***(1) California Vehicle Code.***

***(2) Health and Safety Code.***

***(3) Business and Professions Code.***

***(4) any other applicable law, ordinance, rule or requirement as stringent as, or more stringent than the requirements in section (d) of this regulation.***

This says to me that we must get the customer's authorization to perform the check. Should they decline due to the cost or time requirements, we can document this and refer them to a tire store for a free check or reschedule the service to be done within the next 7 days.

***(14) "Unsafe Tire" means any tire considered unsafe in accordance with standard industry practices, due to tire tread wear, age, tread irregularity, or damage. Examples include any tire with exposed ply or cord, sidewall crack, bulge, knot, or ply separation.***

We can't just check the pressure. To declare a tire to be safe (or not) can require a careful inspection, considerable time and careful documentation. In most cases, I will charge for this service.

Steve

## ADA Law Suits

This is bad news for everyone. I don't know what we can do when these sleaze bags give notice of violation, except pay up. They know they can get away with extortion. This is a legal maneuver by unscrupulous attorneys, similar to what happened a few years ago in Southern California with BAR Citation info. Somehow, in the So Cal cases, I think the ASCCA was instrumental in get some attorneys disbarred. We don't have the clout here to make that happen. We were cited in a scam on our rental property. (We were legal under California law. ADA has different rules.) There were five or so other business that had an attorney fighting the lawyers that had cited us and we joined with them, but ended up paying out about \$15,000 upgrading and paying off the scumbags. I am not sure that the legislators are awake, or will do anything that goes against the lawyers, but this is something that needs some new legislation.

We had Handicap Parking in the rear of our lot, no room in front. We were required to put in a cement approach into the building for wheel chairs because of about one inch to overcome to get into the shop.

## A good Read

SACRAMENTO, CA - A quadriplegic attorney who has filed more than 1,000 federal lawsuits claiming violations of the Americans with Disabilities Act says he's an agent of change. But his critics choose different words.

Scott Johnson, 47, was disabled by a hit and run drunk driver in 1981. For the past six years, Johnson has been on an ADA enforcement crusade that has potentially earned him millions of dollars. He operates out of his home in Carmichael with a team of legal assistants.

A News10 analysis of federal court records in the Eastern District of California indicated Johnson has been the plaintiff in at least 1,079 ADA lawsuits since 2003. Johnson said he hadn't kept count, but did not dispute the number. He said his average settlement with business owners has been between \$4,000 and \$6,000.

"I'm an attorney and I enforce the Americans with Disabilities Act," Johnson explained outside the federal courthouse in Sacramento. "It's been a law on the books now for 20 years."

The owner of a Rocklin restaurant who became one of Johnson's more recent targets contacted News10 to complain about the fairness of the lawsuit he was served with in November.

Chris Rubino said he spent \$700 to repaint hash marks on the side of a disabled parking spot in front of Rubino's Ristorante. He acknowledged it took him a year to do so after receiving Johnson's first warning letter

"It's not a lot of money, but with the economy the way it is, it's just hard to come up with that extra cash right now," Rubino said.

Johnson said he gave Rubino more than enough time to comply before filing the lawsuit. He said all of his lawsuits have come only after business owners are given written notice making them aware they are in violation of the ADA.

"I give them time to fix it. When they choose not to fix it, I seek the assistance of the court," Johnson said.

Johnson agreed to meet with Rubino to inspect the repainted parking space, but said he would still likely seek monetary damages.

Two Sacramento radio talk show hosts who've been following Johnson's activities have launched a campaign to stop him.

"It's bold-faced extortion masquerading as trying to help the handicapped," said KSTE host Joe Getty. "It's legalized crime. And if the authorities won't do anything to stop it, we will."

Getty's partner, Jack Armstrong, said the pair are meeting with lawyers to devise a strategy. "We're assembling our own dream team of lawyers who are really into getting Scott Johnson declared a vexatious litigant," Armstrong said.

Armstrong and Getty said nothing they've spoken about on the air has generated as much discussion as the ADA lawsuits issue.

Under federal court rules, a person deemed to be a vexatious litigant must receive prior court approval before filing any new claims. Johnson said he's already been told by a federal judge that he doesn't meet the criteria.

"There's a difference between filing a lot of lawsuits and being a vexatious litigant," Johnson insisted. "In order to be a vexatious litigant, your cases must lack merit."

Johnson offered no apology for making a handsome living suing businesses both large and small, even if it makes people hate him. "I bring change. People resist change," he said.

by George Warren, GWarren@news10.net

## CODE of ETHICS

1. To promote good will between the motorist and the industry.
2. To have a sense of personal obligation to each individual customer.
3. To perform high quality repair service at a fair and just price.
4. To employ the best skilled personnel obtainable.
5. To use only proven merchandise of high quality distributed by reputable firms.
6. To itemize all parts and adjustments in the price charged for service rendered.
7. To retain all parts replaced for customer inspection, if so requested.
8. To uphold the high standards of our profession and always seek to correct any and all abuses within the automotive industry.
9. To uphold the integrity of all members.
10. To refrain from advertisement which is false or misleading or likely to confuse or deceive the customer.

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