

NEWSLETTER

www.RMCWA.com

Serving the Rocky Mountain Region's Professional Car Washers

December 2009

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Do you remember this headline?

URGENT

Denver Water Board & Other Front Range Water Agencies Threatens To Close Carwashes

If you were a carwash operator during the drought of 2002-2003, you read this headline and were concerned about the very survival of your business not to mention your livelihood. Since then you have read numerous articles about the very same issue impacting other regions.

When our industry was threatened by legislators and government agencies, The Rocky Mountain Carwash Association banded together to create a concerted effort that not only prevented car wash facilities from being shut down, but created water usage standards and certification programs that have been adopted by major water utilities up and down the Front Range. As a result, professional car wash facilities now have a higher priority than golf courses and city parks during severe droughts.

The Rocky Mountain Carwash Association is designed to serve the professional carwash facilities in Colorado by fulfilling the following responsibilities:

- Serve as a resource for local and state agencies to better understand how professional car washing is the best steward when it comes to protecting our water resources.
- Develop a social network of carwash operators to serve as a platform for the exchange of best practices in all segments of the industry.
- Educate the public and local utility providers (water and sewer) on the benefits associated with professional car washing as it relates to preserving the environment and our limited natural resources.

To succeed and remain vital we need you as a member. Membership is only \$100 for the year and includes;

- Ongoing advocacy with local and state government groups
- Immediate attention to potential threats and opportunities in their incubation stages so as to ensure we are not caught off guard and can take an early proactive position with officials and affected parties
- Quarterly membership communications (newsletters and email alerts)
- Quarterly meetings with informative and relevant speakers
- Preferred discounts to members by local professionals, carwash equipment vendors and chemical suppliers
- A 2010 RMCA membership badge of recognition to display at your carwash facility(s)

Our goal is to deliver a positive R.O.I. to each and every member during both good times and bad so we can become a strong and vital organization *when* (not *if*) the next drought comes. Please join today by completing and mailing the enclosed membership card.

Best Regards,

Dave Begin
President, RMCWA

2010 Membership Dues

Membership dues provide the funds necessary to promote the Rocky Mountain Car Wash Association. Dues also provide money for lobbyists, mailings, information exchange, newsletters, membership drives, web pages for the association and promotion of the organization. We used to have a higher fee structure that included a membership in the Western Car Wash Association. Since then the board has agreed to separate the dues structure and reduce the costs of running the organization. In order to reduce the membership organizations expenses, publications, web page management, etc. has been brought in house and we have subsequently reduced our membership dues to \$100 per year regardless of the number or types of sites that you operate.

We will begin the 2010 membership drive in November of this year. If you know you will be a member next year, please fill out the application below and send it promptly to:

Rocky Mountain Car Wash Association
 Attn: Membership
 P.O. Box 370831
 Denver, CO 80237

<p>Survey</p> <p>1. What kind of operation do you have? <input type="checkbox"/> Conveyor <input type="checkbox"/> Self Serve <input type="checkbox"/> Exterior Roll Over <input type="checkbox"/> In-Bay Automatic <input type="checkbox"/> Detail Shop <input type="checkbox"/> Service Stations & C-Stores w/ In-Bay Automatics <input type="checkbox"/> Distributor</p> <p>2. Do you have more than one location? <input type="checkbox"/> Yes <input type="checkbox"/> No; If yes, how many? <input type="checkbox"/> Self-Serve <input type="checkbox"/> Conveyor</p> <p>3. Is the car washing business your primary business? <input type="checkbox"/> Yes <input type="checkbox"/> No; If not what is _____ _____</p> <p>Membership Application</p> <p>_____</p> <p>Car wash firm name: _____</p> <p>D.B.A. _____</p> <p>Owner/contact person _____</p> <p>Address _____</p> <p>City State Zip code _____</p> <p>Phone Fax _____</p> <p>E-mail _____</p> <p>Website _____</p>

Legal Lessons Learned

Well, it finally happened to us. After three years of operation with no major damage claim issues, someone finally disagreed with us about her bumper departing her vehicle in our car wash. Just to be clear, I hate dealing with damage claims. I hate the fact the customers' vehicles can be damaged at our wash, and it is the one aspect of the car wash business I would rather do without. While we will do everything we can to take care of vehicle damage that is our fault, we do differentiate between damage we cause and previous damage. This customer felt that her position was strong enough to warrant a trip to Small Claims Court. We had never experienced the Small Claims Court process, and I was interested in seeing the process and understanding how a small business owner might prevail in this situation.

I received the notice and sent my partner, Brian, 30 days later to speak on our behalf. My name was on the court record as the defendant, so my partner had to explain to the judge that because of the partnership, he should be able to represent us. The claimant should have filed against our company and not me personally. I could have contacted the court stating that she had no claim against me personally, which would have forced her to re-file her case against the company. However, I didn't read the notice to appear carefully, and I should have filed a response to the court before Brian or I appeared. Since both parties had issues associated with their case, the judge sent Brian and the claimant to the county clerk to straighten out the paperwork before he would hear the case. The judge told both parties it would probably be in their best interest to agree on a settlement since neither position was as good as they thought, and a judgment claim would be a permanent part of our partnership's records if we lost. After filing the correct paperwork and discussing the case briefly in the hallway, my partner and the claimant agreed to split the difference of the bumper's cost.

The judge asked if an agreement was reached, and the claimant said, "No," which surprised the judge. After Brian explained that they did settle on an amount to split but still did not agree on who was at fault, he asked the judge if he had a few moments to hear both sides of the case and determine what the outcome would have been (our original goal).

The claimant presented her case that her bumper came off in the car wash and that she had been coming to the wash for months before and nothing had ever happened to her vehicle. When Brian began presenting his side, the judge cut him off. Brian was startled until the judge explained that the claimant would have lost if the case were to be heard in court.

- The claimant would have to *prove* negligence on the part of the car wash to cause her bumper to come off.
- While the "we are not responsible for..." signs don't absolve the carwash of responsibility, they do inform the customer that they assume some risk when they use the car wash.
- The car wash has washed 1000's of cars before and since without other vehicles' bumpers coming off.

I think Brian was disappointed that he didn't get to present his case in court, since he prepared by watching episodes of "Law and Order", but it was a good lesson for us on how the law (or at least this judge) viewed our liability.

Lessons learned:

- Make sure "not responsible for..." signs are clear, up to date and prominently posted.
- Make sure you are not negligent in the care and maintenance of your equipment.
- Find a way to work through the problem with the customer.
- Read the notice to appear to see if anything needs to be done, such as respond, before the court date.
- Make sure the claim is against the company and not you personally.

We all have different policies and procedures for dealing with customer damage issues. Good solid policies and procedures and good customer service can keep you from having to "duke it out" in Small Claims Court.

David Begin
Owner- White Water Rapid Wash
President- RMCWA

2010 SCHEDULE OF EVENTS

Board Meetings:

February 10
May 12
August 11
November 10

General Membership Meetings:

March 17
June 16
September 15
December 8

RMCWA Social:

TBD



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