



Better Business Bureau®

# Solutions

Updates for Better Business Bureau® AUTO LINE Arbitrators

APRIL 2017

## Arbitrator Spotlight



**Judge Theodore Haynes**

Theodore Haynes is a retired Federal Administrative Law Judge and Florida Supreme Court certified Mediator as well as an approved mediator trainer. He has been a BBB Arbitrator for approximately 10 years and also arbitrates for the American Arbitration Association, and the Financial Industry Regulatory Authority. Ted feels that arbitrating for the BBB gives him a chance to "give back" to the community. He enjoys being able to help consumers resolve a very stressful situation in a fast and inexpensive manner. His background as a Federal Administrative Law Judge helps him to put consumers at ease because in many instances they are not represented by an attorney.

His demeanor during heated arbitrations has assured the parties of his genuine care for them and a fair outcome. The Orlando BBB is grateful to have him serve their local community and often receive compliments from consumers. No matter what the outcome, there is confidence in his ability to conduct the arbitration in an unbiased manner allowing all parties a chance to be heard. Feedback consistently reflects his integrity, respect, and fairness.

## Innovative Automotive Technology



We wanted to provide information to our arbitrators relating to the changing environment and the new technologies some of which are already on the market and some coming in the near future. We went to the experts and gathered information available on the AUTO ALLIANCE website. The Auto Alliance (Alliance of Automobile Manufacturers) is a group of automotive manufacturers committed to developing and implementing constructive solutions to public policy challenges that promote sustainable mobility and benefit society in the areas of environment, energy and motor vehicle safety.

The automotive industry is driving innovation and global technological advancement and as a result, today's automobile represents the most sophisticated technology owned by most consumers. From the early stages of planning, automakers design new vehicles with a range of diverse technologies that meet customer needs for comfort, convenience and safety while improving performance and energy efficiency. Virtually every aspect of the modern automobile is now high-tech, using state-of-the-art materials and processes that rely upon highly skilled workers.

### **What is a Connected Car?**

When the car moves from being a closed box to a "mobile device" with the ability to gather data and communicate it that is "CONNECTED CAR".

**Connected Consumer:** Today, consumers stay connected through navigation systems or hands-free phone calling in their vehicle.

**Driver Assists:** A variety of driver assists are on sale that can monitor the roadway and provide information or help in meeting challenges.

### Arbitrator Spotlight (cont.)

Ted is married to the lovely Andrea and although their children are now grown, they are rearing their 10 year old Grandson, Hunter, who is the joy of their lives. Ted and his wife love sports of all kinds. He admits that he always seems to be rooting for the underdog (the Tampa Bay Bucs and the Orlando Magic for example). They also share a passion for cruising with favorite destinations in French Polynesia and the Greek Isles. Since their favorite line, "The Renaissance", is no longer operating, they favor the Norwegian or Celebrity Cruise lines.

BBB Autoline is exceedingly pleased to have Judge Haynes as one of our arbitrators. On many occasions, we have called upon Ted at the last minute and he has always risen to the occasion to cover the hearings. We thank him for his extraordinary service. ■



## Arbitrator Scenario Quiz

Check and see if your answers to the following scenarios match those of our experts.

**The answer can be found later in this newsletter.**

During the hearing a consumer presents a repair order from a third party mechanic and also requests to conference in that mechanic to testify on the existence of an issue the dealership has been unable to duplicate. The manufacturer objects to calling the third party mechanic as they were not informed of the repair order or the additional witness prior to the arbitration. The BBB administrator stops the hearing and calls BBB AUTO LINE and confirms that there was no mention of a witness testifying on behalf of the consumer. Under the BBB AUTO LINE Rules, can the Arbitrator take testimony from the consumer's witness?

### Innovative Automotive Technology (cont.)

**Vehicle to Vehicle (V2V):** Work is underway to develop a system where cars can "talk" to each other so one automobile can alert other vehicles that there is a crash ahead, warning drivers to slow down.

**Vehicle to Infrastructure (V2I):** "Smart" intersections can allow stop signs and traffic lights to communicate with vehicles, as sensors report if another vehicle is running a red light. Traffic lights could be synchronized to improve traffic flow — and fuel efficiency — and if there is only one vehicle sitting at a traffic light late at night, the light could be programmed to turn green.

**Autonomous Vehicles:** Ultimately, these technologies and others will culminate at some point in the future in autonomous, or self-driving, vehicles that can drive themselves for longer and longer periods of time.

Active controls can engage automatic, temporary braking and may allow you to turn them off or control their sensitivity. Controls and driver focus aids can help you drive better in all kinds of situations.

**Integrated Systems** Integrated Systems (often called "telematics") help drivers keep their eyes on the road and hands on the wheel through special controls on steering wheels, optimized screens, voice command systems, hands-free calling and concierge services.

#### Real-Time Navigation

Real-time navigation allows drivers to re-route around traffic and congestion, saving fuel and reducing carbon emissions.

**What makes driver assists work?**

**Radar** - Detects objects nearby & in "blind zones"

**Lane-keeping cameras** - Measure contrast between road and lines

**Lidar**-Spinning lasers make a 360° real-time "map"

**Infrared camera** - Detects objects ahead in day & night

**Visible light camera** -Detects & predicts movement of objects

**GPS navigation**- Tells the vehicle where to go

**Wheel-mounted sensors**- Measure velocity relative to nearby objects

For more information relating to safety and innovations please visit <https://autoalliance.org/> ■



## Inquiring Arbitrators Want to Know

1. What do I do if I've submitted my decision online but realize I still need to further edit?

**Answer:** Send an immediate high importance email to Meryl Vento at [mvento@council.bbb.org](mailto:mvento@council.bbb.org) with the case number in the subject line to request further editing of the decision.

2. How do I update my contact information if I've moved or have a new email address, phone number, etc.?

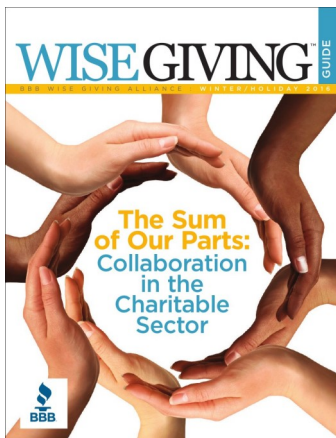
**Answer:** Go to the main arbitrator page at [www.auto.bbb.org/arbitrator](http://www.auto.bbb.org/arbitrator) and click the link that says "View Or Update My Contact information"

3. Can I only award the requested remedies as listed on the agreement to arbitrate?

**Answer:** Arbitrator's are not bound by the desired resolution each party is requesting. An Arbitrator is free to award any remedy available under the program summary if appropriate. During some hearings, it may become clear that the requested remedy on the agreement to arbitrate does not match the testimony being provided. In these situations, the desired resolution portion of the ATA does not have to be amended. You can note the desired resolution as expressed during the hearing and award accordingly if you deem that it is an appropriate award. The agreement to arbitrate does have to be amended if a party wants to add an additional issue (such as transmission) to be addressed at the hearing. ■

## Wise Giving Wednesday: Fighting Future Fundraising Fraud

By Art Taylor  
President and CEO Wise Giving Alliance



In Washington, DC, the Federal Trade Commission held its first charity conference: [Give & Take: Consumers, Contributions and Charity](#). Both Bennett Weiner (BBB WGA's Chief Operating Officer) and I were honored to participate on separate panel discussions that addressed various issues about safeguarding donors from fraud and deception. There were a variety of speakers at this event including those with back-

grounds from academia, the federal and state regulatory community, crowdfunding sites, infrastructure organizations, nonprofit legal experts as well as charity monitoring groups such as BBB WGA.

In part, BBB WGA seeks to educate the public about deceptive fundraising practices by sharing [wise giving advice](#) as well as by completing evaluative reports based on the 20 [BBB Standards for Charity Accountability](#). These holistic standards, however, address more than just deception and also include provisions about good governance practices, transparency, results reporting and financial management.

In my view, one of the most important elements of this gathering was the insights on the emerging challenges facing both donors and regulators in the future. In years to come, new forms of social media and communication will emerge such as applications of virtual reality which put viewers "in the scene" instead of just seeing a photo or video. This has the potential to create emotional fundraising asks that go far beyond what we have ever experienced. In turn, crowdfunding is evolving into forums that seek to help individuals not only raise money for immediate needs but also on a continuing basis. Regulators should gear up to this challenge and may need to seek outside collaborations to develop the skills and tools that will help them catch bad actors in these spaces.

Finally, remember to let us know by going to <https://www.give.org/ask-us-about-a-charity1/>

If you are interested in seeing a report on a charity not on the list, we will do our best to produce one. ■



## Arbitrator Training

**Save The Date:** We have just set the dates for the mandatory arbitrator refresher trainings for 2017 and will be sending out registration information soon! ***Special Note for California arbitrators: your refresher session will happen towards the end of 2017.***

Anyone newly trained in the last year will be exempt from this training, but all are welcome. If you have a specific topic or question you would like addressed, please contact Jen Rowley at [jrowley@council.bbb.org](mailto:jrowley@council.bbb.org). The training dates have been set for April 26th and April 28th and an invitation with the registration link for the webinars will go out soon.

We are constantly organizing training for new arbitrators around the country and could always use your help with recruitment. Currently we are focused on California, North Carolina, South Carolina, Missouri, Texas, Florida, Alabama and Louisiana. If you have a friend or colleague in any of these states that might be interested and a good fit for our program, please share the link to the online application:

<https://www.auto.bbb.org/arbitrator-application/>



## Arbitrator Scenario Quiz Answers

### Answer:

Yes, under BBB AUTO LINE Rule 17 – parties are not restricted by court room rules of evidence. Parties are free to present any evidence or witnesses that will support their position.

### 17. ADMISSION OF EVIDENCE AT THE HEARING

You may present your case without being restricted by courtroom rules of evidence. However, you should be sure your evidence is relevant to the case. The arbitrator may limit a party's presentation if the arbitrator believes it is repetitious or irrelevant. ▪



## Sleepy Behind the Wheel? Some Cars Can Tell

BY ERIC A. TAUB

Some automakers already offer drowsiness detection systems, and more are likely to follow with ever more sophisticated technology.

Check out this link from the New York Times:

<https://nyti.ms/2nwlJAu>