



CAMBRIDGE CONSUMERS' COUNCIL

831 Massachusetts Ave. Cambridge, MA 02139

Tel. (617) 349-6150

349-6153

serving the
residents of:

Cambridge
Boston

City Of Cambridge

Paul J. Schlaver
Executive Director

March 22, 1991

Ms. Mary Chin
288 Washington Street
Cambridge, MA 02139

Re: Pat's Tow Service, Inc.

Dear Ms. Chin:

This is to inform you that I have investigated your complaint against Pat's Tow Service, Inc. regarding the condition of your automobile antenna.

Mr. Roy Medeiros of Pat's Tow has indicated to me that his company conducted an internal investigation of your claim. He has submitted a written summary of his investigation and it appears that Pat's Tow conducted the tow service properly and no reasonable connection could be established between the damage to your automobile antenna and the towing of the vehicle.

In addition to the response from Mr. Medeiros, I spoke with another employee of Pat's Tow and again I was advised that it is highly unlikely that the kind of damage discovered is owing to the towing of the vehicle.

As you know, Massachusetts General Law Chapter 40 Section 22D gives the City of Cambridge authority to set out regulations for the removal of illegally parked cars. The statute also provides that towing contractors are responsible for damage to vehicles caused by negligent towing. In this case however, there does not appear to be a showing of negligence.

While it is clear to you that your antenna has been damaged, the legal issue is whether the damage to your antenna was caused by the negligence of Pat's Tow. Because there is no clear evidence to support the proposition that the damage to your car antenna resulted from the manner in which Pat's Tow handled your vehicle, it does not appear that there is any liability on their part.

If you have further evidence to substantiate your claim, please so advise. If not, I am without cause to reasonably link your loss with any wrongful acts on the part of Pat's Tow or anyone else at this point.

I am enclosing a copy of the letter I received from Pat's Tow for your review. I regret that you encountered this situation but unfortunately under the facts presented I am not able to establish a more favorable outcome for you.

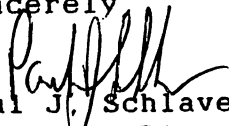
In view of the circumstances, you may wish to consider filing a claim with your insurance carrier if the cost of repair exceeds any deductible you may have under your insurance policy.

Also, you certainly have the right to file a small claims suit. Unless however, your evidence is stronger than the information you have provided me, I am not convinced that you would prevail.

Finally, I thank you for informing us of the kind of treatment that you received from Pat's Tow. The City makes every effort to ensure that its citizens are accorded courtesy and respect. I mentioned your concerns to Mr. Medeiros and I hope I made it clear that there is no room for rude treatment or the appearance of rude treatment in this city.

If I can be of further service or if you have questions or need additional information, please do not hesitate to contact me.

Sincerely


Paul J. Schlaver
Executive Director

24 Hour Service

9103-5491
PJS

Tel: 354-4000

PAT'S TOW SERVICE, INC.

67 Pacific Street
Cambridge, Mass. 02139

WALTER TAURO

March 11, 1991

City of Cambridge
Consumer's Council
831 Mass Avenue
Cambridge Mass. 02139

Attn Paul Schlaner

Dear Sir or Madam:

In response to Mary Chin letter of complaint I Would like to say that we investigate all incidents fully. When Ms Chin called with her complaint we pulled the claim check see attached sheets which show the police officer noted damage all around vehicle. When she arrived at the tow yard we informed her of this and explained the procedure of towing would not cause damage to the radio antenna mounted on the windshield post of the vehicle.

Her car was towed for Blocking a driveway and I informed her that it's possible that vandalism to vehicles happen when Vehicles are towed for this offense, speaking from Past Experience.

At no time was I rude to this customer

Yours Truly

Roy Medeiros

Rui De Medeiros



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 25, 1991

To The Honorable, The City Council:

Attached, please find a response to Awaiting Report 26, regarding a complaint of Mary Chin, received from Paul J. Schlaver, Director of the Consumers Council, concerning this matter.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

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CONSENT AGENDA # 5 5-426

Awaiting Report Item Number 26
regarding a complaint of Mary Chin.

In City Council,

March 25, 1991

Placed on file