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6 October 2010

VIA FEDEX GROUND 1283181-00003278

Mr. Bill Davis  
Avis Rent-A-Car  
Binghamton Regional Airport  
Box 8  
2534 Airport Road  
Johnson City, NY 13790  
607-729-6001

**Subject: Incident Report, Budget Rental in Ithaca, New York of 11-17 September 2010**  
**Reference: Telephone Conversation of 20 September 2010**

Dear Mr. Davis:

Thank you for your voice mail (313-277-5095) of 13Sep2010, which I responded to on 20Sep2010. Per your request of 20Sep10, I am forwarding an incident report which reviews the events I experienced on 11Sep10 during the processing of my Budget car reservation in Ithaca, New York.

Thank you for your sincerity and professionalism. As a result of upholding the Budget mission statement, including your unbiased concern for customer well-being, I am once-again planning a week-long Budget rental in Ithaca, NY for 9Oct10. Your approach reinforces my preference not to penalize an entire organization on the basis of a single incident.

If you have any questions regarding the attached, please do not hesitate to contact me. Also, please recognize that I would not hesitate to affirm the attached while under oath.

Respectfully yours,

Paul V. Sheridan

Attachment

cc: Thomas M. Gartland  
Courtney E. Morgan, Esq.  
Larry De Shon  
Michael K. Tucker

## **Incident Report: Budget Rental in Ithaca, New York of 11-17 September 2010**

### **Budget Confirmation #15001734US6L**

Dates: 21 August to 27 August 2010  
Total Original Estimate: \$303.76  
Actual Billing: \$303.76

On Wednesday afternoon August 18, 2010, I telephoned the Budget Car rental office at the Ithaca Airport (607-257-1780) for two purposes: 1) To confirm with Budget that my planned Saturday arrival and rental were on-schedule/intact, and 2) That I had reserved a 'Full Size' and if such was available, could Budget please keep me in-mind. I spoke with Jeremy, who was polite and professional while indicating that he would be working in Elmira on Saturday. Jeremy could not guarantee that a full-size vehicle would be available, but he offered to put a note on my reservation regarding my preference (Chevrolet Impala). My phone records indicate that this conversation took place at 3:22 pm, and lasted under 4 minutes.

This practice (on-my-part) is typical when departing for the smaller car rental locations, such as Ithaca, due to the anticipated smaller inventory levels/choices, etc. I have never encountered any issues from this behavior or my patronage at any time with any rental car company prior to that discussed below (Please see "Budget Confirmation #16957342US3").

My phone records indicate that on Saturday, August 21, 2010, I repeatedly attempted to contact the Budget Car rental office at the Ithaca Airport. These occurred while I was in the gate at Detroit Metro Airport awaiting boarding of Delta Flight 3697. From 9:33 am until 10:13 am, no one at Budget at the Ithaca Airport answered during this 40 minute period.

On Saturday, August 21, 2010, I arrived in Ithaca at approximately 11:50 am. I queued at the Budget counter behind one customer; I was second in line. It was approximately 12:10 pm. I immediately sensed that tension existed between the Budget employee and the customer. As you will read below, I had mistakenly assumed that an altercation or strong disagreement emerged between them because of the voice tones and physical mannerisms of the Budget employee. However, I did not witness equivalent behavior in the customer, who was Asian. I distinctly recall hearing the Budget employee announce in a very brusque, loud voice:

*"We've got to have confirmation that your license is in good standing in the country of origin..."*

The Budget employee's tone was accusatory and condescending. Throughout this interaction the customer behaved with reserve and patience, complying with each of the various requirements placed on his rental request. It seemed that this customer was from South Korea, and had not made a reservation which, apparently, was an additional source of annoyance for the Budget employee. The Budget employee was brusquely handing paper and various forms to/from the customer. Eventually the customer was handed a rental agreement and keys, and told where he could find the vehicle.

When I then queued for service I presented my license, as I have for the last 41 years of car rental experience. I noticed that the Budget employee nameplate indicated "Chris." Without offering eye-contact Chris exclaimed, "Name?" As I said "Sheridan, Paul Sheridan," he finally looked up to see that I was already presenting my federal identification. He removed it to his desktop area, but

continued not making eye contact. Chris then said, "There was a note on this reservation about a full size?" Apparently he was reading the message posted by Jeremy. I responded, "Yes, correct. I spoke with Jeremy a few days ago, and he said he would try to set aside an Impala." Chris picked a key set, looking at the plastic information plate, and explained that an Impala was available. I was very thankful, and indicated my high opinion of that vehicle. Chris agreed with me on that latter point, handed me the keys/contract, and stated the parking lot number where the Impala was located.

Again, I had (mistakenly) assumed that an altercation had occurred between the customer and the Budget employee based on the voice tones and physical mannerisms of the latter. If you check your records I am confident you will find that a rental occurred with a person from South Korea (that did not have a U.S. driver's license, or a reservation) on Saturday, 21Aug10 at approximately 12:20 pm.

### **Budget Confirmation #16957342US3**

Dates:	11 September to 17 September 2010
Total Original Estimate:	\$281.39
Actual Billing:	\$219.17

On Friday afternoon, September 10, 2010, I telephoned the Budget Car rental office at the Ithaca Airport location (607-257-1780) to confirm that my planned Saturday arrival and rental were on-schedule/intact, that I had reserved a 'Full Size,' and if such was available, could Budget please keep me in-mind. My phone records indicate that my first attempt occurred at 11:27 am; there was no answer. My second attempt occurred at 11:43 and was answered by Jeremy. Upon identifying myself, Jeremy immediately recognized my name, and stated his awareness of my reservation for the following day. I made my customary request regarding a preference for a full-size, and Jeremy once again indicated that he would put a note on my reservation and that Budget would do their best to accommodate me. This conversation was cordial and lasted less-than 2 minutes.

My phone records indicate that on Saturday, September 11, 2010 I telephoned the Budget Car rental office at the Ithaca Airport at 9:34 am. The call was answered by a person identifying himself as Chris. After providing my name I explained that I was calling to inform Budget that I was en route and therefore my reservation was intact. I then indicated that I had spoken with Jeremy on Friday about availability of a full-size, further explaining that once-again my reservation was for a full week. Immediately I was cut off by Chris who stated, "I don't have a full size available, and I can't guarantee one." I explained that I understood completely, and if a full-size was returned prior to my arrival would he please keep me in mind. My words were very close to, "I understand, no problem, please do the best you can. I will be living in the car for a full week. I do appreciate your help." Chris blurted:

***"We can't perform miracles!"***

and then he slammed the telephone down in my ear. This is not an exaggeration.

On Saturday, September 11, 2010, I arrived from Detroit at the Ithaca Airport on Delta Flight 3687 at approximately 11:45 am. Having a seat near the front of the flight, which allowed my early deplaning, I was the first to retrieve my bag from the Delta turnstile, which was already filling up with luggage. I was the first customer in-line at the Budget car rental counter. Chris, the person who had slammed the phone down in my ear a few hours earlier, was on duty.

At that point I did not bring up his outburst about “miracles” or his rudeness with the phone. I merely presented my license while saying, “Hello, I have a reservation under Sheridan.” Without making eye contact, and neglecting to return my greeting, Chris took my license and began reviewing the computer screen. Our conversation then proceeded as follows:

*Chris: I have a Sonata or a Malibu.*

*Paul: I had called earlier this morning asking for a full size; you weren't able to find one?*

*Chris: The Malibu IS a full size.*

*Paul: No not really. Budget might call it that but the industry classifies it as a midsize. But no big . . .*

*Chris (cutting me off loudly) I beg to differ with you!*

*Paul (noticing, but ignoring Chris's rudeness): Well...I've worked in the industry for over 30 years.\* It's no big deal. But could I take a look at the Malibu? The reason I ask is because I rented one awhile-ago and it had the highly bolstered seats which are great for support but are uncomfortable for a heavier person.*

Chris handed me a set of keys and stated the slot number in the Budget lot where the Malibu was located. By then a few customers had queued behind me, but I was uncomfortable imposing on them to watch my luggage. I dragged my luggage out with me to merely review the Malibu (primarily the front seat types). The seats were acceptable for one of the upcoming purposes of my rental (later the next week I entertained a Cornell University couple, a professor and his wife).

Upon return to the Budget counter a line of 5-6 customers was now in-queue. I stood momentarily next to the first customer, who seemed to recognize, by virtue of the fact that he noticed a set of keys in my hand, that I already had conducted business; this customer and the other five in-line were not at-all perturbed by my approach to the ‘front of the line.’ During a lull I said, “That’s ok Chris, that car will work.” I was anticipating (perhaps expecting) that he would merely print my Budget FastBreak contract and send me on my way. Not even close. Chris did not hide the fact that he was purposely and completely ignoring my words and my person.

What became clear was that Chris intended to demonstrate that he was ‘in control.’ I innately decided not to indulge him, and moved my luggage to the end of the line, wherefrom Chris made me wait for the entire queue of 5-6 people. If you check your records you will find that-that is the number of people that initiated rental cars from Budget beginning at approximately noon, just before I did, on Saturday, September 11, 2010.

Chris seemed to enjoy making me wait for the entire customer queue to be emptied. When I arrived, again, at the counter he simply blurted in a cavalier tone, “Yes?” as if he had never seen me before. Once again I did not indulge him. Our conversation then proceeded as follows:

*Paul: It's not a full-size, but that Malibu will work ok.*

*Chris: It IS a full size, and I gave you an upgrade.*

*Paul: You ‘gave’ me an upgrade? The upgrade comes with the coupon.*

*Chris: There's no coupon. I gave you an upgrade.*

*Paul: Well, I made the reservation with the coupon and the Budget email says "single upgrade." The code is . . .*

*Chris (then looking at the screen and once-again cutting me off loudly): Nevermind, nevermind. I see it now.*

*Paul: Do you have a business card?*

*Chris: No. Budget doesn't give us business cards.*

*Paul: What is your last name?*

*Chris: We're not authorized to give out our last names.*

At that point two additional customers got in-line behind me, both of whom took notice of this conversation, primarily because Chris was being so brusque and loud. I continued:

*Paul: I didn't mean for my telephone call this morning to crowd you, and I certainly never expect miracles.*

*Chris: What do you mean?*

*Paul: I am using your term from this morning's telephone conversation.*

Chris seemed to ponder the earlier telephone conversation content, but would not overtly admit at that point that the term 'miracles' was in-fact his exact word. I continued:

*Paul: The issue here is the fact that you slammed the telephone down this morning. I recognize that you may or may not have a full-size from time to time, and I certainly do not expect that you can perform miracles.*

*Chris (very loud; loud enough for the rep at the Hertz counter to take notice): **Not true, I perform miracles every day!***

I again scanned the area to see who else was noticing his behavior in addition to the Hertz employee (a middle-aged gentleman). I noticed a woman second in-line, and a young man that was next in line. Both were frowning. Given these public surroundings, I continued but with a concerted attempt to lighten the situation:

*Paul: Well, the last time I checked there has only been one person in-history that performed miracles . . .*

*Chris (cutting me off): **Not true. Go educate yourself about the saints.***

*Paul: As you know, this is the second time in two weeks that I am renting from this counter for a full week.*

*Chris (loudly): Now how am I supposed to know that?!*

*Paul: Are you claiming that you don't remember me?*

*Chris: (diverting) This is the first time you've come up on the screen as a FastBreak (?) customer.*

*Paul: I think the corporate offices at Budget need to be informed about your behavior.*

*Chris (grinning facetiously and in the loudest voice yet): **What can I do to make you happy? Whaddaya want me to do, carry your bags for you!?***

I looked at the two customers in-line, who were obviously concerned, to say the least. At that point I was no longer going to tolerate having my good person publically associated with and abused by this Budget employee whose nametag said "Chris." I proceeded to the Malibu, and drove directly to the Clarion University Hotel on Sheraton Drive; about a 4 minute drive from the Ithaca Airport.

### **Check-in at the Clarion University Hotel: New-Hire Staff Fully Aware of "Chris"**

When I arrived at the Clarion front desk for check-in I was greeted by Melissa Swartz, a manager level employee. I notice and nodded acknowledgement to another employee, a young lady, who was seated behind the Clarion front desk (She was seated in-part because she is physically handicapped.). Melissa introduced us saying, "Nya, this is Mr. Sheridan." Nya and I exchanged our first hello. Nya is a new-hire at the Clarion.

After a brief chat I began to relay to Melissa, the outrageous experience I had just endured, just minutes earlier, at the Budget counter. Melissa, a good listener in addition to being a long-time professional in the service industry, was stunned and upset with the fact that I had been treated so poorly. As I related just some of the specifics discussed above, Nya, the young lady I had just been introduced to for the first time, cautiously but confidently chimed in:

*"You must be talking about Chris."*

As Melissa gauged my reaction, one that indicated that Nya was probably correct, both Melissa and I could not conceal our mutual surprise! The conversation then proceeded very close to the following:

*Melissa: You know that guy?*

*Nya: Yes. I've known about Chris for a long time.*

*Paul: Are you sure it's the same guy?*

At that point Nya described the physical appearance and mannerisms of Chris with complete accuracy. I was stunned. Melissa was stunned. Here I was recovering from the most abusive encounter I have ever had with a car rental employee, by far, and within minutes of that encounter I was confronted with the fact that a young lady, that I had just been introduced to for the first time, was thoroughly familiar with the Budget person involved! Indeed, my partial description of my encounter with Chris, as described above, was not the least-bit surprising to Nya. She explained:

*Nya: Chris has had lots of complaints.*

Nya went on to explain how she was also known to Jeremy, and had conducted business with him on several occasions with complete satisfaction. Melissa and I were even more shocked when Nya detailed her encounter with Chris. Nya stated that she was knowledgeable of others, in the Ithaca area, that had had the same general experiences-with and opinion-of Chris. In fact, it was after hearing those details that I made a commitment to write a letter of complaint to the corporate offices of Budget Rent-a-Car Systems.

### **Monday/Tuesday Inquiry**

Dates: 13/14 September 2010

Given the fact that Chris refused to provide his last name, a friend offered to make a telephone inquiry to the Budget office at the Ithaca Airport (607-257-1780). Jeremy answered the telephone. My friend inquired about how the complaint process regarding a Budget employee might proceed, and specifically asked for Chris's last name. Jeremy stated that could not give out Chris's last name but did not hesitate giving out his own, Jeremy Vaughn. He also provided his supervisor's name, Bill Davis. When we asked how to proceed without Chris's last name, Jeremy could only provide Chris's agent number, #68698.

This response from Jeremy seems to imply that Chris's claim (that he was restrained from providing his last name via Budget non-authorization), is questionable.

I later learned from another source that Chris's last name is "Osborne" (spl?).

### **Car Rental Return**

Date: 17 September 2010

I returned to the Ithaca Airport at 2:30 pm to check-in with Delta, and to return the Malibu I had rented from Budget. As usual the personnel at the Delta counter, who have serviced my check-in many times, greeted me with their usual friendliness, courtesy and professionalism.

When I arrived at the Budget counter to return the keys and contract, Chris was working. I did not intend nor did I indulge him in any way related to the information described above. I handed him the keys and contract, and indicated the return slot where the Malibu was parked.

Chris was circumspect. He seemed to take an inordinate amount of time processing the return. He then went into an elaborate verbal presentation with a theme focused exclusively at my request for a full-size, how availability is always an issue, how hard he tried to arrange for a full-size, how if he had not been "short-handed" he would have transported "a full-size from Elmira," etc. He then stated that because Budget was not able to provide a full-size, he had applied an "adjustment" of \$50.00. I nodded a gesture of acknowledgement.

\* [http://www.motortrend.com/roadtests/sedans/112\\_0802\\_midsize\\_sedan\\_comparison/index.htm](http://www.motortrend.com/roadtests/sedans/112_0802_midsize_sedan_comparison/index.htm)

## Summary

- ▶ During the two recent Budget rentals in Ithaca, New York I spent nearly \$600.00. I have made another similar reservation for 9-15 October 2010.
- ▶ I no longer believe that there was an altercation between Chris and the Asian customer on 21Aug2010. In retrospect, the customer did not in any way engage Chris regarding the latter's rude, brusque, condescending behavior. (See 'Budget Confirmation #15001734US6L' above.)
- ▶ I did not and still do not believe that any aspect of my communications/patronage was deserving of the treatment and comments I received from "Agent 68698." The completely unsolicited input from a-then complete stranger (Ms. Nya Beaford) that similar experiences/incidents have occurred in the past and are well-known in the local Ithaca area with respect to this Budget employee is shocking.
- ▶ Chris's statement on 11 September 2010 that "*Budget doesn't give us business cards*" is questionable. I cannot recall any rental car counter of recent years that does not openly display, or have available upon-request, employee business cards. In my 41 years experience this standard practice includes all locations, such as the Detroit Metro Airport (Please see Exhibit 1).
- ▶ When I arrived at my home office in Dearborn, Michigan I placed a return-call to a Mr. Bill Davis (315-374-1117), who I had learned earlier was Chris's supervisor. I was informed, for the first time, by Mr. Davis that he had received a 'Customer Service Issue Report' from Chris wherein he makes the claim that I complained forcefully regarding the non-availability of a full-size vehicle. That allegation on Chris's part is utter rubbish, and his report should be interpreted as a vain and perhaps characteristic attempt at preemption. At no time in my 41 years of rental experience have I lodged such a complaint, and I certainly did no such thing during my Budget rental of 11Sep2010. Not even close.

In this specific regard, pusillanimity is also demonstrated by Chris who unilaterally decided to apply an "adjustment" of \$50.00 to my 11-17 September 2010 rental bill, claiming that he was doing so because of "*Budget's lack of a full-size.*" The ploy of using Budget funds to reinforce a fraudulent "Customer Service Issue Report" amounts to a diversion. My exact words to Mr. Davis on this point during our telephone conversation of 20Sep2010 were:

*"I was happy with the \$300 rental of the Malibu if you (Chris /Budget) had just been nice to me... I am not going to engage the man now. At that point, given what I have experienced with him, and what I heard from a completely unknown person to me in the form of Nya Beauford; a very nice young lady by the way Bill . . ."*

Without authorization from his supervisor (Mr. Davis), Chris used \$50.00 of Budget funds in an attempt to ameliorate a service issue that he was solely responsible for, while representing to Budget/Avis management in an official "Customer Service Issue Report" that the problems originated with a (repeat) customer. In my opinion, this abuse of Budget funds is also further evidence of preemption; in this case, a crude in-person attempt to mediate avoidance of this communication/summary.

- ▶ My rental experience of 11Sep2010 at the Ithaca Airport Budget counter with Agent #68698 is the worst I have ever had in 41years of, not just car rental patronage but travel experience as well.
- ▶ References (scores of additional Cornell/Ithaca area references available upon request):

Ms. Nya Beauford (Clarion Hotel, 607-257-2000)  
Ms. Melissa Swartz (Clarion Hotel, 607-257-2000)  
Mr. Jeremy Vaughn (Budget, 607-257-1780)  
Mr. Bill Davis (Budget/Avis, 315-374-1117 or 315-455-9602)



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