



# GALILEO LAW

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## Public Comment on R 2025-04 – Automobile Insurance Appraisal Umpire Registration

To the Office of the Insurance Commissioner:

I write in support of stronger umpire qualification standards in the proposed rule R 2025-04. I practice law in Washington representing vehicle owners in insurance disputes, and my work consistently brings me into contact with both collision repair facilities and insurance company claims practices. My perspective is straightforward: the appraisal process should resolve disputes about the *cost and method of proper vehicle repair*, not tilt toward claim payment reduction.

The current draft rule (WAC 284-20-310) risks creating that imbalance. By weighting experience as an insurance appraiser or adjuster more heavily than direct collision repair expertise, it invites decision-makers who know more about cost containment than about safe and proper repair. As Jeff Butler, a long-standing collision repair expert and public adjuster, has pointed out, repair cost disputes are fundamentally *vehicle repair disputes*, not generic insurance disputes. An umpire without deep training in OEM repair standards, I-CAR qualifications, and practical shop experience cannot fairly determine whether a repair plan is reasonable and necessary. This risks eroding consumer rights and undermining RCW 48.18.620's promise of a balanced appraisal process.

### Illustrative Case Example

The risks of appointing professional insurance adjusters as umpires are not hypothetical. In 2019, GEICO selected a career claims adjuster to serve as its appraiser in a repair dispute worth approximately \$8,000. His conduct illustrates the problem:

- He obstructed the process at every stage, delaying resolution.
- He submitted an appraisal report focused on irrelevant issues, not on whether the repairs complied with OEM standards.
- Despite these tactics, the panel ultimately ruled 100% in the policyholder's favor, confirming that the additional \$8,328.54 repair costs were valid and owed.

The result should have been a simple correction of an underpaid claim. Instead, the consumer was forced to incur approximately \$18,000 in legal, expert, and administrative costs to obtain an \$8,000 award. This imbalance is not an isolated fluke — it is a foreseeable consequence of putting professionals whose careers are built on minimizing claim payouts in charge of determining what is “reasonable and necessary” to safely repair a vehicle.

### Recommendations:

1. **Separate qualification tracks:** Require distinct standards for repairable vehicle disputes and total-loss valuation disputes, as Butler recommends.

2. **Collision-repair expertise requirement:** For repairable vehicles, an umpire should have verifiable background as a repair technician or service advisor, plus OEM and I-CAR training.
3. **Ethics and impartiality safeguards:** Require sworn attestations of good faith and impartiality for each case, and require disclosure of past insurer affiliations to prevent conflicts of interest.

**Legal Policy Concern:**

If OIC allows predominantly insurer-aligned professionals (claims adjusters and market valuation appraisers) to dominate the umpire registry, the appraisal clause will fail to protect consumers. The Legislature enacted RCW 48.18.620 to give policyholders a fair, technical forum to resolve disagreements. That fairness requires neutral experts in proper vehicle repair—not professionals incentivized by claims cost reduction.

**Conclusion:**

I urge OIC to revise R 2025-04 to ensure that registered umpires in repair disputes are drawn from the community of professionals who know how to fix cars correctly, not from the ranks of those trained to minimize claim payouts. Doing so will keep the process balanced, protect consumers, and ensure Washington families receive the safe repairs they are entitled to.

Respectfully,

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