

## MEDIATE THIS !

## THE EXPENSIVE NEW JACKET WITH THE MUSKY ODOR

BY STEVEN P. DINKIN

## Dear Mediator:

I bought an expensive jacket at a high-end boutique to wear to a formal dress affair. It looked brand new; the price tag was attached. After the first half-hour of the event, which was packed, my jacket reeked of musky perfume (which I never wear). I felt so embarrassed that I left early. I called the boutique to complain, and the woman who owns the store begrudgingly offered a refund. Doesn't she owe me an apology?

## Mortified in Scripps Ranch

## Dear Mortified:

A "brand new" garment that stinks on its first outing isn't new. Your jacket had a previous owner, and she is guilty of a retail fraud practice known as "wardrobing": buying an expensive item, wearing or using it once, and returning it for a refund under false pretenses ("It doesn't fit").

In a 2017 National Retail Federation survey, U.S. merchants reported that wardrobing accounts for nearly 40 percent of return fraud cases. Repeat offenders can be cavalier about their habit. They post on fashion blogs that they are simply borrowing something they couldn't afford to buy and wouldn't use a second time. They even offer tips

on reattaching price tags.

In their view, if the item looks as good as new after one use, there's no harm in returning it, right? Wrong. Wardrobers are swindlers, and their victims fall into two categories.

Victimized merchants have launched a counter-assault by tracking customer return patterns, tightening refund policies and pre-emptively tagging costly items (more on that later).

Victimized customers who have paid full price for used items have no formal recourse against perpetrators. In mediation, we look outside formal channels for creative remedies.

Transformative mediation, a branch of our field that empowers parties in conflict, has something to offer you. Launched by Robert A. Baruch Bush and Joseph P. Folger in their award-winning 1994 book, "The Promise of Mediation," it presents an alternative to one-off settlements, like getting a refund for the jacket.

This approach resolves conflicts in deeper and more lasting ways by changing how people interact. No one can undo what happened to you. But the store owner can take action to spare other customers from similar grief. And that could bring you more satisfaction than a rote apology.



GETTY IMAGES

Today's column explains and offers remedies for a form of retail fraud known as "wardrobing."

The owner probably feels that she is being blamed for someone else's infraction. If you approach her as an ally instead of a litigant, she will be more receptive to an outcome that serves everyone's interests, including her other clients.

Schedule a follow-up visit to the boutique, and bring along a friend. Explain to the owner that you and she have both been harmed by this transgression.

Then ask her to consider adopting the retail "best practice" of a stricter refund policy.

Nordstrom has long been a paragon of customer service. The return policy posted on its website is liberal: "We handle returns on a case-by-case basis with the ultimate objective of making our customers happy."

But after too many complaints like yours, the company reviewed sales records and found "a dispro-

portionate number of returns of what appeared to be worn special-occasion dresses and designer items."

Now, pricey Nordstrom apparel comes with bulky anti-fraud tags that must be attached if the buyer seeks a refund. No tag means no money back and no store credit.

In mediation, requests are more effective than demands. Assure the owner you are and will remain a loyal customer. Ask her to consider using anti-wardrobing tags, and suggest that she review her records of garment returns (starting with your jacket).

Curiosity alone will prod her to identify the original buyer. And who knows? Maybe the next time that woman comes in, the owner will engage her in a heart-to-heart talk about shopping karma.

Steven P. Dinkin is a professional mediator who has served as President of the San-Diego based National Conflict Resolution Center since 2003. **Do you have a conflict that needs a resolution?** Please share your story with The Mediator via email at [mediatethis@ncrconline.com](mailto:mediatethis@ncrconline.com) or as an online submission by visiting [www.ncrconline.com/MediateThis](http://www.ncrconline.com/MediateThis). All submissions will be kept anonymous. If you have questions, please email me at [lora.cicalo@sduniontribune.com](mailto:lora.cicalo@sduniontribune.com)

## NOTEBOOKS

From Union-Tribune reporting staff

## ENTERTAINMENT: JIM HEBERT

## 'Some Like It Hot' heads to Broadway

One of the biggest producing outfits on Broadway has announced it's developing a new musical based on the classic movie "Some Like It Hot." And the show has a link to San Diego.

Actually, a whole bunch of them.

Much of the 1959 comedy from director Billy Wilder was, of course, filmed at the Hotel del Coronado, which doubles in the movie as a fictional Miami resort called the Seminole Ritz. (The film stars Jack Lemmon and Tony Curtis as musicians who pose as women while on the run from the mob, and Marilyn Monroe as the singer whom Curtis' character falls for.)

Now the Shubert Organization, which has licensed the rights to the movie from MGM, has tapped a San Diego-bred Broadway all-star — the director-choreographer Casey Nicholaw — to direct the production.

Nicholaw, a Clairemont High School grad who came up through San Diego Junior Theatre and the Old Globe, has been one of the most sought-after directors in New York of late.

At one point he had four shows — "The Book of Mormon," "Something Rotten!," "Aladdin" and "Tuck Everlasting" running on Broadway simultaneously.

Nicholaw won a Tony Award for co-directing "Mormon," and is nominated as both director and choreographer of the currently running "Mean Girls" — another movie-based show — at this year's Tonys, which take place June 10. (His show "The Prom" is set to open at a Shubert theater this fall.)

The "Some Like It Hot" musical, co-produced by Craig Zadan and Neil Meron, will feature a score by Marc Shaiman and Scott Wittman, best-known for "Hairspray" — a show directed by the Globe's artistic director emeritus, Jack O'Brien.

And the show's book is by Matthew Lopez, whose play "Somewhere" had its world premiere at the Globe in 2011; the Balboa Park theater also staged the West Coast premiere of Lopez's "The Whipping Man" in 2010.

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## PUBLIC SAFETY: TERI FIGUEROA

## 100 years ago, riptide took 13 lives

It's been 100 years since one of the worst swimming tragedies in local history, when a massive rip current swallowed 13 people in the water off Ocean Beach.

Another 60 imperiled swimmers were helped to shore. The next day, the San Diego Union reported:

"A crowd of over 5,000 holiday makers looked on from the beach as bathers and rescuers struggled in the surf, powerless except to shout encouragement to those who were risking their lives for those whose strength was being sapped by the undertow."

Further in the story, the paper reported: "As the rescued were brought to the beach, willing hands wrapped them in overcoats and shawls and men and women bent themselves to the task of resuscitation."

That history, plus a half-century of ocean rescues in the region before 1918, is chronicled in a new book that looks at the history of San Diego lifeguards from 1868 to 1941.

The book is titled "Help! San Diego Lifeguards to the Rescue." Its author is Michael T. Martino, who was a lifeguard and became an

Aquatic Specialist for the state's parks department.

A second book, planned for release next year, picks up where the first left off — from 1941 through present day.

The loss of life on May 5, 1918, shaped the future of San Diego's then-4-year-old lifeguard service. After that day, "the city got serious," said former City Councilman Byron Wear.

"That was the calling that 'We have got to do something about this lifeguard service,'" said Wear, who volunteered to oversee the 10-year effort it took to pull together the 150-year history of lifeguarding in San Diego.

Last week, about 300 people gathered in Ocean Beach to mark the tragedy's 100-year anniversary with a ceremony and a paddle out.

"I'm very proud to say that San Diego is the finest lifeguard service in the world," Wear said. "And this drowning that happened 100 years ago changed the way that lifeguarding is done."

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## THE READERS' REPRESENTATIVE: ADRIAN VORE

## The correct time to remove a photo

The U-T receives a lot of take-down requests from people who would like inconvenient, embarrassing or unwanted news from their past removed from the Internet.

Generally, the U-T declines. Editors consider the news to be a daily chronicle of local history; the paper does everything it can to preserve it.

Occasionally, though, someone finds material that was published improperly or spots information that could put someone's safety at risk.

An instance of that happened, and it was flagged earlier this month.

A photo of a sheriff's deputy ran in December in the Ramona Sentinel, one of the U-T's community papers. The picture was taken during a career day at a school. It showed the deputy in his uniform with his two young sons, both wearing uniforms that matched their dad's.

The deputy was unaware the photo appeared online. A law enforcement colleague had noticed it and told him about it.

In an email a couple of weeks ago, the deputy explained that in his line of work, he has contact with criminals who might want to harm his family, and he was worried about his children's safety.

This was a legitimate concern. His children clearly appeared in the photo, and the caption identified them by name.

I reached the Sentinel editor. She agreed and removed the picture.

## The Conversation now a podcast, too

U-T staffers Abby Hamblin and Luis Gomez, who write The Conversation for digital publication, are now producing a podcast of the feature.

The Conversation focuses on timely news that is generating conversation, such as the NFL's policy over the national anthem or California's end of life law.

It appears on the U-T's website and is published via Twitter and Facebook Live. Starting Tuesday, the feature also went to audio with the podcast. A fresh broadcast will be available Monday through Friday. The episodes generally will last between seven and 10 minutes, Gomez said.

"We are tinkering as we go along," he said. "But we hope people walk away with a story or topic that will get them talking. Hearing others talk about a thing helps me listen to details I can grasp, so I hope listeners can experience the same."

The podcasts are available on Apple Podcasts, Stitcher, Soundcloud or on other apps where you can find podcasts. Search for "The Conversation" or "Abby & Luis." You can also listen to them at [sandiegouniontribune.com/podcasts](http://sandiegouniontribune.com/podcasts).

"Luis and I are extremely passionate about getting people interested and engaged with the news, so we see this as another opportunity to connect with our community," Hamblin said. "It's exciting to be a part of this, and I hope the listeners enjoy it."

Hamblin and Gomez welcome feedback through Twitter at @sdutIdeas, or on their personal Twitter accounts at @abbyhamblin and @runglemez. You can also email them at [abby.hamblin@sduniontribune.com](mailto:abby.hamblin@sduniontribune.com) or [luis.gomez@sduniontribune.com](mailto:luis.gomez@sduniontribune.com).

## Domain names were briefly down

A reader called last week to ask if the U-T had disabled its old Internet domain name of [utsandiego.com](http://utsandiego.com). She said links to stories at that address had stopped working.

It was only a temporary problem that has been fixed. All the U-T domain addresses remain active.

The U-T has had several Internet addresses over the years. In 1995, under the Copley family ownership, it began [SignOnSanDiego.com](http://SignOnSanDiego.com), or [sosd.com](http://sosd.com). Under the Doug Manchester ownership, it became [utsandiego.com](http://utsandiego.com). And under the Tronc ownership, it became [sandiegouniontribune.com](http://sandiegouniontribune.com). (I use [sosd.com](http://sosd.com) to call up the U-T's website out of habit and because it's so short.)

Last week, servers were moved, and the old domain names needed to be configured. They were briefly down but now work again.

## 25 degrees off on crumb cake recipe

A reader emailed last week furious over an incorrect temperature in a recipe that appeared in the Food section May 16. At first, I didn't grasp why she was so angry, but as I read her email, I understood.

The recipe was for a Cardamom-Pecan Crumb Cake. The temperature was typed in incorrectly. It read 325. It should have been 350. The reader said all the ingredients went to waste — butter, eggs, sour cream, vanilla and expensive cardamom.

A correction ran Thursday on A2. Section editor Chris Ross will rerun the recipe in Wednesday's Food section with the correct temp of 350.

## FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

## EXPLOSION RIPS CARRIER

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

## Thursday, May 27, 1954

In 1954, explosions rocked the aircraft carrier Bennington off Rhode Island, killing 103 crewmen in one of the worst peacetime disasters in Navy history.

Two ships of the United States Navy have been named Bennington. The first Bennington, a gunboat, blew up in San Diego harbor in 1905, killing 56 men.

Here are the first few paragraphs of the story:

## THREE S.D. MEN KILLED AS EXPLOSION RIPS CARRIER USS BENNINGTON; DEATH TOLL 91

210 INJURED; HELICOPTERS SPEED RESCUE

DISASTER OCCURS IN OPERATIONS 75 MILES OFF NEW ENGLAND

Compiled from The San Diego Union's Wire Services

QUONSET POINT, R.I., May 26—Ninety-one officers and men, including three from the San Diego area, were killed today when an explosion and fire swept the aircraft carrier Bennington while it was 75 miles at sea. The Navy, which announced the casualties, said 201 were injured. The Navy list of dead also contained the name of a former San Diegan.

The carrier, which fought three battles without loss of life in World War II, was cruising through quiet waters off New England when the explosion occurred below decks.

Some members of its 2,300-man crew were lined up for breakfast at the time—6:20 a.m. (3:20 a.m., San Diego time). A flight of 18 jet

fighter planes had just been sent aloft.

The first sign of the explosion was a wisp of smoke and a muffled blast, survivors said. Seconds later alarm bells sounded and fire control and rescue parties sponged down ladders into the smoking interior of the ship.

With the fires under control, the 35,000-ton carrier made its way slowly to port here and dead and injured were taken ashore.

## 'COPTERS MOVE INJURED

Helicopters took off approximately 60 of the more seriously injured as the carrier moved toward port. These injured were landed near the Newport Naval hospital,



where two floors had been cleared for them.

Face-blackened crewmen, oxygen masks hung over their shoulders, lined the deck when the carrier docked. Scores of ambulances and stretchers waited to remove additional injured to hospitals.

The Bennington was commanded by a San Diegan, Capt. W.F. Raborn Jr. His senior medical officer, Cmdr. Clyde Norman, also is a San Diegan. Capt. Raborn commended

Norman's heroism in caring for the injured.

The cause of the explosion was undetermined. Capt. Raborn said the explosion occurred in the forward part of the ship on the second or third deck.

## BLAST AT MAGAZINE

"The best information is that it occurred possibly at the five-inch fuse magazine," he told reporters after the carrier docked.

The Navy first announced 110 persons had been killed and 150 injured. Subsequently it revised the toll to 89 dead and 201 injured, and finally announced the deaths totaled 91. In revising the toll, the Navy said the death total might increase.

The Bennington, which was commissioned in 1944, left Norfolk, Va., Monday to rendezvous with a task force apparently off New England. The task force was to take Naval Academy midshipmen on an annual training cruise.

A radio bulletin from the carrier gave first word of the tragedy.

Helicopters whipped out over the ocean to the carrier, picking up the most critically injured and returning them to Newport.

## LAND ON LAWN

They landed on the hospital lawns, on parking lots and on Newport streets cleared of traffic for emergency use. On the outbound trips, they carried extra doctors and nurses and emergency medical supplies, including large stocks of blood for transfusions.

The destroyer Potter stood by in Narragansett Bay, ready to race to the Bennington if more help was necessary.

ONLINE: View this and other anniversary front pages online at [sandiegouniontribune.com/150-years](http://sandiegouniontribune.com/150-years).