



My Child's Camp

CANCELED

Can I Get A REFUND?

by Damon Miller

When you signed your kids up for summer camp earlier this year, you hoped to have some respite with your spouse this summer. Now, however, it is going on three months, and the kids are camping out at home instead of at summer camp.

Not only are kids still stuck at home, but many parents also find themselves out of work, and lots of camps are canceling due to COVID-19. **This leaves many parents asking, "If my child's summer camp got canceled, can I get a refund?"** While most people believe they should be entitled to a refund if they do not get what they paid for, the answer is not as clear-cut as it may seem.

The Coronavirus and Impossibility of Performance

When you paid for summer camp, a contract was created. Generally, for you to get your money back, the summer camp must either breach the contract or the contract needs to be voided. **Even though the summer camp was not at fault when it said "closed due to virus," then, generally speaking, that contract is void and a refund is owed.** The classic example of this legal principle is from an old common law case we all studied in law school called *Taylor v. Caldwell*, decided in 1863. In that case, the plaintiff signed a contract to rent a music hall, but unfortunately the music hall burned to the ground before he could use the space. The court decided that where a contract was impossible to perform due to no fault of either party (i.e. an "Act of God"), then that contract was voided and does not need to be fulfilled by either side.

So, can they keep your money because the contract was labeled "no refunds?" Probably not.

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Letter to the Editor



Ben,

I have seen a couple of recipes for fried rice in your newsletter. Growing up, my family had several Chinese restaurants, and my brother currently runs one. Based on my personal experience and what professional Chinese chefs have told me, it is best to refrigerate rice overnight before frying. Fresh rice can easily turn to mush, and even if you can avoid that, the texture after frying is different than if the rice is a day old. In China, fried rice was originally a way to eat leftovers

Try it yourself, and if you agree, add that suggestion to your recipes.

Lastly, a reminder that I will be available for the CRM presentation, which we discussed, when our lockdown rules permit physical meetings. I really enjoy the meetings, and I think you are providing a great service.

David Lee

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My Child's Camp Canceled, Can I Get A Refund?

While some camp contracts might seem “ironclad,” in most cases, the contract is not going to be specific enough to allow a summer camp to withhold a refund when they say, “We aren’t going to open.” On the other hand, if the camp is going to be open but you choose, for safety reasons, not to send your child, the camp will probably be able to keep your money.

In most cases, the contract is not going to be specific enough to allow a summer camp to withhold a refund when they say, “We aren’t going to open.”

Even if your summer camp does not have to provide a refund, that does not mean that you should not ask, in writing, even if the contract says “no refunds.” Many summer camps may opt to provide refunds for a host of business reasons.

If the summer camp refuses to honor your refund request, an option is to contact your credit card company or PayPal to cancel the payment or dispute the charge. If you scheduled the payments to be made in installments, be sure to also cancel any scheduled future payments. If all else fails, you can always file a complaint with the Better Business Bureau (BBB) or, in some cases, the Federal Trade Commission (FTC) or relevant agency.

If you are a Ben Glass Law VIP member, we would be happy to review your contract for you, for free. ■

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Become a free VIP member by visiting www.BenGlassLawVIP.com or by calling our office. Benefits include:

- Free Simple Wills, Contracts, and Small Business Documents
- Free Family and Small Business Contract Review
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- Free Entry into BenGlassLaw Contests



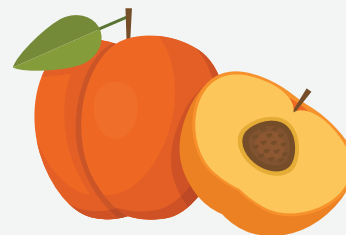
It is our mission to equip Virginians with everything they need to navigate their legal situations and make great decisions. Join the BenGlassLaw VIP Program today and let us impress you. ■

BGL's Best Bites: PEACH COBBLER



Jarissa

I grew up in the South and peach cobbler always felt like a summer staple. When I transitioned to a vegan diet a couple years ago, I found myself missing familiar Southern desserts. I like making this non-dairy cobbler because it tastes just like a traditional peach cobbler!



Prep Time 15 minutes • Cook Time 45 minutes • Total Time 1 hour • Serves: 8

Ingredients:

1/3 cup vegan butter

For the Peach Filling

2 1/2 pounds ripe peaches
(about 5 large peaches), peeled
and sliced

2/3 cup organic sugar

1 teaspoon ground cinnamon

1/4 teaspoon salt

For the Batter

1 1/4 cups all-purpose flour

3/4 cup organic granulated
sugar

2 teaspoons baking powder

1/4 teaspoon salt

1 cup unflavored and
unsweetened non-dairy milk

1 teaspoon vanilla extract

Directions:

- 1 Preheat the oven to 350°F.
- 2 Place the butter into a 2-quart baking dish, then place the dish in the oven while it preheats, to melt the butter.
- 3 To make the filling, stir the peaches, sugar, cinnamon, and salt together in a medium saucepan and set it over medium heat.
- 4 Heat the mixture, stirring occasionally, until the peaches begin to soften up and release their juices, about 5 minutes.
- 5 Remove the pot from heat and set it aside while you make the batter.
- 6 To make the batter, stir the flour, sugar, baking powder, and salt together in a large mixing bowl.
- 7 In a separate bowl or liquid measuring cup, stir together the milk and vanilla.
- 8 Add the milk mixture to the flour mixture and stir just until completely mixed.
- 9 Pour the batter into the baking dish with the melted butter, then spread the peach mixture over the batter.
- 10 Place the dish in the oven and bake until the peach mixture is very bubbly and the batter is set and lightly browned in spots, about 40 minutes.
- 11 Remove the dish from the oven and transfer it to a cooling rack. Allow it to cool until just warm before serving. The peaches will set as it cools.
- 12 Scoop the cobbler into bowls or onto plates. Serve alone or with a scoop of vegan vanilla ice cream. ■

Enjoy!

Reminder About Our Firm's Communication Policy

Our promise to you is that while we are working on your case, we don't take inbound phone calls, faxes or emails. Ben Glass takes no inbound unscheduled phone calls whatsoever. It makes him much more productive and helps get your case resolved faster. You can always call the office at 703-544-7876 and schedule an in-person or phone appointment, usually within 24-48 hours. This is a lot better than the endless game of "phone tag" played by most businesses today. Remember, too, that email is "quick," but is checked no more than twice a day. Replies are then scheduled into the calendar. So if it's really important, don't email—call the office instead.

This publication is intended to educate the general public about personal injury, ERISA disability, and small business issues. It is not intended to be legal advice. Every case is different. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

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FRESH EPISODES OF THE **LIVELIFEBIG** PODCAST!



**Ben Glass with Bridget Snyderup -
Communications Coordinator - Food For Others**

Bridget Snyderup, communications coordinator at the nonprofit organization Food for Others in Fairfax, Virginia, stopped by to chat with me.

Food for Others is an important part of Northern Virginia's safety net for those needing food when an emergency strikes and for the growing number of working poor who need to supplement their inadequate food supplies.

Food for Others obtains much of its food through food rescue operations and food drives. Staff and volunteers pick up good food that would have been discarded by local grocery stores and other retail food establishments. The food is brought to the warehouse for temporary storage, including refrigeration as appropriate. Food drives provide the majority of non-perishable food.

Local merchants, the USDA, food drives, and crop harvests provide the food; volunteers and staff provide the hands; and charitable contributions and fundraising events provide the funds. Charitable contributions are a major part of Food for Others' budget.

Check out this episode to find out how you can help them with their mission to help those in need! Find the LiveLifeBig podcast on streaming services and YouTube. Please share! ■



WHAT ARE WE CELEBRATING, ANYWAY?

by Ben Glass

We celebrate the 4th of July this month. Independence Day. We've fought (and continue to fight) wars to preserve those freedoms.

I'd suggest reading a bit of American history this month, particularly to learn something about what it was that people left Europe to create in what became the United States. I think when you do you'll find that America really was a new idea – an idea that the individual, not the monarch, was sovereign – that you had a right to live your own life and to pursue your own happiness first. Once the purpose was decided, the form of government became all-important: a government that had as its primary purpose the preservation of individual rights against both the government itself and also against the will of the majority.

I think a lot of people forget (or perhaps never learned) what it means to have a “right” to something. To have a “right” to something means that you are free to think for yourself and to act on those thoughts, as long as your actions do not violate the right of others to act on their own thoughts. That's all. It's not that complicated!

So, let's see what “to have a right to something” means in real life:

- 1 To apply for a job** and to be considered without consideration of race, religious belief, sex or sexual preference, etc., but you have no right to a job at any particular rate of pay.
- 2 To keep yourself healthy and fit** using methods that you choose, but you have no right to demand that anyone else pay or otherwise provide for your health care except an insurance company with whom you have a contract.
- 3 To buy a home** without any regard to race, creed, etc., but you have no right to force anyone to take a risk on you by way of a mortgage.
- 4 To continually educate yourself** at a price you can afford, but you have no right to force anyone else to pay for that education or to teach you yourselves.
- 5 To speak your mind** and to try to persuade others to join your cause, but you have no right to call on the government to use its force to shut up someone with whom you disagree.

- 6 To borrow money** on terms and at rates that you and the lender agree to, but you have no right to force someone to loan you money on your terms.
- 7 To offer your product or service** to the market at a price you decide, but you have no right to call on the force of government to thwart another's right to provide their product or service to the market, even if it would put you out of business.

No matter which political party or candidate you find yourself aligning with, you will see a lot of promises made of “free stuff” as we approach November. Reject any such nonsense and always ask yourself: *If this idea is so good, why does anyone need to use the force of government to get it to happen?*

By the way—if you disagree, I'd love to hear from you. Our Live Life Big podcast studio is back open for open and honest discussion of ideas. I am right about this; you know I'm right. ■

THE DAVE RUBIN BOOK IDEA WAS A HIT

Last month I offered Dave Rubin's new book, “Don't Burn This Book,” as a free gift to readers of the Ben Glass Law newsletter.

Wow. Got a lot more requests than the 10 we offered, so we bought some more and mailed 20. As I am writing this, I've got two more sitting on my desk. Email me (Ben@BenGlassLaw.com) and I'll send you one. Watch out for my next free book offer. ■

BOOKS I'M READING RIGHT NOW

- ***The War of Art: Break Through the Blocks and Win Your Inner Creative Battles***
- ***Unmasked: How to Hire the Ones You Won't Want to Fire***
- ***There's a Customer Born Every Minute: P.T. Barnum's Secrets to Business Success***
- ***So Who is John Galt Anyway? A Reader's Guide to Ayn Rand's “Atlas Shrugged”***
- ***How Innovation Works and Why It Flourishes in Freedom*** ■

SMALL BUSINESS TIP:

Do You Have a Customer Dissatisfaction Department? These Companies Do:

by Ben Glass

- **Wells Fargo Bank** – tried to open up an additional account for one of my businesses. Wells Fargo uses DocuSign “as a convenience so you don’t have to come into the branch.” Problem is the document they send over requires them to text me a code, but the only phone number they want to text to is my main business number. I email four times, and they finally call and leave a number where I can call them back. I do, but hang up after 16 minutes of being on hold.
- **United HealthCare** – the worst customer care ever as they continually have demonstrated they don’t even read (because they have a computer that reads) claim forms. It doesn’t even matter if you get a live person on the phone who agrees that you have submitted everything you need to submit and tells you the claim will be paid, the computer doesn’t care. We’ve sued them once already this year (and “won,” but their computers are still in control), and we’ll be firing them as our firm’s health insurance plan at the end of the year. Note: if you are insured with United HealthCare under a group plan and you are getting the run around, let me know how we can help you.
- **Morgan Stanley** – we are long-time customers (20 years) but getting someone to call back and answer questions is...well, it just doesn’t happen. They didn’t even notice when we moved all of our retirement account money that we had with them to another firm! Not a call, email or even a peep. It’s no wonder discount brokers are killing them.

What’s my point here? If you run a small (or even a big, but most of my readers who run business are not running Wells Fargo/UHC/Morgan Stanley big) business, you have a tremendous advantage over these idiots. **All you have to do is provide a level of customer service that beats them, and the bar is low!!!** ■



MY ONE REQUEST

If you like this newsletter and the work that we do to promote the good in our world, then please go to Google and leave us a review. Just search for “reviews for Ben Glass Law.” We want people to know that we will try to help them and that we are not like most law firms. You don’t need to have been a paying client to say, “Ben Glass and his team will try to help you.”

Thanks so much! As I write this, we are just short of 100 reviews on Google. Will you be #100??? ■

We Get Questions

One of our readers, Paul, asks:

What does it take to become an entrepreneur?

I’m curious what you would say to somebody who wants to be an entrepreneur and start their own business but is too hung up on the risks and can’t bring themselves to take the plunge. Does it take a certain optimistic mindset? Can pessimists make successful entrepreneurs as well?



Ben says:

I do think that it takes an optimistic mindset to start a business and be successful. The successful entrepreneurs I know have not “taken a plunge” as much as they have executed on a well thought-out plan. Planning is cheap. Diving in can be really expensive. *Things that I have found helpful are:*

A willingness to invest in myself—both in learning new substantive information and in changing the way I think about the world.

A willingness to do the hard work. Too many people just want to get away from a bad boss and then find they have done nothing more than create a different job for themselves.

Understanding the difference between risk and recklessness. Risk is saying, “I’ve studied hard how to get this thing running, and I understand there are certain things that I may have no control over, and I’m good with that.” Recklessness is not studying enough. For example, if I was thinking about starting a restaurant in a location where the last three restaurants failed within two years of opening, I’d move heaven and earth to find the owners and interview them to figure out what they learned from the experience. To do otherwise would be foolish. ■

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