



**THE COMMONWEALTH OF MASSACHUSETTS
AUTO DAMAGE APPRAISER LICENSING BOARD**

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Minutes of Meeting

January 23, 2013

**Auto Damage Appraisers Licensing Board
Division of Insurance, Boston, MA**

Members Present:

Gilbert Cox, Chairman
Carl Garcia
David Krupa
Joseph Coyne
Thomas McClements

Proceeding Recorded By:

P. Abdelmaseh (audio and visual)
J. Gausten (audio)

Review and Approve November 27, 2012 Minutes

Motion made by J. Coyne to accept November 27, 2012 minutes
Motion seconded by D. Krupa
4-0 Vote to accept

Review and Approve November 27, 2012 Executive Minutes

Motion made by J. Coyne to accept November 27, 2012 Executive Session minutes
Motion seconded by D. Krupa
4-0 Vote to accept

Report on Part II Exam

There was a Part II Exam on January 15, with 30 of the applicants passing and 11 failing.
The next two exams will be April 2 and July 30

December 2012 Correspondence from Attorney James Castleman

Deputy Commissioner and General Counsel, Robert Whitney presented the Board with a letter addressing the issues brought by The Alliance of Automotive Service Providers of Massachusetts, Inc. on ADALB Complaint 2012-03 and, in pertinent part, came to the following conclusions:

“In its complaint, the AASP appears to be arguing that the provision in 212 CMR 2.04 that states that an appraiser “shall personally inspect the damaged motor vehicle,” requires that an appraiser be *physically* present in the repair shop in order to be able to conduct an appraisal. See February 7, 2012, Letter at 3. The Division, however, recognizes that the availability of online, real time digital video and photographs can permit the reliable and accurate transmission of information about the damage to motor vehicle to an appraiser who is in a remote location and who is not physically present beside the damaged vehicle during the inspection. Therefore, the Division concludes that an appraiser is permitted under 212 CMR 2.04, to conduct a personal inspection of a damaged vehicle from a remote location under certain circumstances, and does not need to be *physically* present in the repair shop where the vehicle is located.”

Mr. Whitney noted that the Division of Insurance had been in communication with representatives of MetLife, who have agreed to amend the existing MetLife Direct Payment Plan so as to provide for a remote appraisal process utilizing one or both of the “personal inspection” methods described in Mr. Whitney’s letter, and MetLife will then submit the amended plan to the Division for review and approval.

T. McClements presented the Board with a memo that stated the following:

- Metlife over applied when they submitted their application for PASS Program.
- After reviewing 211 CMR 123, Mr. McClements believes that the omission is deliberate because any correspondence regarding the conduct of licensed appraisers in the Commonwealth would have to come before the Auto Damage Licensing Board (“The Board”).
- If 211 CMR 123 had any defining language regarding the conduct of appraisers in Massachusetts it would be in direct conflict with MGL c. 26, §8G.
- If Metlife had any questions regarding the proper conduct of appraisers in the Commonwealth, they should ask The Board.

C. Garcia presented the Board with his notes from the previous meeting that included the following questions:

- If a licensed appraiser did a physical inspection of a vehicle, can another appraiser change the appraiser’s interpretation of the damage without a vehicle inspect?
- If there new technology out there that should take precedent over a others?
- Should desk review estimates be limited under a certain dollar amount?

The Division has been in communication with MetLife, who have agreed to amend the existing Direct Payment Plan.

C. Garcia made motion to table discussion until next meeting

Seconded by T. McClements

4-0 Vote

Next two (2) meetings to be held at Division of Insurance on February 27 and April 23 at 9:30 a.m.

New Glass Law

Discussion about the new Glass Law has been tabled until the next meeting

Prometric Examination Workshop

The Prometric Examination Workshop will take place on May 21.

D. Krupa made motion to adjourn meeting

Seconded by C. Garcia

4-0 Vote

C. Garcia, J. Coyne, D. Krupa, T. McClements voted in the affirmative

Seconded by C. Garcia

5-0 Vote

C. Garcia, D. Krupa, T. McClements, G. Cox, and J. Coyne voted in the affirmative

Motion to Adjourn 5-0

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