



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

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DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

GILBERT W. COX, JR.  
CHAIRMAN

CARL GARCIA  
DAVID KRUPA  
JOSEPH COYNE  
THOMAS MCCLEMENTS

**Minutes of Meeting**

May 8, 2012

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

**Members Present:**

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

No members were absent.

**Proceeding Recorded By:**

P. Abdelmaseh (audio and visual)  
T. Colo (audio and visual)  
J. Colsten (audio and visual)

**Review and Approve March 20, 2012 Minutes**

Motion made by J. Coyne to accept March 20, 2012 minutes. Motion seconded by C. Garcia. Discussion was then had amongst the members. After the conclusion of the discussion, the Chair called for a vote on the motion. The vote was five in favor of the motion, no votes in the negative, and no abstentions.

**Report on Licenses**

The Board then discussed that there are 5,064 Active Auto Damage Appraiser Licenses, with no appraisers in a renewal state. Annual Renewal letters were mailed to all appraisers on Friday, May 4, 2012

### **Discussion on next Part II Licensing Exam**

The Board next discussed that the next Part II Exam will take place on Thursday, May 17 at The Taunton Inn in Taunton, MA. Additionally, an exam is scheduled for July 31.

### **Correspondence from Attorney Jim Castleman**

The Board then discussed four letters that had been received from Attorney Castleman ("Castleman") requesting that the Board review various issues that the Alliance of Automotive Service Providers of Massachusetts, Inc. ("AASPM") has with MetLife's "Direct Pay Plan" automobile insurance plan:

#### **Letter 1: Request to grant immunity to an unnamed potential witness in a hypothetical complaint against MetLife's "Direct Pay Plan"**

G. Cox noted that the Board does not have the authority to give "immunity" to a potential unknown witness because it cannot set up a "fictitious person." Castleman opined that the person is afraid to file a complaint because of possibility of losing his auto damage appraiser license. C. Garcia stated, "We (the Board) has shown in the past a willingness to work with appraisers." After further discussion, the Board determined that no further action needed to be taken with respect to this letter.

#### **Letter 2: Public Records Request for a copy of Counsel to the Board, Bob Kelly's memorandum from the March 20, 2012 ADALB Meeting**

Castleman acknowledged that he had received a copy of Bob Kelly's memo on April 27, 2012. Upon this acknowledgement, the Board determined that no further action needed to be taken with respect to this letter.

#### **Letter 3: Request for reconsideration of Board's determination that ADALB Complaint No. 2012-03 was not within the Boards jurisdiction**

G. Cox noted that the Board made no formal determination with respect to the issue of the Board's jurisdiction; at its last meeting, the Board had simply determined that it would take no action on the complaint, and instead on the advice of Board Counsel, the Board referred the Complaint to the Division of Insurance for review and further action, if any pursuant to the Board rules.

Castleman then asked the Board to consider referring the complaint to the Office of Attorney General ("AG"). C. Garcia stated the matter had been already referred to the Division of Insurance, and that the Board would revisit the issue if necessary at a later time. After further discussion, the Board determined that no further action needed to be taken with respect to this letter.

**Letter 4: Request that the Board issue an Advisory Ruling on the validity of MetLife's Direct Payment Plan**

Division of Insurance General Counsel, R. Whitney stated that the Board should not issue any advisory ruling on the matter as it had already been referred to the Division of Insurance for further action, inasmuch as the complaint was directed against an insurer and not against any named appraiser. In response to the statement by Castleman that the MetLife appraisers are acting at the direction of MetLife, an insurer, R. Whitney noted that Board Rule 212 CMR 2.05 provided that any alleged violation of 212 CMR 2.00 by a licensed appraiser "at the direction of an insurer" may be reported to Division of Insurance, which may impose applicable penalties against such an insurer. R. Whitney stated that: "When a company advises appraisers to do something illegally, the Commissioner and AG have the power to discipline those companies."

Castleman argued that these are "huge issues" that his client AASPM is facing and asked the Board to again consider issuing an advisory ruling. C. Garcia noted that "General Counsel Whitney told us that it has been brought to attention of the Commissioner and it is now up to the Commissioner and AG". R. Whitney then suggested that the Board table any further discussion about the issuing of an advisory opinion as the complaint at issue is under review by the Division of Insurance.

Motion was then made by G. Cox to table any further discussions about the complaint and the question of issuing an advisory opinion as the matter was under review by the Division of Insurance. Motion seconded by J. Coyne. Discussion was then had amongst the members. After the conclusion of the discussion, the Chair called for a vote on the motion. The vote was five in favor of the motion, no votes in the negative, and no abstentions.

**After brief discussion, the Board set its next public meeting to be held 6/19/12 at Division of Insurance at 9:30 a.m.**

Motion by G. Cox to go into Executive Session to discuss the reputation, and character of a pending license applicants. Seconded by J. Coyne. Discussion was then had amongst the members. After the conclusion of the discussion, the Chair called for a vote on the motion. The vote was five in favor of the motion, no votes in the negative, and no abstentions.

Motion made by D. Krupa to adjourn Executive Session. The Chair called for a vote, and the motion to adjourn was approved by acclamation.