

(DRAFT) Minutes of March 16, 2005 ADALB Meeting held in Marlboro, MA

Present were: Chairman Gilbert Cox; Walter Thomas, Donald Spinelli, Bruce King
Richard A. Cody, Esq. and Yvonne Torres

Approved
4/13/05
9:15 am
4-0

Approval of Minutes

Motion by Don Spinelli to accept minutes of prior meeting held on
December 22, 2004. Seconded by Walter Thomas. Passed by unanimous vote. 3-0.

Report on licenses

Richard Cody reported:

5,110 Active Licenses

203 New Applications

8 Pending Renewal

1 Temporary License

63 individuals passed Part I as of and are waiting to take Part II

10 retakes for Part I

Informal Hearings -

2004-04 – Complaint against Robert W. Grubb

*This hearing was recorded by Commerce using audio/video
and by Thomas Colo using audio.

Summary: Thomas Colo filed complaint against the above independent appraiser
for an improper appraisal. Mr. Grubb's attorney filed a motion to dismiss complaint
for failure to state a complaint under 212 CMR.

The complaint was discussed at length with both parties and Walter Thomas moved
to approve McCue's motion to dismiss; Bruce King seconded; Motion failed - 2-1,
Spinelli against; Cox voted to make a tie. The matter was further discussed and
after breaking down the appraisals in question, Don Spinelli moved to dismiss the
matter; Bruce seconded 3-0 vote. Matter disposed.

2004-05 – Complaint against Ronald Burke, Steve Wilson and Cosimo Arrigo

Summary: Mr. Stella of Center Auto Body alleged that the above appraisers
violated the Board's regulation of 212 CMR 2.04(1) (e) by refusing to allow his
documentation showing how he arrived at the cost of paint and materials.

Motion by Bruce King that Mr. Wilson was wrong and should have used the Mitchell
guide or other form of documentation. Seconded by Walter Thomas; 2-1 vote,
Spinelli against

A 1998 ADALB advisory ruling was read that clarifies the language with respect to
refinishing materials in 212 CMR 2.04(1)(e). The Board requested that this ruling be
re-circulated. The cost of paint and material was further discussed and the Board
agreed that either shop or insurer can initiate the move from dollars time hours to a
published manual or other form of documentation and that the other party cannot
refuse to recognize the request or would be considered in violation of 212 and that
the initiator has the right to decide whether to use manual or other form of
documentation. Bruce King moved that this complaint be dismissed but that 212
CMR 2.04 (1) (e) regulation must be adhered to and failure to comply will result in

license suspension, fine and/or other penalty to involved parties for any future violations. 3-0 unanimous

A vote was taken and the matter was dismissed. 3-0 unanimous vote.

Motion by King that complaint against Ronald Burke not go to formal hearing; Spinelli seconds. Passed 3-0.

Motion by King to dismiss complaint against Wilson. Passed 2-1, Thomas against.

Motion by King to dismiss complaint against Arrigo. Passed 2-1, Thomas against

Next Meeting Date

Wednesday, April 13, 2005

New Complaints

2004-06 Complaint against Barry Copplesonte by Roger Walling

Spinelli makes a motion to have informal hearing on both complaints

Walter Thomas seconds

3-0 unanimous

2004-07 Complaint against John's Collision by Cynthia Popp

Bruce King moved to dismiss. Not an issue for the Board. The matter will be referred to the Attorney General's office. Passed 3-0

2004-08 – Complaint against Steve Giordano & Kevin Demers by Carol A. Walsh
Spinelli recuses from voting on this matter. Motion by Thomas that this matter be held until next meeting for consideration before a full Board.

King seconds. 3-0 vote

Old Business

Complaint 2004-01 was disposed. A status of relocation was given by Hallmark Adjustment Company.

Topics of Discussion

- Request by appraiser to have his licensed reassigned to his deceased father's license number. Don moves to approve. King seconds. Passed 3-0.
- Request from Progressive for temporary licenses. Denied.
- Request for Mr. Odenback for temporary license. Denied.
- Letter from Mr. DePippo re: Experior Test. The Board requested that Ms. Torres obtain Experior's pass/fail ratio
- Paintless Dent Repair. Richard Cody will give an opinion at the next meeting.

Executive Session

The Board took a roll call to go into executive session. Spinelli moved to go into Executive Session; Bruce King seconded. Passed 3-0.