



Maura Healey
GOVERNOR

Kim Driscoll
LIEUTENANT GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS AUTO DAMAGE APPRAISER LICENSING BOARD

One Federal Street, Boston, MA 02110
(617) 521-7794 • FAX (617) 521-7475
TTY/TDD (617) 521-7490
<http://www.mass.gov/doi>

DONALD E. d'ENTREMONT, CHAIRMAN
WILLIAM E. JOHNSON
PETER SMITH
CARL GARCIA
VICKY WEI YE

Minutes of the Meeting of the Board held on March 4, 2026, and approved at the Board Meeting held on May 12, 2026; Motion of Board Member William Johnson, Seconded by Board Member Carl Garcia. The Motion Passed by a Vote of: 5-0.

Minutes of the Board Meeting held on March 4, 2026

The Auto Damage Appraiser Licensing Board (ADALB or Board) held a meeting on March 4, 2026, at One Federal Street, Boston, Massachusetts.

Members Present:

Donald E. d'Entremont
William Johnson
Peter Smith
Carl Garcia
Vicky Ye

Attending to the Board:

Michael D. Powers, Counsel to the Board

Call to order:

Chairman Donald d'Entremont called the meeting to order at 11:00AM with a roll call vote, all Members responded present. Chair d'Entremont introduced himself as the newly appointed Chair (appointed by the Commissioner of the Division of Insurance). He summarized his background, with 34 years federal service, chief of litigation, and extensive regulatory experience, Chairman d'Entremont thanked former Chairman Michael Donovan for his service, noted Mr. Donovan's serious health challenges, and asked that he be kept in the Board's thoughts. The consensus of the Board was that it was appropriate to send a **thank-you letter** to former Chairman Michael Donovan for his many years of dedicated voluntary service to the citizens of the Commonwealth.

Chairman d'Entremont summarized the Massachusetts Open Meeting law protocols such as the rules for members of the public, decorum, and specifically that members of the public were only allowed to speak at the Chair's discretion. He noted that an executive session would be held at the end of the public meeting for a permissible statutory purpose and that he would allow public comments at the end of the meeting, before the Board entered the executive session with a guideline of 5 minutes per speaker.

Approval of the Board minutes for the Board meeting held on December 11, 2026:

Chairman d'Entremont requested a motion to approve the minutes of the December 11, 2026, meeting, Board Member William Johnson made the motion, and the motion was seconded by Board Member Carl Garcia. The motion passed by a Vote of: 5-0.

Chairman d'Entremont asked that those recording the proceedings to identify themselves and state with whom they were affiliated. Those responding to the Chairman's request: James Steere of The Hanover Insurance Company, and Evangelous "Lucky" Papageorg of the Alliance of Automotive Service Providers of Massachusetts (AASP/MA). Those in attendance included Lucky Papageorg, AASP/MA Executive Director, and Don Dowling, AASP/MA Secretary, and owner of Marblehead Collision, Doug Begin Vice President of Mass Auto Body Association, and Larry Bacchus and Ed Jankowski from Mapfre Insurance. Other insurance professionals present included Jim Steere of The Hanover Insurance Company, Parker Riley of Progressive Insurance, Joe Coyne, Principal of Home and Auto Appraisal Bureau, Paul Lashua and Willie Hicks of Hicks Auto Body, Steven Gelman of Grace Quality Used Cars, along with several unknown members of the public.

Report by Board Member Peter Smith on the Part-II examination for motor vehicle damage appraiser:

Board Member Peter Smith reported that there were about 29 applicants for the examination and the Board generally schedules the Part-II examination when the list reaches 30 and said that they would be looking to schedule the next examination at the end of March 2026. Board Member Smith concluded that he was working on scheduling the venue and date and he would coordinate with Board Members Garcia and Johnson; either Board Members Garcia or Johnson would attend to assist in proctoring the examination.

Proposed amendments to the Board's "Guidelines for ADALB Complaint Procedures":

The proposed amendments and revisions to the Board's Guidelines for ADALB Complaint Procedures were the following:

Guidelines and Procedures for ADALB Applications for Complaints and Formal Complaints.

Procedures for Complaints Filed Against Licensed Motor Vehicle Damage Appraisers

(1) Review by the Board Authorized by the Enabling Act. The Auto Damage Appraiser Licensing Board (ADALB or Board) has adopted "Guidelines and Procedures for ADALB Application for Complaints and Formal Complaints" (Complaint Procedures) for reviewing applications for complaints filed against licensed motor vehicle damage appraisers (appraiser), in accordance with the enabling act establishing the ADALB. After an application for a complaint filed against an appraiser is received by the Board alleging an appraiser violated the ADALB's enabling act M.G. L. c. 26, § 8G and/or regulation 212 CMR 2.00 et seq. as provided for in the ADALB's "Application for Complaint", it is assigned a serial number prefixed by the year the Board reviews the application for complaint for purposes of tracking the Complaint.

(2) Basis of Complaints. Application for complaints filed against licensed appraisers must be based on misconduct stated in the Board's enabling act M.G.L. c. 26, §8G, which is the following:

[when] an appraiser pleads guilty to or is convicted of a fraudulent automobile damage report as a result of a court judgment and said license shall not be reinstated or renewed nor shall said person be relicensed. The board, after due notice and hearing, shall cancel for a period not exceeding one year, any license issued by it to, and cancel the registration of, any person who has been shown at such hearing to have been guilty of fraud, deceit, gross negligence, incompetence or misconduct or conflict of interest in the preparation or completion of any motor vehicle damage report, or that the holder of such license has permitted or suffered his official seal to be affixed to any auto damage report not prepared by him. ...

An Application for Complaint will contain all documentary evidence to support the complaint with all relevant documents including witness statements, if any, and any evidence corroborating the Complaint.

(3) Review of Application for Complaints. To prevent the waste of valuable time and unnecessary expenses appraisers would be compelled to incur in responding to groundless application for complaints, the Board may conduct a preliminary review of a complaint. During the course of a review, at any time the Board may determine to dismiss an application for a complaint with or without prejudice due to lack of jurisdiction, based on frivolous allegations, lack of sufficient evidence, lack of legal merit or factual basis, finding of no violation, withdrawal of a an application for complaint, subsequent compliance with statutes and/or regulations, or other basis. An application for complaint is dismissed whenever the Board reviews an application for complaint, and a motion is made to dismiss, and the motion receives a majority vote of the Board to dismiss or whenever a motion does not receive a majority of votes to move a application for complaint forward to the next step, or a motion to dismiss does not receive a majority of votes (upon a tie vote of the Board an application for complaint is dismissed).

(a) Preliminary Review and Screening of Application for Complaints. During a preliminary review of an application for complaint, to screen out applications for complaints that do not contain facts to establish a prima facie violation of the Board's enabling act or regulation, the appraiser is not notified of the filing of the application for complaint and such review is conducted in the public session of the Board, wherein the Board does not identify the appraiser and/or their employer. The Board discusses the underlying facts, documents, or other evidence stated in the application for complaint and decides whether to dismiss or proceed to one of the next steps in the Board's Complaint Procedures.

(b) Next Steps in the Application for Complaint Procedures. If after conducting a preliminary review of an application for complaint the Board does not dismiss it, the Board moves to another step in the procedure. The Board can: (1) notify the person filing the application for complaint to provide additional information; (2) send a copy of an application for complaint to an appraiser and request a written response; and (3) notify the appraiser that he is required to appear at a following meeting of the Board.

(c) Notification to Appraiser to Appear Before the Board. In the event the Board decides to require an appraiser to appear before the Board, the Board will notify the appraiser and

allow the appraiser the option of appearing during an executive session of the Board or public session. During this phase of the Board's review an appraiser is entitled to all the protections provided by M.G.L. c. 30A, §21(a)(1) that he/she has a right: whether to have the discussion of the matter heard during the public session of the Board meeting, or during the executive session of the Board meeting to which the public is not allowed to attend; to speak on his/her own behalf; to have an attorney or representative of his/her choosing attend the Board meeting to advise him/her at own expense but the attorney or representative will not be allowed to participate at the Board meeting; and to create an independent record by audio-recording or transcription of the executive session of the meeting at his/her expense. Aside from an individual's right to participate in a discussion about that individual, participation of other people during an executive session is within the Board's discretion. See the Office of Attorney General's Decisions on the Open Meeting Law OML2013-141, OML 2019-159, and M.G.L. c. 30A, § 20(g). Thereafter, a copy of the notice to the appraiser and application for complaint is forwarded to the members of the Board and placed on the agenda for a following Board meeting.

(d) Effect of Appraiser's Failure to Appear. In the event the appraiser fails to appear at the Board meeting, the Board may notify the appraiser that he/she will be considered in default. An appraiser will be given an opportunity to establish a good reason for his/her failure to appear at the initial scheduled meeting on the application for complaint. If the appraiser does not provide a good reason for failing to appear, the Board may vote on issuing an Order to Show Cause pursuant to M.G.L. c. 30A against the appraiser.

(4) Formal Complaint Filed Against Appraisers and Public Hearing. If the Board decides to conduct a public hearing, it will proceed with a notice to the appraiser informing the appraiser of the reason, date, time, and place of the hearing. After the Board decides to proceed, it may prepare an Order to Show Cause and forward it to the Office of the General Counsel for the Division of Insurance for assignment of an enforcement counsel who will prosecute the matter. The Board may forego sending an Order to Show to the Division of Insurance and notify the appraiser to appear at a hearing to answer the grounds filed against the appraiser with the reasons, time, and date of the hearing. The Board shall conduct the hearing in accordance with the State Administrative Procedures Act and the Standard Adjudicatory Rules of Practice and Procedure set forth in M.G.L. c. 30A and 801 CMR 1.00 et seq. The Board may conduct these proceedings by teleconference or video conference with written notice sent to the appraiser. The Board may hear the matter as a full body or appoint one member of the Board as Presiding Officer in accordance with the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00. If the full Board chooses to hear the Formal Complaint, the Chair of the Board, or in his/her absence the Board member with most seniority based on length of service as a member of the Board, will oversee the conduct of the hearing, administer oaths or affirmations to witnesses, declare final decisions about objections to evidence, resolve issues about procedure, and maintain the decorum of the hearing. Legal Counsel to the Board shall act as clerk of the administrative hearing, maintain exhibits and other documents filed during the hearing, provide counsel to the Board on any legal issues that arise during the course of the hearing, draft legal rulings and the final decision for the Board's approval. After a hearing is held, if the Board rules in favor of an appraiser the complaint will be dismissed. If the Board rules against an appraiser the Board can discipline an appraiser, including, but not limited to, issuing a written reprimand, require an appraiser to retake the examination, suspend or

revoke an appraiser's license in accordance with the Board's enabling act. If the Board decides to issue discipline, the Board will notify the Insurance Producer Section of the Division of Insurance, which will make a notation in the appraiser's license file with the discipline imposed and reason for it.

(5) Licensed Appraisers Convicted of a Fraudulent Appraisal or Final Judgment for Fraud. In the event an appraiser is convicted or pleads guilty to a fraudulent automobile damage report, or a final judgment is entered against an appraiser for a fraudulent appraisal or fraud during the course of an appraiser's duties writing an appraisal, the Board may forego a preliminary review and send a copy of the court documents to the appraiser and hold a public hearing, which will include the reason for the hearing, date, time, and place of the hearing.

(6) Administrative Penalties. The Board may impose penalties including administrative costs, revocation or suspension of license or both. All administrative costs assessed are subject to the discretion of the Board but may not be excessive. The administrative costs may be assessed against the appraiser, the appraiser's employer, the insurer, or the repair shop as provided for under M.G.L. c. 26, § 8G and 212 CMR 2.00 et seq.

(7) Appeal of the Board's Final Decision. A final decision rendered by the Board at the conclusion of any hearing may be appealed by an appraiser. If the Board imposes discipline, the appraiser may file an appeal in accordance with M.G.L. c. 30A, §14 by filing an appeal with the superior court within 30 days of receiving the decision of the Board.

(8) Duty of Licensed Motor Vehicle Damage Appraisers. All licensed motor vehicle damage appraisers are required to read the Complaint Procedures, the Auto Damage Appraiser Licensing Board's enabling act, M.G.L. c. 26 § 8G, the Board's Regulation 212 CMR 2.00, and to be knowledgeable about all of the provisions contained therein.

(9) Severability. If any section or provision of these Guidelines for Complaint Procedures or application of these sections or provisions are found to be contrary to law, the remaining sections, provisions, and the remaining applications of these sections and provisions will, nonetheless, continue in full force and effect as provided for by law.

Chairman d'Entremont requested Board Legal Counsel Michael D. Powers to provide an overview. Legal Counsel Powers informed the Board that the amendments and revisions mirror the Board's enabling statute [M.G.L. c. 26 §8G] and codifies existing practices, including the language that provides a 2-2 tie vote which results in the dismissal of an application for a complaint. Legal Counsel Powers explained some sections were outdated, such as the current section 1, which was adopted to address the COVID-19 emergency when the Board could not meet in a public setting, only met by telephonic conference call, and needed to address the backlog of application for complaints. Another section that allows for mediation hadn't been used by the Board in several years and another section for designating a Board Member to conduct a hearing had never been used by the Board. He stated that the amendments and revisions would be promptly posted on the ADALB's website to clearly state the practices of the Board.

Chairman d'Entremont called for a motion to adopt the proposed changes as written and read and Board Member Peter Smith made the motion, which was seconded by Board Member Vicky Ye. The motion was passed by a Vote of: 4-1, with Board Member Johnson voting against.

Discussion about the Auto Body Labor Rate Advisory Board (Advisory Board) created under Governor Healey’s “Mass Leads Act” Section 292 of Chapter 238 of the acts of 2024:

Chairman d’Entremont requested Board Legal Counsel Michael D. Powers, Co-Chair of the Advisory Board, provide a report about the recently issued report. Co-Chair Powers reported that the Legislature enacted law at the end of 2024 as part of the Governor’s “Mass. Leads Act” which he read and is the following:

There is hereby established an auto body labor rate advisory board to address any issues related to auto body labor rates. The advisory board shall consist of: 1 person appointed by the commissioner of insurance, who shall serve as co-chair; 1 person appointed by the attorney general, who shall serve as co-chair; 1 person appointed by the director of standards; 3 persons selected from the auto insurance industry by the Automobile Insurers Bureau of Massachusetts; 3 persons selected from the auto repair industry from different geographic regions of the commonwealth by the Alliance of Automotive Service Providers of Massachusetts, Inc.; 1 person selected by the Massachusetts State Automobile Dealers Association, Inc; 1 person selected by the Massachusetts Association of Insurance Agents, Inc.; and 3 persons to be appointed by the co-chairs, 1 of whom shall be from a consumer advocacy group, 1 of whom shall be from a group representing the business community and 1 of whom shall be an economist with expertise on the insurance industry.

The advisory board shall be responsible for creating, implementing and overseeing a survey given to relevant auto body shops. The advisory board shall collect industry data including, but not limited to: (i) labor rates in neighboring states; (ii) auto body shop costs; (iii) total labor costs; (iv) inflation data; (v) work force data; (vi) vocational-technical school trends; (vii) insurance premiums; and (viii) any additional information as requested by the advisory board. The results of the survey and the data collected shall be reviewed and analyzed by the advisory board.

Not later than December 31, 2025, the advisory board shall make recommendations to the division of insurance for a fair and equitable labor rate and file a report of its findings, conclusions and recommendations with the clerks of the senate and house of representatives, the joint committee on financial services, the senate and house committees on ways and means and the division of insurance.

Advisory Board Co-Chair Powers reported on the progress made by the Advisory Board which was established to report recommendations to the Division of Insurance for a fair and equitable labor rate and file a report of its findings, conclusions, and recommendations with the clerks of the senate and house of representatives, the joint committee on financial services, the senate and house committees on ways and means and the division of insurance. Advisory Board Co-Chair Powers said that at the meeting held on December 22, 2025, the Members of the Advisory Board voted to adopt the final report which included recommendations made by various members of the Advisory Board and he forwarded the final report to the Division of Insurance and Legislature

before the end of the year as required by the law. Mr. Powers pointed out that there were several excellent recommendations made by the Advisory Board Members representing the Auto Body repair industry, such as Brian Bernard’s recommendation, the owner of Total Care Accident Repair Service of Raynam, Matt Ciaschini’s recommendation, owner of Full Tilt Auto Body & Collision of West Hatfield, and Rick Starbard’s recommendation, owner of Rick’s Auto Collision in Revere. Co-Chair Powers stated that the final report was a Blue-Ribbon first-class report that took several weeks to draft utilizing attorneys in the Office of the Attorney General and staff members at the Division of Insurance. The Co-Chairs and staff members worked late into the night and through the weekends editing and revising the final report and the report has already been acknowledged nationally by several references in a report issued by the State of Vermont on December 30, 2025. Mr. Powers said that ADALB Board Member Bill Johnson submitted a recommendation to the Advisory Board, and it is posted on the Advisory Board’s website, which was so well written that the drafters of the Advisory Board’s report included Mr. Johnson’s comments in the final report. Mr. Powers pointed out that Board Member Johnson is highly regarded in the towing industry in Massachusetts, is a member of the Towing Association’s Hall of Fame and he is highly regarded in the auto body industry as owner of several businesses including a motor vehicle mechanical repair business and auto body shop business. Advisory Board Co-Chair Powers concluded that the next step is up to the Legislature to review the report, attached recommendations, and to take whatever action they deem necessary.

Proposed amendments to the ADALB’s Regulation 212 CMR 2.00 et seq:

Review of proposed amendments to the ADALB’s Regulation, 212 CMR 2.00 et seq. The newly constituted Board, with new Board Members Chairman Donald T. d’Entremont, Carl Garcia and Vicky Ye and Peter Smith (reappointed) appointed by Governor Maura Healey, will consider proposed amendments to the Board’s Regulation 212 CMR 2.00 et seq. Board Member Peter Smith read the proposed amendments that were approved by the Board at previous meetings. The proposed amendments are the following:

212 CMR 2.00: Auto Damage Appraisers Licensing Board
The Appraisal and Repair of Damaged Motor Vehicles

Additions and Deletions

Reflecting amendments approved by the Board through **September 25, 2025** and final amendments adopted on **March 4, 2026**

Additions are underlined; deletions are shown by strikethrough.

212 CMR 2.00: AUTO DAMAGE APPRAISERS LICENSING BOARD
THE APPRAISAL AND REPAIR OF DAMAGED MOTOR VEHICLES

Section

2.01: Scope of Regulations

- 2.02: Licensing Requirements and Applicable Standards ~~for Appraisers~~
- 2.03: Duties of Insurers and Repairers
- 2.04: Procedures for the Conduct of Appraisers and Intensified Appraisals
- 2.05: Penalties
- 2.06: Severability

2.01: Scope of Regulations

(1) Purpose and Applicability. The purpose of 212 CMR 2.00 is to promote the public welfare and safety by improving the quality and economy of the appraisal and repair of damaged motor vehicles. Any licensed appraiser, individual or corporate entity who employs licensed appraisers shall be bound by 212 CMR 2.00.

212 CMR 2.00 is intended to be read in conjunction with 211 CMR 133.00, Standards for the Repair of Damaged Motor Vehicles.

(2) Authority. 212 CMR 2.00 is promulgated under the authority granted to the Auto Damage Appraiser Licensing Board by M.G.L. c. 26, § 8G, as added by St. 1981, c. 775, § 1.

(3) The Board may from time to time issue Advisory Rulings and shall do so in compliance with M.G.L. c. 30A, § 8.

(4) Definitions.

Appraisal - means a ~~written~~ motor vehicle damage report prepared by an appraiser licensed by the Board, on forms approved by the Board, and conducted as defined in M.G.L. c. 26, 8G and in compliance with the provisions of 212 CMR 2.00, M.G.L. c. 93A, c. 100A, c. 90, § 34R, and c. 26, § 8G.

Appraiser - means any person licensed by the Auto Damage Appraiser Licensing Board to evaluate motor vehicle damage and determine the cost of parts and labor required to repair the motor vehicle damage.

Board - means the Auto Damage Appraiser Licensing Board established by M.G.L. c. 26, § 8G.

Claimant - means any person making a claim for damage to a motor vehicle for either first or third party damages.

Independent appraiser - means any appraiser other than a staff appraiser who makes appraisals under an assignment by an insurer, or repair shop, and shall include the owner or employee of a repair shop who makes appraisals under a contract with an insurer.

Insurer - means any insurance company involved with a claim in the Commonwealth.

Intensified appraisal - means the combination of the appraisal of a motor vehicle before its repair and the reinspection of the vehicle subsequent to its repair.

Staff Appraiser - means an appraiser who is an employee of an insurer and whose job duties include the making of appraisals for his or her [employer](#).

Repair Shop – means a motor vehicle repair shop registered pursuant to the requirements of [M.G.L. c.100A](#)

Supervisory appraisal - means an appraisal conducted by an insurance company, [repair shop](#), or appraisal company supervisor solely for the purpose of evaluating the appraisal ability of one of his or her appraiser employees or for the purpose of providing on-the-job training of an appraiser employee.

2.02: Licensing Requirements and Standards for Appraisers

(1) Requirement That License Be Obtained and Displayed.

No person in Massachusetts shall appraise or estimate damages to motor vehicles or otherwise present himself or herself as an appraiser unless he or she has first obtained a license from the ~~Auto Damage Appraiser Licensing~~ Board. This license shall be valid for one year or less and shall be renewed annually on July 1st. Any appraiser, while making an appraisal, shall carry his or her license and shall, upon request, display it to any person involved in the claim or to any representative of the Board.

(2) Qualifications for a License. Any applicant for a license shall be 18 years of age or over and of good moral character. He or she shall furnish satisfactory proof to the Board that he or she possesses the educational qualifications required for graduation from high school or that he or she possesses relevant work experience deemed satisfactory by the Board. No applicant shall be considered competent unless the applicant has assisted in the preparation of appraisals for at least three months under the close supervision of ~~an~~ [licensed](#) appraiser. He or she shall complete an approved appraisal course or, at the Board's discretion, work experience may be substituted for said schooling.

(3) Application and Examination Fee for a License. Any applicant for a license shall complete an application to be prescribed by the Board and shall sign it under the penalties of perjury. ~~He or she shall submit this application and non-refundable fee of \$100 to the Board.~~ [All appraiser license applications and related examination fees are processed electronically online as directed by the Division of Insurance. Each online application shall be accompanied by a non-refundable application fee as directed by the Division of Insurance plus the applicable processing fee.](#) After an application is received and approved, the applicant shall be required to pass an examination given under the supervision of the Board. All successful applicants will be issued a numbered license. Any applicant failing to pass an examination, upon the payment of a further non-refundable fee ~~of \$50.00~~ [as directed by the Division of Insurance](#), shall be entitled to a reexamination after the expiration of six months from the date of the last examination. Any applicant failing to pass an examination shall be allowed to review his or her examination.

(4) Renewal of License. ~~The Board shall mail to each licensed appraiser an application for renewal. Such application shall be completed and returned to the Board. Each application~~

~~shall be accompanied by a renewal fee of \$50.00.~~ All licensed appraisers are responsible for requesting electronic renewal of their license. All appraiser license renewals and related renewal fees are processed electronically online as directed by the Division of Insurance. Each online renewal application shall be accompanied by a non-refundable renewal fee as directed by the Division of Insurance plus the applicable processing fee. After verification of the facts stated on the renewal application, the Board shall issue a renewal license dated July ~~first~~ 1st, and this license shall expire on ~~the June thirtieth~~ 30th of the year following. Once successfully renewed, licenses can be printed by the licensee online as directed by the Division of Insurance. Any ~~licensed~~ appraiser who fails to renew his or her license prior to ~~within 60 days after notification by the Board of~~ his or her license expiration date, before again engaging in the practice of an licensed appraiser within the Commonwealth, shall be required to re-register, pay a penalty fee determined by the Board and any back license fees, or may be required by the Board to be reexamined and pay applicable fees.

(a) Duty to Disclose on Renewal Application: Upon renewal, each licensed appraiser has a duty to provide truthful and complete answers to all questions on the Board-approved renewal application.

- (i) A licensed appraiser's failure to disclose any administrative action, criminal conviction, civil judgment, or any other information required by the renewal application, or the submission of false, deceptive, or misleading information, shall constitute professional misconduct and be grounds for disciplinary license action by the Board.
- (ii) Upon receipt of a renewal application that contains a disclosure of adverse information or upon receipt of other evidence indicating a potential violation of this section, which the Board deems material, the Board shall provide the licensee with notice and an opportunity for a hearing in accordance with M.G.L. c. 30A and 801 CMR 1.00 et seq.
- (iii) After a hearing, or waiver thereof, if the Board finds that the licensee has committed a violation of this section or has been subject to discipline or a judgment that warrants action, the Board may impose one or more of the following sanctions:

- (a.) Refuse to renew the license;
- (b.) Revoke, suspend, or place the license on probation;
- (c.) Issue a letter of reprimand or censure;
- (d.) Require the licensee to complete additional continuing education;
- (e.) Require the licensee to retake and pass the written examination;
- (f.) Assess a fine or administrative costs; or
- (g.) Take such other action as may be permitted by law and as the Board deems to be in the public interest.

(5) Procedure for **Auto Damage** Appraisals.

- (a) All **non-database paper estimate** forms used for **auto damage original and supplementary** appraisals must be approved by the Board.
- (b) All **forms original and supplementary appraisals, including those originating from an electronic data system (i.e., Motors, Mitchell, or any automated appraisal system), forms used** are required to have an itemization of parts, labor and services necessary, as **required in 212 CMR 2.00**, for repairs thereof. The prepared appraisal shall be sworn to under the penalties of

perjury and shall have the following information printed on the first page of the appraisal: the appraiser's name, signature, license number, seal or stamp, employer, insurer insurance company, repair shop registration number when the appraisal is prepared by an appraiser on behalf of a repair shop if applicable, fee charged, the date the vehicle was appraised and the name of the database manual used (if any) in preparing the appraisal. ~~The appraisal seal or stamp shall be of a design approved by the Board. All appraisals sent electronically need not include the appraiser's signature and his or her seal or stamp.~~

(c) All original and supplementary appraisals prepared on forms not generated from an electronic database or an automated appraisal system shall meet all of the requirements prescribed in 212 CMR 2.02(5)(a) and 212 CMR 2.02(5)(b) and shall include the appraiser's signature, with the appraiser's seal or stamp affixed thereto. The appraisal seal or stamp shall be of a design approved by the Board. Transmission of an appraisal electronically by the authoring appraiser shall constitute the appraiser's electronic signature.

(6) Schedule of Appraisal Fees.

(a) The Board may consider the appraisal fees charged within the territories where said appraiser operates. Any appraiser shall establish his or her own fee schedule unless limited by the Board. Any appraiser must post his or her appraisal fee schedule in a conspicuous location at his or her work place. The Board may establish a maximum schedule of fees by territory, type of business or complexity of work. Fees charged in excess of maximums approved by the Board shall result in penalties as established by the Board.

(b) Fees paid by a claimant for an appraisal that was requested by the insurer are recoverable from the insurer. Fees for ~~auto damage~~ appraisals not requested by the insurer in first party claims are not recoverable from the insurer.

(7) Conflict of Interest.

(a) It shall be a conflict of interest for any appraiser who has been assigned to write an appraisal, appraise a damaged motor vehicle to accept, in connection with that appraisal, anything of value from any source other than the assignor of that appraisal. Further, it shall be a conflict of interest for any appraiser employed by a repair shop to accept the assignment of an appraisal from an insurer unless that appraiser's employment contract prohibits the repair shop from repairing damaged motor vehicles that have been so appraised. In addition, it shall be a conflict of interest for any appraiser who owns or has an interest in a repair shop to have a vehicle repaired at that shop if that appraiser has appraised that vehicle at the request of an insurer. It shall be a conflict of interest if any licensed appraiser operates a Drive-in Appraisal Service.

(b) Pursuant to 212 CMR 2.01(2), 212 CMR 2.00 is promulgated under the authority granted by the legislature to the Auto Damage Appraiser Licensing Board by M.G.L. c. 26, § 8G, as added by St. 1981, c. 775, § 1. M.G.L. c. 26 § 8G states in relevant part, "There shall be in the division of insurance an auto damage appraiser licensing board, hereinafter called the board, consisting of four persons to be appointed by the governor, two of whom shall be affiliated with the auto body repair industry, and two of whom shall be affiliated with insurance companies writing casualty insurance within the commonwealth, and one person to be appointed by the commissioner of insurance who shall not be affiliated with either the auto body industry or the insurance industry and who shall be the chairman of the board...." By mandating that 4 out of the 5 board members

be affiliated with the auto body industry and automobile insurance industry and the 5th member not being so affiliated, the legislature acknowledged that there was an inherent conflict of interest in such a legally constituted board: that the 4 affiliated board members would represent the interests of their respective industries. Therefore, board members shall be able to participate and vote on matters that could involve the industry they are affiliated with so long as they or their immediate family members do not have a direct financial interest in the outcome of the matter. However, if a board member finds they or an immediate family member have a prohibited financial interest in a particular matter that comes before them as a board member (for example, a dispute directly concerning the company a board member is employed by or has an ownership interest in) that board member must abstain from that matter. See Massachusetts State Ethics Commission decision EC-COI-94-1.

(8) Revocation or Suspension of a License. The Board, after due notice and hearing, shall revoke any appraiser's license issued by it and cancel the registration of any person who either pleads guilty to or is convicted of a fraudulent appraisal as a result of a court judgement. In accordance with M.G.L. c. 26, § 8G, said license shall not be reinstated or renewed nor shall said person be relicensed. The Board may ~~revoke or~~ suspend any appraiser's license at any time for a period not exceeding one year if the Board finds, after a hearing, that the individual is either not competent or not trustworthy or has committed fraud, deceit, gross negligence, misconduct, or conflict of interest in the preparation of any appraisal ~~motor vehicle damage report~~. The following acts or practices by any appraiser are among those that may be considered as grounds for revocation or suspension of an appraiser's license:

- (a) material misrepresentations knowingly or negligently made in an application for a license or for its renewal;
- (b) material misrepresentations knowingly or negligently made to an owner of a damaged motor vehicle or to a repair shop regarding the terms or effect of any contract of insurance;
- (c) the arrangement of unfair and or unreasonable settlements offered to claimants under collision, limited collision, comprehensive, or property damage liability coverages;
- (d) the causation or facilitation of the overpayment by an insurer of a claim made under collision, limited collision, comprehensive, or property damage liability coverage as a result of an inaccurate appraisal;
- (e) the refusal by any appraiser, who owns or is employed by a repair shop, to allow an appraiser assigned by an insurer access to that repair shop for the purpose of making an appraisal, supervisory reinspection, or intensified appraisal.
- (f) the commission of any criminal act related to appraisals, or any felonious act, which results in final conviction;
- (g) knowingly preparing an appraisal that itemizes damage to a motor vehicle that does not exist; ~~and;~~
- (h) Conducting an audio recording of a licensed appraiser without providing proper notice to the person being recorded. Conspicuous signage indicating that audio or video recording may occur in areas where surveillance or recording devices are present shall constitute proper notice under this section; and;
- (i) failure to comply with 212 CMR 2.00.

(9) Drive-in Claim and Appraisal Facilities. Drive-in claim and appraisal facilities shall possess

the following equipment:

- (a) Operating telephone service.
- (b) A calculator.
- (c) Current collision, paint and body cost estimating guides ~~manuals~~ or an automated system.
- (d) An operating flash light.
- (e) A tape measure of at least 30 feet.
- (f) An operating camera and film.
- (g) A fax machine or other device capable of transmitting data.

2.03: Duties of Insurers and Repairers

- (1) Responsibilities for Actions of Appraisers. An insurer or repair shop shall be responsible for the actions of ~~all of its~~ the appraisers working on their behalf ~~whether staff or independent~~, and shall be subject to the applicable penalties under law for any violation of 212 CMR 2.00 by its appraiser.

The Board may assess penalties against either the appraiser, the insurer, the repair shop or all three. In the event of default by the appraiser, the insurer or the repair shop may be responsible for penalties.

- (2) Records and Analysis of Appraisals. Every ~~insurer or repair shop~~ appraiser shall retain for at least two years, copies of all records related to appraisals and inspection. Every insurer shall retain copies of all records including photographs in accordance with state law.

2.04: Procedures for the Conduct of Appraisals and Intensified Appraisals

- (1) Conduct of Appraisals.

(a) Assignment of an Appraiser. Upon receipt by an insurer or its agent of an oral or written claim for damage resulting from a motor vehicle accident, theft, or other incident for which an insurer may be liable, the insurer shall assign an appraiser to write an appraisal ~~appraise the damage~~. Assignment of an appraiser shall be made within two business days of the receipt of such claim. However, the insurer may exclude any claim for which the amount of loss, ~~less any applicable deductible~~, is less than \$2,500.00.

(b) Repair Shop Appraisal. All repair shops shall maintain one or more licensed appraisers in their employment for the purpose of preparing an motor vehicle damage-appraisals and conducting negotiations. No ~~staff or independent~~ appraiser shall knowingly negotiate a repair figure with an unlicensed individual or an unregistered repair shop.

(c) Contact with Claimant and Selection of Repair Shop. No staff or independent appraiser, insurer, representative of insurer, or employer of ~~an a staff or~~ independent appraiser shall refer the claimant to or away from any specific repair shop or require that repairs be made by a specific repair shop or individual. The provisions of 212 CMR 2.04(c) shall not apply to any approved direct payment plan pursuant to 211 CMR 123.00.

(d) Requirement of Personal Inspection and Photographs. The appraiser shall personally inspect the damaged motor vehicle and shall rely primarily on that personal inspection in making the

appraisal. As part of the inspection, the appraiser shall also photograph each of the damaged areas.

(e) Determination of Damage and Cost of Repairs.

The appraiser shall specify all damage attributable to the accident, theft, or other incident in question and shall also specify any unrelated damage. If the appraiser determines that preliminary work or repairs would significantly improve the accuracy of the appraisal, he or she shall authorize the preliminary work repair with the approval of the claimant and shall complete the appraisal after that work has been done. The appraisers representing the **insurer insurance company** and the **registered** repair shop selected by the insured to do the repair shall attempt to agree on the estimated cost for such repairs. The **registered** repair shop must prepare an appraisal for the purpose of negotiation. No appraiser shall modify any published **manual database or electronic data system** (i.e., Motors, Mitchell or any automated appraisal system) without prior negotiation between the parties. Manufacturers **recommended warranty** repair procedures, I-Car, Tec Cor and paint manufacturer procedures may also apply. **However, The selection of parts shall comply with 211 CMR 133.00 and 212 CMR 2.00.** Further, no appraiser shall use more than one **manual database** or system for the sole purpose of gaining an advantage in the negotiation process.

If, while in the performance of his or her duties as an **licensed auto damage** appraiser, an appraiser recognizes that a damaged repairable vehicle has incurred damage that would impair the operational safety of the vehicle, the appraiser shall immediately notify the owner of said vehicle that the vehicle may be unsafe to drive.

The **licensed auto damage** appraiser shall also comply with the requirements of M.G.L. c. 26, § 8G, the paragraph that pertains to the removal of a vehicle's safety inspection sticker in certain situations.

The appraiser shall determine which parts are to be used in the repair process. ~~in accordance with 211 CMR 133.00.~~ Determination of parts shall comply with 211 CMR 133.00 and 212 CMR 2.00. The appraiser shall recognize that certain parts, including but not limited to: used suspension and steering parts that contain wearable components may affect the operational safety of the vehicle.

When an insurance company specifies the use of used, rebuilt or aftermarket parts, in keeping with the provisions of 211 CMR 133.04 and these parts are later determined by both parties to be unfit for the use in the repair, the insurance company shall be responsible for replacement costs such as freight and handling unless the repair shop is responsible for the part(s) being unfit, or unless the insurer and repairer otherwise agree. The agreed upon costs shall not be considered an overhead expense for the repair shop and may be listed on the appraisal. Nothing in 212 CMR 2.00 shall preclude an insurer from exercising any available rights of recovery against the supplier.

The appraiser shall itemize the cost of all parts, labor, materials, and necessary procedures required to restore the vehicle to pre-accident condition and shall total such items. Delays in repair cycle time shall be considered when sourcing parts and materials. The rental cost of frame/unibody fixtures necessary to effectively repair a damaged vehicle shall be shown on the appraisal and shall not be considered overhead costs of the repair shop. With respect to paint, paint materials, body materials and related materials, if the formula of dollars times hours is not accepted by an **registered repair shop or licensed** appraiser, then a published manual database

or other documentation shall be used unless otherwise negotiated between the parties. All appraisals written under 212 CMR 2.00 shall include the cost of replacing broken or damaged glass within the appraisal.

When there is glass breakage that is the result of damage to the structural housing of the glass then the cost of replacing the glass must be included in the appraisal in accordance with 212 CMR 2.04. The total cost of repairing the damage shall be computed by adding any applicable sales tax payable on the cost of replacement parts and other materials. The appraiser shall record the cost of repairing any unrelated damage on a separate report or clearly segregated on the appraisal unless the unrelated damage is in the area of repair.

If aftermarket parts are specified in any appraisal, the appraiser shall also comply with the requirements of M.G.L. c. 90, § 34R that pertain to the notice that must be given to the owner of a damaged motor vehicle.

The appraiser representing the insurer shall mail, fax or electronically ~~submit~~ ~~transmit~~ the completed appraisal within five business days of the assignment, or at the discretion of the repair shop, shall leave a signed copy of field notes, with the completed appraisal to be mailed, faxed or electronically submitted within five business days of the assignment. The repair shop may also require a completed appraisal at the time the vehicle is viewed. If the repair shop requires a completed appraisal, then the repair shop shall make available desk space, phone facilities, calculator and the necessary manuals published database. A reasonable extension of time is permissible when intervening circumstances such as the need for preliminary work, repairs or partial disassembly repairs; severe illness, failure of the parties ~~other than the insurer~~ to communicate or cooperate, or extreme weather conditions make timely inspection of the vehicle and completion of the appraisal impossible.

(f) Determination of Total Loss. Whenever the appraised cost of repair plus the estimated salvage may be reasonably expected to exceed the actual cash value of a vehicle, the insurer may deem that vehicle a total loss. No motor vehicle may be deemed a total loss unless it has been personally inspected ~~or and~~ appraised by an licensed appraiser nor shall any such motor vehicle be moved to a holding area without the consent of the owner. A total loss shall not be determined by the use of any percentage formula.

(g) Preparation and Distribution of Appraisal Form. All appraisers shall set forth the information compiled during the appraisal on a form that has been filed with the Board. Staff and independent appraisers shall, upon completion of the appraisal, give copies of the completed appraisal form to the claimant, the insurer, and the repair shop and shall give related photographs to the insurer.

(h) Supplemental Appraisals. If a ~~registered~~ repair shop or claimant, after commencing repairs, discovers additional damaged parts or damage that could not have been reasonably anticipated at the time of the appraisal, either may request a supplementary appraisal. The ~~registered appraiser~~ representing the repair shop shall complete a supplemental appraisal prior to making the request. The insurer shall assign an appraiser who shall personally inspect the damaged vehicle within ~~two~~ three business days of the receipt of such request. The appraiser representing the insurer shall have the option to leave a completed copy of the supplement appraisal at the registered repair shop authorized by the insured or leave a signed copy of his or her field notes with the completed supplement to be mailed, faxed, electronically ~~submitted~~ ~~transmitted~~ or hand delivered to the repair shop within one business day. A reasonable extension of time is permissible when intervening circumstances such as the need for preliminary work, repairs or partial disassembly repairs; severe illness, failure of the parties ~~other than the insurer~~ to

communicate or cooperate, or extreme weather conditions make timely inspections of the vehicle and completion of the supplemental appraisal impossible.

(i) Expedited Supplemental Appraisals. If an insurer, a repair shop and the claimant agree to utilize an expedited supplemental appraisal process, an insurer shall not be required to assign an appraiser to personally inspect the damaged vehicle. In such event, the repair shop shall fax or electronically submit to the insurer a request for a supplemental appraisal allowance in the form of an itemized supplemental appraisal of the additional cost to complete the repair of the damaged vehicle, prepared by an appraiser representing the repair shop ~~licensed appraiser employed by the repair shop~~, together with such supporting information and documentation as may be agreed upon between the appraiser representing the insurer and the appraiser representing the repair shop. The appraiser representing the insurer shall then be required to fax or electronically submit to the repair shop ~~within one two business days~~ its decision as to whether it accepts the requested supplemental appraisal allowance, by the end of the next business day, excluding weekends and holidays. Within this same period, ~~an licensed~~ appraiser representing the insurer and an ~~licensed~~ appraiser representing the repair shop may attempt to agree upon any differences. In the event that an insurer does not accept the repair shop's request for the supplemental appraisal allowance, or if the insurer fails to respond to the repair shop ~~within two business days~~, by the end of the next business day, excluding weekends and holidays, the appraiser representing the insurer and the appraiser representing the repair shop shall be obligated to proceed in accordance with 212 CMR 2.04(1)(h), and within the time limits set forth in such provision. In such event, the date of the initial request for a supplemental appraisal allowance shall be the starting date for when the insurer must assign an appraiser to personally inspect the damaged vehicle.

No insurer or repair shop shall be obligated to utilize an expedited supplemental appraisal process and the determination of whether to utilize such process shall be made separately by an insurer or by a repair shop only on an individual claim basis. Utilization of an expedited supplemental appraisal process shall not be used as a criterion by an insurer in determining the insurer's choice of shops for a referral repair shop program under an insurer's direct payment plan; and being a referral shop shall not be a criterion in determining whether to utilize an expedited supplemental appraisal process.

(j) Completed Work Claim Form. If the insurer insurance company does not have a direct payment plan or if the owner of the vehicle chooses not to accept payment under a direct payment plan, then a representative of the insurer shall provide the insured with a completed work claim form and instructions for its completion and submission to the insurer.

(2) Temporary Licensing. The Board may grant at its discretion either an emergency or a temporary license to any qualified individual to alleviate a catastrophic or emergency situation for up to 60 days. If such an event occurs ten or more business days prior to the next scheduled Board meeting and the Board determines that temporary licensure is warranted, the Chairman of the Board, or the Chairman's designee, is authorized to consider the issuance of a temporary license for up to 60 days, provided that all of the following conditions are met:

(1) the applicant completes and submits an Application for Motor Vehicle Damage Appraiser License;

(2) the applicant submits a written request for a temporary license, together with supporting documentation, to the Massachusetts Division of Insurance at the address listed on the application;

- (3) an applicant who is licensed as a motor vehicle damage appraiser in another state shall provide evidence of such licensure with the request;
- (4) an applicant employed as a motor vehicle damage appraiser in a state that does not require licensure shall provide a written statement from their employer specifying the length of the applicant's employment and summarizing the applicant's current duties, responsibilities, and qualifications;
- (5) if applicable, the applicant shall affirm that any out-of-state licensure is in good standing and shall consent to verification of licensure status through the insurance licensing database maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries; and
- (6) the applicant pays the applicable license fee as directed by the Massachusetts Division of Insurance, together with any administrative costs.

Copies of all such applications and temporary licenses issued by the Chairman or the Chairman's designed shall be submitted for the Board's review at its next scheduled Board meeting. After review, the Board may revoke or limit the extent of any such emergency authorization if the Board finds such applicant does not conform to the requirements of 212 CMR 2.04 (2), or the Board otherwise determines that a person who was issued a temporary license is not qualified to hold such license. The Board, at its discretion, may limit the extent of all such emergency authorizations that are issued by the Board, the Chairman, or the Chairman's designee. and in any event, if the situation exceeds 30 days, a fee determined by the Board shall be charged for all emergency or temporary licenses.

2.05: Penalties

~~(4)~~ Violations of M.G.L. c. 26, § 8G, and 212 CMR 2.00 may result in penalties including administrative costs, revocation or suspension of license or both. All administrative costs are subject to the discretion of the Board. The administrative costs may be assessed against the appraiser, the appraiser's employer, the insurer, or the repair shop. An alleged violation of 212 CMR 2.00 by ~~an~~ **licensed** appraiser at the direction of an insurer may be reported to the Division of Insurance, which may impose applicable penalties against such an insurer.

2.06: Severability

If any provision of 212 CMR 2.00 or its application to any person or circumstances is held invalid, such invalidity shall not affect the validity of other provisions or applications of 212 CMR 2.00.

2.07: Review of Complaints Filed Against Appraisers

(1) Authority and Basis. The Board will review complaints filed against licensed appraisers in accordance with M.G.L. c. 26, § 8G and M.G.L. c. 30A. Applications for complaints must allege misconduct as defined in M.G.L. c. 26, § 8G, including but not limited to fraud, deceit, gross negligence, incompetence, misconduct, or conflict of interest in the preparation or completion of any motor vehicle damage report.

(2) Preliminary Review. To ensure the efficient administration for processing applications for complaints filed against appraisers and preventing the processing of meritless allegations, the Board will conduct a preliminary review of all applications for complaints.

(a) Anonymity. Preliminary reviews by the Board will be conducted in the Board's public session. However, to prevent unwarranted reputational harm to the licensee prior to a finding of probable cause, the Board shall not reveal the name of the appraiser and their employer during the public session reviewing the application of a complaint and shall refrain from identifying an appraiser by name during the preliminary review.

(b) Dismissal. The Board may dismiss an application for a complaint during a preliminary review if it determines the allegations are frivolous, lack a legal basis under M.G.L. c. 26, § 8G, or fail to allege facts that, if accepted as true, would constitute a violation of 212 CMR 2.00.

(c) Exemption. The Board may forego a preliminary review and proceed directly to a hearing if the Board determines whether an appraiser has pleaded guilty to or a final judgment has entered for fraud or deceit in writing an appraisal for damage as listed in M.G.L. c. 26, § 8G.

(3) Response and Review. If the Board determines during preliminary review that a complaint warrants further inquiry, the Board shall forward a copy of the complaint to the appraiser and request a response.

(a) Method of Response. An appraiser may respond to the complaint in writing or by appearing before the Board.

(b) Executive Session. An appraiser may request that their response be heard in an executive session of the Board. The Board shall grant such request only if the discussion falls within the exemptions provided by M.G.L. c. 30A, § 21(a)(1) regarding the reputation, character, physical condition or mental health of the individual or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer.

(4) Screening of Application of Complaints by Designated Board Member. The full Board may forego the preliminary review of applications for complaints and designates a member of the Board to screen applications for complaints to determine in their sole discretion whether or not an application for a complaint makes a prima facie case that misconduct as defined in M.G.L. c. 26, § 8G, including but not limited to fraud, deceit, gross negligence, incompetence, misconduct, or conflict of interest in the preparation or completion of any motor vehicle damage report has occurred. The designation of a Board member to conduct such screening shall be made by majority vote of the Board at a duly noticed meeting and may be made on a standing or case specific basis. The screening conducted by the designated Board member shall be limited to determining whether the application sets forth documented factual allegations which, if true, would constitute a violation within the jurisdiction of the Board under M.G.L. c. 26, § 8G and 212 CMR 2.00. For purposes of this section, documented factual allegations shall mean specific facts stated in the application and supported by written materials or other documentary submissions, if any. The designated Board member shall not make findings of fact, determinations of credibility, weigh evidence, or reach conclusions regarding the ultimate merits of the allegations. If the designated Board member determines that an application for a complaint does not allege sufficient specific facts which, if accepted as true, would establish a prima facie

case of misconduct under M.G.L. c. 26, § 8G, or a violation of the Board’s duly promulgated regulations, the designated Board member shall respond in writing to the person filing the application for a complaint setting forth the reason(s) why the application for complaint has been determined not to contain a sufficient factual basis to support such misconduct or violation of the Board’s enabling act and regulation. The designated Board member shall send a copy of their decision to all the other Board members. The decision of the designated Board member will be final and binding. If the designated Board member determines that an application for a complaint alleges sufficient specific facts, supported by documentary evidence, which, if accepted as true, would establish a prima facie case of misconduct under M.G.L. c. 26, § 8G, or a violation of the Board’s duly promulgated regulations, the designated Board member will forward the application for complaint for a preliminary review to the Board members without comment. Any decision by the designated Board member to advance an application for a complaint to the full Board for preliminary review shall be based solely upon documented factual allegations, as defined in this section. Such allegations, if accepted as true, must be sufficient to establish a prima facie case of misconduct under M.G.L. c. 26, § 8G or a violation of the Board’s duly promulgated regulations.

(5) Formal Complaint and Adjudicatory Hearing. If the Board determines that a hearing is required, it shall provide due notice of the hearing to the appraiser stating the date, time, place, and reason for the hearing.

(a) Disposition. If, after a hearing, the Board finds that the appraiser has violated M.G.L. c. 26, § 8G or 212 CMR 2.00, it may issue discipline including censure, suspension, revocation, or a requirement to retake the licensure examination. (b)

(6) Notification. The Board shall notify the Division of Insurance of any discipline imposed for inclusion in the appraiser’s license file.

(7) Appeal. Any decision of the Board imposing discipline may be appealed to the Superior Court in accordance with M.G.L. c. 30A, § 14.

REGULATORY AUTHORITY

212 CMR 2.00: M.G.L. c. 26, § 8G.

Chairman d’Entremont requested Board Member Smith read the entire regulation with proposed amendments that were proposed by the Board over the past two years listed as additions and deletions. As Board Member Smith read the regulation with the proposed amendments and deletions the following issues were raised by Board Members:

1. **Fee references** — Replace fixed dollar amounts (e.g., application fee \$100, renewal fee \$50) with the language “as directed by the Board” wherever fees appear in 212 CMR 2.00, to avoid future regulatory edits for routine fee updates.
A Motion was made by Board Member Smith to amend the regulation and the motion was seconded by Board Member Carl Garcia. The motion passed by a Vote of: 5-0.
2. **Division of Insurance address** — Update the temporary licensing mailing address to “One Federal Street, Boston, Massachusetts” or as otherwise amended for future changes.
A motion was made by Chairman d’Entremont and seconded by Board Member William Johnson. The motion passed by a Vote of: 5-0.
3. **Statutory citation consistency** — An amendment to standardize the references in the Regulation to the enabling act as “M.G.L. c. 26, § 8G.” A motion was made by Board

Member Smith and seconded by Board Member Carl Garcia. The motion passed by a Vote of: 5–0.

4. **Recording notification clause (§2.02(8)(h)** — Amend subsection “h” to include “Conducting an audio recording of a licensed appraiser without having proper notification, either on the shop premises or otherwise, to the person or party being recorded.” A motion was made by Board Member Smith and seconded by Board Member Johnson. The motion passed by a Vote of: 5–0.
5. **Spelling/numbering/punctuation edits:**
 - Replace the current misspelled “**judgement**” with “**judgment.**”
 - Restore missing “**(1)**” under **§2.03(1) Responsibilities for Actions of Appraisers.**
 - In **§2.04(1)(e)** insert a comma after “**labor**” to read “**parts, labor, materials...**”

A motion was made by Board Member Johnson to approve all three corrections as written and the motion was seconded by Board Member Carl Garcia. The motion passed by vote 5–0.

6. **“Manuals” references** — Remove references to paper/published manuals where obsolete (retain database references); the purpose is to avoid requiring resources that may not exist in paper form. A motion was made by Board Member William Johnson and the motion was seconded by Board Member Carl Garcia. The motion passed by a Vote of: 5–0.
7. **Typo in Definitions section** — In §2.01(4) Definitions – “Staff Appraiser”, correct the final word “employee” and change it to “employer.” A motion was made by Board Member Peter Smith and the motion was seconded by Board Member Garcia. The motion passed by a Vote of: 5–0.
8. **New Section Adopted — §7 Review of Complaints Filed Against Appraisers**
Purpose:

2.07: Review of Complaints Filed Against Appraisers

(1) Authority and Basis. The Board will review application for complaints filed against licensed appraisers in accordance with M.G.L. c. 26, § 8G and M.G.L. c. Applications for complaints must allege misconduct as defined in M.G.L. c. 26, § 8G, including but not limited to fraud, deceit, gross negligence, incompetence, misconduct, or conflict of interest in the preparation or completion of any motor vehicle damage report.

(2) Preliminary Review. To ensure the efficient administration for processing applications for complaints filed against appraisers and preventing the processing of meritless allegations, the Board will conduct a preliminary review of all applications for complaints.

(a) Anonymity. Preliminary reviews by the Board will be conducted in the Board's public session. However, to preserve the reputation of the licensee, prior to a determination of prima facie facts to support a complaint, the Board shall not reveal the identity of appraiser and their employer during the public session reviewing the application of a complaint and shall refrain from identifying an appraiser or employer by name during the preliminary review.

(b) Dismissal. The Board may dismiss an application for a complaint during a preliminary review if it determines the allegations lack a legal basis under M.G.L. c. 26, § 8G, or fail to allege facts that, if true, would constitute a of 212 CMR 2.00. (c) Exemption. The Board

may forego a preliminary review and proceed directly to a hearing if the Board determines whether an appraiser has pleaded guilty to or a final judgment has entered for fraud or deceit in writing an appraisal for damage as listed in M.G.L. c. 26, § 8G.

(3) **Response and Review.** If the Board determines during preliminary review that a complaint warrants further inquiry, the Board shall forward a copy of the complaint to the appraiser and request a response. (a) **Method of Response.** An appraiser may respond to the complaint in writing or by appearing before the Board. (b) **Executive Session.** An appraiser may request that their response be heard in an executive session of the Board. The Board shall grant such request only if the discussion falls within the exemptions provided by M.G.L. c. 30A, § 21(a)(1) regarding the reputation, character, physical condition or mental health of the individual or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer.

(4) **Screening of Application of Complaints by Designated Board Member.** The full Board may forego the preliminary review of application of complaints and designate a member of the Board to screen applications for complaints to determine in their sole discretion whether or not an application for a complaint makes a prima facie case that misconduct as defined in M.G.L. c. 26, § 8G, including but not limited to fraud, deceit, gross negligence, incompetence, misconduct, or conflict of interest in the preparation or completion of any motor vehicle damage report has occurred. If the designated Board member determines that an application for a complaint does not make a prima facie case that misconduct has occurred as defined in M.G.L. c. 26, § 8G, they will respond to the person filing the application for a complaint with the reason(s) why the application for complaint has been determined not to contain a sufficient factual basis to support a violation of the Board's enabling act and regulation. The designated Board member will send a copy of their decision to all the other Board members. The decision of the designated Board member will be final and binding. If the designated Board member determines that an application for a complaint will be sent to the full Board for a preliminary review, the designated Board member will forward the application for complaint for a preliminary review to the Board members without comment. The decision of the designated Board member to forward an application for complaint to the full Board for a preliminary review will not be used to presume a prima facie case is established in the application for complaint to the full Board for a preliminary review will not be used to presume a prima facie case is established in the application for complaint and will begin the process for a preliminary review. (5) **Formal Complaint and Adjudicatory Hearing.** If the Board determines that a hearing is required, it shall provide due notice of the hearing to the appraiser stating the date, time, place, and reason for the hearing.

(a) **Disposition.** If, after a hearing, the Board finds that the appraiser has violated M.G.L. c. 26, § 8G or 212 CMR 2.00, it may issue discipline including censure, suspension, revocation, or a requirement to retake the licensure examination.

(6) **Notification.** The Board shall notify the Division of Insurance of any discipline imposed for inclusion in the appraiser's license file.

(7) **Appeal.** Any decision of the Board imposing discipline may be appealed to the Superior Court in accordance with M.G.L. c. 30A.

Board Member Peter Smith stated that it is critical to ensure licensees and applicants understand the review process for application of complaints filed against licensed appraisers, because the

regulation is a required part of motor vehicle damage appraiser courses that have been adopted by the Board and it makes sense to include these procedures into the regulation. Board Counsel Powers noted that during the defense of litigation brought against the Board by a licensed appraiser whose license was revoked, the appraiser's attorney claimed he did not know the Board's procedures and the Assistant Attorney assigned to the case recommended the Board codify the steps in the regulation the next time the Board amended the regulation.

Board Member Johnson offered to amend the proposed language by requiring a preliminary screening by two designated Board Members, one member who is affiliated with the property/casualty insurance industry and the other member would be affiliated with the auto body industry. A motion was made by Board Member Johnson to amend the relevant proposed language and the motion was seconded by Board Member Garcia. The motion failed by a Vote of 2-3, with Board Members Johnson and Garcia voting in favor and Board Members Smith and Ye and Chair d'Entremont voting no.

Board Member Smith made a motion to adopt the new Section 2.07 as written, and Board Member Ye seconded the motion. The motion passed by a Vote of: 3-2 with Board Members Johnson and Garcia opposed and Board Members Smith, Ye and Chair d'Entremont voting in favor.

Board Legal Counsel Powers summarized the steps required for the review of the proposed amendments beginning with the Office of General Counsel for the Division of Insurance, the Undersecretariat of the Office of Consumer Affairs, the Secretary of Housing and Economic Development, and Secretary of Administration and Finance. After the reviews and recommendation, the Board would proceed to hold a public hearing on the proposed amendments and they would be sent to the Office of State Secretary and after 45 days would become law.

Next meeting date:

Acting Chairman Garcia suggested a date of May 12, 2026, at 11:00AM at One Federal Street, Boston, Massachusetts and the Members of the Board agreed to the date and time.

Other Business:

Board Legal Counsel Michael Powers stated that he was reviewing past Board minutes and discovered some minor scrivener errors that should be corrected. The proposed corrections were the following:

- Minutes of the Board meeting that was held on January 23, 2024, and approved at the Board meeting that was held on March 12, 2024: edit the heading because of a mismatch in the referenced year written in the sub-header as "2023", and replace it with the year 2024.

A motion was made by Chairman d'Entremont to edit the minutes as stated and the motion was seconded by Board Member Garcia. The motion passed by a Vote of: 5-0.

- The Minutes of the January 21, 2025, Board meeting which were approved March 25, 2025. A correction of a date typo by replacing the year "2005" with the proper year of

2025. In addition, adding omitted complaint dispositions for Complaints 2024-25, 2024-26, and 2024-27.

A motion was made to edit the minutes as stated by Board Member Garcia and the motion was second by Chairman d'Entremont. The motion passed by a Vote of: 5-0.

Board Member William Johnson proposed writing a letter to the Commissioner of Insurance about changing the Division of Insurance regulation 211 CMR 133.04 requiring Original Equipment Manufacturer parts for damaged motor vehicles from the current 20,000 miles threshold to 40,000 miles. Board Member Johnson said that modern vehicle longevity and safety systems have increased the life spans of motor vehicles from 100,00 miles when the regulation was originally enacted over 30 years ago, to today where motor vehicle life spans reach 200,000 miles or more. Board Member Johnson questioned the reliability of some aftermarket parts that are required to be used after a motor vehicles mileage exceeds 20,000 miles required in the current regulation. Chairman d'Entremont questioned Board Member Johnson as to whether he found aftermarket parts to be unsafe. Board Member Johnson answered no and explained there is a place for aftermarket parts in repairing motor vehicles but the regulation should be brought up to reflect the times. Board Member Johnson said the focus of the letter would be on public safety and consumer protection and well-supported with data. The Board voted to have Board Member Johnson draft a letter for Board approval at the next meeting. Board Member Johnson made a motion that the letter be drafted and reviewed by the Board at the next meeting and Chairman d'Entremont seconded the motion. The motion passed by a Vote of 5-0.

Public comment session:

Chairman d'Entremont opened the meeting to comments from attendees of the Board meeting and the Executive Director of AASP/MA-MABA Lucky Papageorg asked permission to speak and Chairman d'Entremont granted permission. Mr. Papageorg asked about administrative support staff for the ADALB for taking the Board minutes and administrative matters. He also made a suggestion to ensure the ADALB course curriculum includes an overview of the complaint process, so appraisers understood obligations and procedures.

Mr. Josph Coyne, former ADALB Member and owner of Home and Auto Appraisal Bureau Inc., requested permission to speak and Chairman d'Entremont invited Mr. Coyne to address the Board. Mr. Coyne suggested the equipment listed in the ADALB's Regulation 2.02(9) Drive-in Claim and Appraisal Facilities is antiquated, for example, the requirement of flashlight, calculators, and 30-foot tape-measure. Members of the Board acknowledged Mr. Coyne's point was well taken and his suggestion would be considered in any future amendments.

Mr. Donald Dowling requested permission to speak and Chairman d'Entremont allowed Mr. Dowling to address the Board. Mr. Dowling stated that he filed legitimate complaints with the Board and raised concerns about the Board Members repeatedly voting to dismiss his applications for complaints and all of his complaints were legitimate. Chairman d'Entremont responded that he would review all application of complaints on the merits.

Legal Counsel Powers requested permission to ask Mr. Dowling a question and Chairman d'Entremont granted permission. For the edification of the new Board Chairman who was

overseeing his first meeting of the ADALB, Mr. Powers asked Mr. Dowling if he was the Secretary of AASP/MA and if he filed over 250 applications for complaints over the past three years. Mr. Dowling informed those in attendance that he was the Secretary of AASP/MA and that he had filed over 250 applications for complaints over the past three years. Mr. Powers asked Mr. Dowling whether he had communicated with the Executive Director of AASP/MA about any of the complaints he filed with the Board and Mr. Dowling stated that he never discussed his complaints with anyone. Mr. Powers pointed out that the answer was a curious one, when over the past three years the Executive Director repeatedly asked specific questions about Mr. Dowling's complaints, that only Mr. Dowling would know what was contained in the complaints, most recently at the last meeting that was held on December 11, 2025, as recorded in the minutes.

Lucky Papageorg requested permission to speak and Chairman d'Entremont granted permission to address the Board. Mr. Papageorg denied ever speaking with AASP/MA Secretary Don Dowling about any of the complaints that Mr. Dowling had filed with the Board. Mr. Powers responded that time and again over the years Mr. Papageorg asked specific questions about Mr. Dowling's complaints at Board meetings, details that only the person filing the complaints would know and based on those facts he expressed a sentiment that the statement was questionable.

Chairman d'Entremont concluded the public discussion stage of the meeting by stating all applications for complaints would be reviewed on the merits.

Motion to enter the executive session including that the Board would adjourn in the executive session:

Chairman d'Entremont stated that the Board would meet in the executive session for the following reason under M.G.L. c. 30A, § 21. (a) A public body may meet in executive session only for the following purposes: ... (5) To investigate charges of criminal misconduct or to consider the filing of criminal complaints;... Chairman d'Entremont made the motion to enter the executive session including that the Board would adjourn in the Executive Session and the motion was seconded by Board Member Peter Smith. The motion passed by a Vote of: 5-0.

Executive Session:

Board Legal Counsel Powers reported that he was contacted by a member of the Massachusetts Judiciary about potential criminal misconduct by an owner of an auto body shop, he reached out to the person and requested the person contact him so that he could discuss the facts with them. At this point the person did not respond to Mr. Powers request for information. Mr. Powers informed the Members of the Board that he would keep them informed of any salient developments.

Board Member Smith made a motion to adjourn, the motion was seconded by Board Member Ye, and the motion passed by a Vote of: 5-0.

Whereupon the Board's business was concluded.

The form of these minutes comports with the requirements of M.G.L. c. 30A, §22