



THE COMMONWEALTH OF MASSACHUSETTS

AUTO DAMAGE APPRAISER LICENSING BOARD

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CHAIRMAN

BRUCE S. KING
DAVID E. KRUPA
DONALD R. SPINELLI
JOSEPH A. VALARIOTI

Minutes of Meeting

Auto Damage Appraisers Licensing Board – May 16, 2007 Marlboro, MA

Members Present:

Gilbert W. Cox, Jr., Chairman, Law Offices of Gilbert W. Cox
Bruce S. King, King Collision
Donald R. Spinelli, Premier
Joe Valarioti, Central Auto Rebuilders
Robert Kelly, Attorney for the Board
Yvonne Torres, Secretary.

Others in Attendance:

Bill McDough, Damage Report
Wayne Clark, Cape Auto Body
Kevin M. McCarron, Arbella
Frank DeSario, Safety
Jim Bates, Commerce
Lee Fitzhnenry, Commerce
Lisa Hansson, Premier
Jeff Scott, Premier
John Joyce, Commerce
Cynthia Reilly, ComSearch
Karen King
Dennis LaFleur, Commerce
Gerald Muse, Commerce
Matthew Jayne, Adesa Impact / IAA
Jesse Vieira, MetLife
Sue Conena, Commerce
Scott Edwards, Keystore
Russell Brown, Appraisers License

Approval of Minutes

King made a motion to accept the minutes of April 25, 2007. Seconded by Spinelli. Passed 3-0.

Report on licenses

5,082 Pending Renewal; **16** new applications; **4** Part I retakes; **9** on the waiting list for Part II

Process for processing complaints

Discussion on whether the Board should continue the procedure of screening Step 1 Complaints prior to forwarding them for a response as opposed to going back to automatically forwarding them for response. Valarioti suggested that the Board seek legal opinion from its attorney Bob Kelly. Spinelli asked whether the review of an initial complaint should be done in Executive Session. Bob Kelly recommended not going into Executive session for reviewing a Part I complaint. The procedure will remain as it is

currently in that the Board will review the incoming complaint and vote on whether to send it on for a response.

Licensing Exam Subcommittee Report

Spinelli provided a brief summary of what was covered at the subcommittee meeting on May 8th at the Commerce location in Webster. The subcommittee is getting close to finalizing the process and one more meeting is necessary to finalize the exam. A new applicant must submit together with their licensing application, ten appraisals with photographs which must be signed by a sponsor. Once reviewed and approved by the Board, the applicant would then be allowed to take the examination.

The subcommittee also discussed the possibility of having Yvonne Torres administer the approved examination for the Board at the Division of Insurance. Ms. Torres stated that the Board must seek approval by the Division of Insurance prior to making such a decision and terminating a contract with Thomson Prometric.

Minor modifications were made to the licensing application by Sue Conena and approved by subcommittee members and the revised application will now require an authorization for a criminal background check.. The next subcommittee will be held on June 5, 2007 at King Collision in Plymouth.

Exam Review Workshop is being held on June 7th at the Radisson Hotel in Boston by Thomson Prometric. King offered to contact Thomson Prometric to inquire as to whether they are willing to administer the test that the Board wants given.

The Board discussed requesting a line item in the FY08 budget for the Board. The purpose would be so to hire their own staff instead of being dependent on the Commissioner of Insurance. King recommended that the Board have an administrative with the Commissioner of Insurance to discuss what the Board's needs are. Matter disposed.

Background Checks / CORI Reports

Spinelli moves that a background check be performed on all applicants. No vote.

Discussion: Attorney Kelly reported that there will be an approximate cost of \$30 for every report and thinks that it could be assessed to the licensing fee. The Board needs to become certified by the Criminal History System Board.

King moved that a background check be performed on all applicants. King also made a motion to ask the Board's attorney to attempt to have the Board certified by the Criminal History Systems Board for the purposes of performing criminal background checks on all applicants and upon commencement of background checks increase the licensing fee by \$30.00

Spinelli seconded. 3-0 vote

Proceedings recorded by:

John Joyce of Commerce Ins. Co. (Audio/Video)

Thomas Colo, Advanced Auto Body (Audio/Video)

Yvonne Torres, Division of Insurance (Audio)

Pending Complaints:

Chairman requested that all pending complaints be listed on future agendas.

2004-09 – Legere v. Chicos, Correau (Liberty) – Formal Stage

The Board requested that the formal hearing be scheduled for September 26, 2007.

2005-37 – Betley v. Capazzoli. – Formal Stage

The Board requested that the formal hearing be scheduled for October 24, 2007.

Ms. Torres reported that no other cases were pending before the Board.

Chairman Cox requested that all pending cases be added to future agendas.

Old Business

211 CMR 2.00–

Attorney Kelly provided the Board members with copies of the hearing notice for the June 12th public hearing which is being held at the Marriott Courtyard at 5:00 p.m.

Kelly also recommended that the Board set time limits for all those who intend to testify. If anyone wishes to submit written testimony, they shall submit it to the Division of Insurance to the attention of the docket clerk and refer to docket D-2007-01. All information is posted on the website at www.mass.gov/doj under the **What's New** link.

New Business

An application for review and approval was brought before the Board with disclosure of criminal history. Upon interviewing the applicant Russell Brown, Mr. Valarioti moved that he be allowed to take the exam upon payment of a fee. King seconded. Passed 3-0.

A Point of Information

Valarioti stated that there is NO SMOKING allowed on the school grounds.

Topic for next agenda

Expedited Supplemental Process

Future ADALB Meetings:

June 12, 2007

July 25, 2007

August 22, 2007

September 26, 2007

October 24, 2007

Motion to adjourn made by King. Krupa seconded.
Passed 4-0.