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THE COMMONWEALTH OF MASSACHUSETTS AUTO DAMAGE APPRAISER LICENSING BOARD

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MICHAEL DONOVAN, CHAIRMAN
WILLIAM E. JOHNSON
PETER SMITH
CARL GARCIA
VICKY WEI YE

Minutes of the Meeting of the Board held on May 13, 2025 and approved at the Board Meeting held on September 23, 2025; Motion of Board Member Smith, Seconded by Board Member Johnson with Chairman Michael Donovan Abstaining. The Motion Passed by a Vote of: 3-0, with Chairman Donovan Abstaining and Board Member Ye unavoidably absent from the meeting.

Minutes of the Board Meeting held on May 13, 2025

The Auto Damage Appraiser Licensing Board (ADALB or Board) held a meeting on May 13, 2025, at One Federal Street, Boston, Massachusetts.

Members Present:

Chairman Donovan
William Johnson
Peter Smith
Carl Garcia
Vicky Ye

Attending to the Board:

Michael D. Powers, Counsel to the Board

Call to Order:

Chairman Michael Donovan called the meeting to order at 10:00AM with a roll call vote and all Board Members responded present.

Approval of the Board minutes for the Board meeting held on March 25, 2025:

Chairman Donovan requested a motion to approve the minutes of the March 25, 2025, meeting. Board Member Peter Smith made the motion to approve the minutes, and the motion was seconded by Board Member William Johnson. Chairman Donovan called for a vote and the motion passed by a Vote of 4-0, with Chairman Donovan abstaining because he votes only to make or break a tie.

Chairman Donovan asked that those recording the proceedings to identify themselves and state with whom they were affiliated. Those responding to the Chairman's request were: James Bates of the MAPFRE/Commerce Insurance Company and Evangelous "Lucky" Papageorg of the Alliance of Automotive Service Providers of Massachusetts (AASP/MA).

In attendance were: Lucky Papageorg, AASP/MA Executive Director, Don Dowling, AASP/MA Secretary and owner of Marblehead Collision along with his lead appraiser, Vadim Rapoport, Jeff White, AASP/MA Zone 4 Director and owner of North Andover Auto Body in North Andover, also attending were Rob Torres from Travelers, Jim Steere of The Hanover Insurance Company, Eric Doyle, from AMICA, and Parker Riley and Rimi Ponce from the Progressive Insurance Company.

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

Chairman Donovan requested an update on the preparations for the Part-II examination for motor vehicle damage appraiser. Board Member Peter Smith stated that there were currently 18 applicants on the waiting list and that the number of applicants needed, before he would schedule an examination, was 30 people. Mr. Smith said that the number could be reached in the next week or two and stated he would contact Mr. Robert Hunter of the Licensing Unit with the Division of Insurance to set a date for June. Board Member Carl Garcia asked to be included in the scheduling process so he could attend the examination and assist with it. Board Member Garcia suggested scheduling a Part-II exam in Western Massachusetts. Board Member William Johnson offered to look into potential locations and Board Member Garcia noted that an examination in Western Massachusetts could provide an opportunity for Board Member Johnson to assist with the Part-II exam.

Discussion about the Auto Body Labor Rate Advisory Board created under Governor Healey's "Mass Leads Act" Section 292 of Chapter 238 of the acts of 2024, which provides: SECTION 292:

Chairman Donovan requested Board Legal Counsel Michael D. Powers provide a report about the recently enacted law. Legal Counsel Powers reported that the Legislature enacted a new 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.

Board Legal Counsel Powers reported the progress made by the Advisory Board 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. Board Counsel Powers stated that a sub-committee met the past Monday to discuss the format and questions in a proposed survey to autobody repair shops registered with the Division of Standards which is one of the main tasks mandated by the law creating the Advisory Board. Legal Counsel Powers stated that, the Legislature did not provide funding to support the Advisory Board's activities, but the good news is that the co-chair, Ms. Stacey Gotham is an actuary in the Attorney General's office and well versed in auto insurance and the subject matter as well as one of the other Advisory Board members, Professor John Kwoka who is an economist and professor at Northeastern University. Mr. Powers stated the next scheduled meeting was May 29th and, thereafter, there would be a public meeting at the State House on June 12th that would be held in Room 1B. Board Member Johnson asked whether quotes for funding were obtained. Legal Counsel Powers responded that there were time constraints for amending the law to provide for funding to support the Advisory Boards activities. Mr. Johnson asked whether donations could be provided from members of the public and Counsel Powers stated that anyone (insurance carriers or AASP/MA) can submit whatever they are able to put together at their own expense and provide it to the Advisory Board and it would be considered, much like the testimony that will be offered during the Public Hearing at the State House on June 12th. Mr. Papageorg asked whether a start time was set for the Public Hearing and Legal Counsel Powers responded that hearing time will be from 1:00 PM – 5:00 PM. Mr. Bates asked whether there would be remote access to the public hearing and Counsel Powers responded yes, that there the hearing would be both virtual and conducted as a live hearing.

Chairman Donovan requested that those who are recording the meeting identify themselves and Mr. Steere of The Hanover Insurance Company, Mr. Bates of MAPFRE Insurance and Mr. Papageorg responded.

Update on status of proposed amendments to the ADALB's Regulation, 212 CMR 2.00 et seq. The newly constituted Board, with new Board Members Carl Garcia and Vicky Ye and Peter Smith (reappointed) appointed by Governor Maura Healey, will consider proposed amendments to the Board's Regulations 212 CMR 2.00 et seq. The process began

by the Board reviewing the proposed amendments that were approved by the previously constituted Board that concluded at the Board meeting held on July 19, 2022:

Board Member Smith stated the Board left off at 212 CMR 2.02(8) and the Board is reviewing 212 CMR 2.02(9) "Drive-In Claim and Appraisal Facilities." Board Member Smith Stated he would present proposed amendments to that portion of the Board's regulation along with proposed amendments to 212 CMR 2.03(1) "Duties of Insurers and Repairers."

212 CMR 2.03(1) Duties of Insurers and Repairers.

Board Member Smith stated that the discussion would start with 212 CMR 2.03(1). First, he didn't see any significant updates to 2.03 and read the proposed changes. Board Member Garcia raised an issue with the first section noting the proposed changes omitted the word "independent" from appraisers. Board Member Garcia was concerned that an owner of an independent appraisal company may instruct an appraiser to change an estimate already negotiated with a shop, and when that happened, he questioned who would be held responsible. Board Member Garcia stated that there should be three distinct categories: (1) insurance carriers; (2) auto body shops; (3) and independent appraisers, unless an insurance carrier is held responsible for the actions of their hired independent appraisers. Board Member Smith noted an independent appraiser is acting on behalf of the insurance carrier. Board Member Garcia asked if a negotiated estimate is changed, who's liable. If it is the insurance carrier, and the action is noticed, it makes the insurance carrier responsible for the actions of its appraisers. Board Member Johnson acknowledged that he has seen changed appraisals at his shop as well.

Board Member Smith suggested a Board Member provide a proposal for an amendment and there was no proposed amendment offered. Board Member Garcia stated that if it rolls to the top I'm good with that. Board Member Johnson suggested that the owners of independent appraisal firms tell their appraiser what to pay for and what not to agree with. Board Member Smith stated that a Board Member could offer suggestions for changing the proposed language different from what he proposed. Board Member Garcia suggested that he and Mr. Smith would work together and make a proposed amendment by the next meeting and Board Member Smith agreed.

212 CMR 2.03(2) Records and Analysis of Appraisals.

Board Member Smith read his proposal to change some of the wording of this section of the regulation. Board Member Smith noted the regulation differs from shop appraisers under 100A which states 18 months. Mr. Smith stated the appraiser is bound to retain the documents for 2 years by these regulations. Board Member Garcia stated that it's the auto shop who is bound, not the appraiser. Board Member Smith replied that 212 CMR 2.03(2) provides that the shop appraiser is bound to maintain documents for 2 years. Board Member Johnson suggested that 212 CMR 2.03(2) should be brought into line with Chapter 100A for expediency. Board Member Smith agreed to review the statute and the Regulation.

212 CMR 2.02(9) Drive-In Claim and Appraisal Facilities

Board Member Smith suggested that several items within the mandated "necessary equipment" were "outdated", and listed the items. Board Member Garcia asserted an item to be added would be OEM (Original Equipment Manufacturer) procedures and said how can you estimate a vehicle if you don't know the OEM procedures. Board Member Smith asked that the discussion focus on what's in the regulation before proposing amendments. Board Member Johnson suggested

that all items contained in the section remain as they were currently written. The Board Members agreed to some minor changes, which will be included in the final proposed amendments. Board Member Garcia suggested including OEM procedures at the time an appraisal is written. Board Member Smith requested Board Member Johnson's input and he agreed with Mr. Garcia's comments, and reminded everyone in attendance about a court case in Texas involving a repair made to the roof of a damaged motor vehicle which was found not to be repaired in accordance with the OEM Procedures, resulting in a huge judgment against the autobody shop owner. Board Member Garcia suggested that other areas of the Board's Regulations refer to OEM procedures" [212 CMR 2.04(e) mentions "manufacturer warranty repair procedures", and "paint manufacturer procedures"]. Board Member Johnson stated that the Regulation does not require specific items have to be used by an autobody shop, he concluded that you just have to have them in the shop. Board Member Smith asked how did having OEM procedures available to an appraiser help them in their obligation to specify damage attributable to a loss. Mr. Johnson stated that the section of the Regulation in question is a listing of equipment, and is not referencing how or even if that equipment is used. Board Member Garcia noted that it is 2025, and the times have changed.

Next meeting date:

The consensus of the Board was that the next meeting would be held at One Federal Street, Boston on July 22, 2025, at 10:00AM.

Other business – reserved for matters the Chair did not reasonably anticipate at the time of the posting of the meeting and agenda:

Chairman Donovan called for a discussion of new business. Chairman Donovan recognized Mr. Papageorg who stated there is an issue going on with an appraisal company that is seeking a copy of the shop's prepared supplemental appraisal prior to scheduling an appraiser to visit the shop. Mr. Papageorg contended this is not stipulated in the Board's Regulation except for when an expedited supplement process is agreed to [212 CMR 2.04 (1) (i)] and is delaying the process. Mr. Papageorg acknowledged the Regulation provides that the auto body shop must complete a supplement but stated the auto body shop does not need to share that supplement prior to the appraiser's arrival at the shop. Board Member Smith asked what are the repercussions when an autobody shop informs an insurance company's appraiser they have a supplement, but when the appraiser arrives at the auto body shop, they find the shop was not truthful when they stated a supplement had been written. Board Member Garcia responded and stated the auto body shop doesn't get paid what they were looking for from the insurance company. Board Member Smith replied what's the harm, sending the supplement so the appraiser can be aware of what's being requested. Board Smith stated many times autobody shops request a supplement, stating they have prepared a supplement, and when the insurance company's appraiser arrives at the shop a supplemental appraisal has not been written. A lively discussion ensued with Mr. Papageorg and Members of the Board, at the conclusion of the discussion Board Member Johnson suggested that a proposed amendment to the Regulation could include language defining a supplement request covering the contingencies discussed.

Mr. Papageorg asked if there was any progress regarding getting an ethics opinion on conflicts of interest by members of the Board when addressing complaints. Legal Counsel Powers responded that the Board, as a part of the review of the Board's Regulation, will adopt language about

“Conflict of Interest”, that some discussions have already taken place, and at the end of the regulatory review process when a final vote is prepared, the Board will have a definition of conflicts of interest. Once the Regulatory Review has been adopted and approved, it will then go onto the approval process and then on A&F and after their approval it will be expedited to a recorded public meeting where the specifics are announced. The adopted changes then go to the Secretary of State’s office where after 45 days it is finalized. Mr. Powers believed the process will be completed by the end of the year. Mr. Garcia asked that the Board prioritize the review process, even if it means adding additional meetings to the schedule in order to make the end of the year goal for the process to culminate and Mr. Smith agreed.

Review of Complaints:

Chairman Donovan called for discussion on complaints filed with the Board. Board Member Smith said, for the record these are administrative reviews wherein names are not divulged only a discussion of the facts contained in the complaint and Chairman Donovan confirmed that the review would be conducted on those terms. Board Member Garcia stated recently he had been spending a lot of time on airplanes and had plenty of free time to review the complaints and was well versed in the details of all of the complaints. Chairman Donovan asked Board Member Garcia to take the lead summarizing the complaints.

Complaint 2025-01

Board Member Garcia said the crux of the complaint was an aftermarket part written by the appraiser, but the auto body shop found it was unavailable, a fact that was supported by an invoice from the listed supplier stating the same. The complaint alleges that an email response from the insurance company’s appraiser stated they were not paying for the part. Board Member Garcia noted that because the Board is hearing just one side of the story additional information should be requested for clarification. Board Member Smith pointed out that the date on the invoice stating the part was not available was dated before the date the supplement was written. Board Member Smith pointed out, the supplemental appraisal is dated July 10th and the invoice stating the part was not available is dated June 26th. Board Member Smith noted the July 10th supplement had an updated quote with a quoted number and concluded there was no record within the complaint that the updated part listed was not available. Board Member Garcia noted there was a lack of detailed dates within the complaint documenting when the vehicle arrived at the shop and when it was released. A lively discussion ensued among the Board Members at the conclusion the Chairman called for a motion and Board Member Garcia moved that the complaint be dismissed without prejudice, allowing the option for the complainant to refile with additional information and Board Member Johnson seconded the motion. Chairman Donovan called the roll of the Board Members and the motion passed by a Vote of: 4-0, with Chairman Donovan abstaining.

Complaint 2025-03

Chairman Donovan observed that this complaint involved payments for scanning. Board Member Garcia stated that he saw it more as not following OEM procedures and said the complaint is not a monetary issue. Board Member Johnson noted there is a position statement within the documents provided that read, “GM takes the position that all vehicles being assessed for collision damage repair must be tested for diagnostic trouble codes to identify the required repairs.” Board Member Johnson noted payment for the scanning appears in the supplement. Board Member Johnson looked for additional documentation supporting the initial appraisal and whether it was negotiated

at the repair shop. Board Member Johnson questioned whether an initial estimate written by the auto body shop seeking a pre and post scan, stating that without that, they could not know whether the original appraiser omitted it or denied it. Board Member Garcia stated this supports his contention that drive in claim centers need to have available to the OEM procedures. Mr. Johnson questioned, if all original estimates written by an insurance carrier included all OEM procedures do you know how many backyard shops would be operating in the state of Massachusetts and Board Member Garcia agreed. Board Member Johnson stated that an initial estimate can be written fair and equitably, and opined insurance carriers should not argue when a damaged vehicle goes to a Registered Repair shop to be repaired properly; there will be a supplement. Chairman Donovan requested a motion and Board Member Johnson asserted that because the complaint lacked documentation, he made a motion to dismiss without prejudice and Board Member Garcia seconded the motion. The motion passed by a Vote of: 4-0 and the complaint was dismissed without prejudice.

Complaint 2025-04

Mr. Garcia gave an overview of the complaint stating the complaint involved P&M where the insurance appraiser did not follow the regulations requiring a published guide or other form of documentation shall be used. Board Member Garcia stated that without naming the carrier, they are known to have a universal rate they've been using. Board Member Smith noted that the regulation provides, "[u]nless otherwise negotiated between the parties". Board Member Garcia questioned whether the complaint would have been filed if the parties negotiated. Chairman Donovan requested a motion and Board Member Garcia moved that the complaint be moved forward to the next step and Board Member Johnson seconded the motion. Chairman Donovan called the roll and Board Members Johnson and Garcia voted yes and Board Members Smith and Ye voted no, and Chairman Donovan voted no. The motion failed.

Complaint 2025-05

Board Member Smith noted the complaint mirrored Complaint 2025-03. Chairman Donovan noted that the complaint was dismissed without prejudice. Board Member Garcia moved to dismiss without prejudice and Board Member Johnson seconded the motion. Chairman Donovan called the roll resulting in the complaint dismissed by a Vote of: a 4-0 without prejudice.

Complaint 2025-06

Board Member Smith noted 2025-06 raised the same details as 2025-04. Board Member Garcia moved that the complaint be moved forward to the next step and Board Member Johnson seconded the motion. Chairman Donovan called for the roll call on the vote and Board Members Johnson and Garcia voted yes, and Board Members Smith and Ye voted no and Chairman Donovan voted no. The motion failed by a Vote of: 2-3 and the complaint was dismissed.

Complaint 2025-07

Board Member Garcia moved to dismiss the complaint without prejudice and Board Member Johnson seconded the motion. Chairman Donovan called for a roll call vote and the complaint was dismissed by a Vote of: 4-0, with Chairman Donovan abstaining.

Complaints 2025-08 and 2025-09

Board Member Garcia stated that both Complaints 2025-08 and 2025-09 are the same as Complaint 2025-06 and moved that both 2025-08 and 2025-09 be moved forward to the next step and Board Member Johnson seconded the motion. Chairman Donovan called for a roll call vote and Board Members Johnson and Garcia voted yes, and Board Members Smith and Ye vote no and Chairman Donovan voted No. The motion failed and the complaint was dismissed by a Vote of: 2-3.

Complaint 2025-10

After a spirited discussion about the process for reviewing complaints, Chairman requested a motion and Board Member Smith responded by stating this complaint is similar to others previously heard regarding scans. Board Member Garcia moved to be dismissed the complaint without prejudice and Board Member Johnson seconded the motion. Chairman Donovan called for the roll call, and the complaint was dismissed by a Vote of: 4-0 without prejudice and Chairman Donovan abstained.

Complaint 2025-11

Board Member Garcia noted the complaint involved OEM Procedures concluding sensors were involved. Board Member Ye disagreed, there was no mention of sensors in the damage report. Board Member Garcia noted the vehicle was a 2021 and he could guarantee that there were sensors. Mr. Garcia goes on to note one of the vehicle options listed in the heading of the estimate shows “Lane Departure” which means the vehicle has sensors so, he concluded, the vehicle will need to be calibrated. Board Member Ye accepted the statement that the vehicle was equipped with Lane Departure sensors but wondered whether the option was guided by sensors in the bumper which is the area of damage or in an unaffected part of the vehicle, like the grille or a windshield camera. Board Member Johnson moved to have the complaint move forward to the next step and Board Member Garcia seconded the motion. Chairman Donovan called for the roll call and Board Members Johnson and Garcia voted yes, and Board Members Smith and Ye voted no and Chairman Donovan voted no. The motion failed by a Vote of: 2-3 and the complaint was dismissed.

Complaint 2025-12

Board Member Johnson concluded that both parties agreed that the aftermarket part didn’t fit. Mr. Garcia pointed out that wasn’t the basis of the complaint and Board Member Johnson acknowledged the fact but stated that he wanted to start off on a good note of agreement. The basis of the complaint was a dispute over the administrative charges the autobody shop demanded. Board Member Johnson concluded there was no negotiation by the appraiser representing the insurance company. Board Member Garcia said the appraiser agreed to the charges, but the supervisor said no. Chairman Donovan requested a motion and Mr. Johnson moved to dismiss the complaint without prejudice and Board Member Garcia seconded the motion. Chairman Donovan called the roll and the motion passed by a Vote of: 4-0 and the complaint was dismissed without prejudice.

Complaint 2025-13

Mr. Johnson noted the complaint involved the labor rate on a specialty vehicle, noting that the shop should have refused to make the repairs without a prior agreement for their requested labor rate. Mr. Johnson concluded this is not a matter for this Board. Board Member Smith agreed with

Mr. Johnson. A detailed and extensive discussion on labor rates ensued. Board Member Smith moved to dismiss the complaint and Board Member Vicky Ye seconded the motion. Board Members Johnson and Garcia voted no and Board Members Ye, Smith, and Chairman Donovan voted yes. The motion to dismiss passed by a Vote of: 3-2 and the complaint was dismissed.

Complaint 2025-15

Board Member Carl Garcia. Board Member Johnson stated the complaint involves the time to apply tint on a vehicle with a paint code and with 17 variants and made a motion for the complaint go forward but the motion did not get a second. The motion failed and the complaint was dismissed.

Complaint 2025-16

Mr. Smith noted the complaint involved the same vehicle as the previous complaint and asked Mr. Garcia if he would abstain. Board Member Garcia responded that he would vote on the complaint. Board Member Smith noted the complaint involved an aftermarket part and not an Original Equipment Manufacturer (OEM) part and the manufacturer's recommendation on the use of aftermarket parts. Mr. Smith noted the appraiser followed 211 CMR 133.00 in the preparation of his report and Board Member Garcia agreed but questioned where the complaint should be heard. A detailed and extensive discussion on what parts are best, what miles should be the cut-off, and who should pay for the parts ensued among members of the Board. Board Member Johnson moved to have the complaint move forward and Mr. Garcia seconded the motion. Chairman Donovan called the roll of the members and Board Members Johnson and Garcia voted yes and Board Member Ye and Smith voted no and Chairman Donovan voted no. The motion failed by a Vote of: 2-3 and the complaint was dismissed.

Complaint 2025-17

Board Member Garcia noted the complaint involved the windshield camera calibration and noted that even a loss involving minor damages triggered the need. Board Member Smith said that this involved the same vehicle as the prior two complaints and asked whether Mr. Garcia will be abstaining from voting and Board Member Garcia responded that he would vote on the matter. Mr. Smith noted the autobody shop made reference to OEM Procedures and the insurance company's appraiser was referencing I-CAR Procedures. Board Member Johnson made a motion to have the complaint move forward and Mr. Garcia seconded the motion. Chairman Donovan called for a roll call vote and Board Members Johnson and Garcia voted yes, Board Members Ye, and Smith voted no and Chairman Donovan voted no. The motion failed by a Vote of: 2-3 and the complaint was dismissed.

Complaint 2025-18

Board Member Garcia stated the complaint was similar to one heard in a prior meeting where there was a letter from a customer accusing an appraiser of dissuading the customer from using the shop. In that matter, the Board moved to have the appraiser respond, which he did. Board Member Garcia moved to have this matter move forward seeking a response from the appraiser and Board Member Johnson seconded the motion. Chairman Donovan called for a roll call vote and the motion passed by a Vote of: 4-0.

Complaint 2025-19

Board Member Garcia noted this that the complaint was a seat belt issue where the independent appraiser was told by his supervisor what to do and Board Member Johnson made a motion to move the complaint forward. The motion did not receive a second, the motion failed, and the complaint was dismissed.

Complaint 2025-20

Board Member Garcia suggested the matter referred to the repair of a rim and Board Member Johnson said that a part of the complaint narrative suggests that the appraiser refused to sign field notes, but the complaint makes no further mention of this. Board Member Johnson moved to have the matter go forward and noted that the appraiser did not sign in or sign his field notes. Board Member Garcia moved to have the complaint go forward. Mr. Johnson seconded the motion. Chairman Donovan called for the roll call of the Members and Board Members Johnson and Garcia voted yes and Board Members Smith and Ye voted no and Chairman Donovan voted no. The motion failed by a Vote of 2-3 and the complaint was dismissed.

Executive Session:

A Motion was made and seconded. The motion included language that the Board will adjourn immediately following the Executive Session. A roll call vote passed by a Vote of: 4-0.

Board Counsel Powers read the Massachusetts law for entering an Executive Session in and stated such a review was allowed under the following provision of the law:

Review of complaint in the executive session filed against a licensed appraiser. Such discussion during the executive session is allowed under M.G.L. c. 30A, §21(a)(1) and in accordance with the Office of the Attorney General's Open Meeting Law (OML) decisions such as Board of Registration in Pharmacy Matter, OML 2013- 58, Department of Public Safety Board of Appeals Matter, OML 2013-104, and Auto Damage Appraisers Licensing Board Matter, OML 2016-6 and Auto Damage Appraisers Licensing Board Matter, OML 2019-50. Section 21(a) states "A public body may meet in executive session only for the following purposes: (1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights: i. to be present at such executive session during deliberations which involve that individual; ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session; iii. to speak on his own behalf; and iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense. The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

Executive Session:

The Board reviewed Complaint 2024-22. A discussion was held, the complainant did not provide additional information about the complaint and Board Member Johnson requested the matter be tabled to the next meeting and if the complainant did not supply any additional information by that meeting the Board could entertain a motion to dismiss the complaint at that time. The complaint was tabled to the following meeting.

Motion to Adjourn:

Chairman Donovan called for a motion to adjourn, and Board Member Smith made the motion to adjourn, the motion was seconded by Board Member Garcia, Chairman Donovan called for a roll-call vote, and the motion passed by a Vote of: 4-0, with Chairman Donovan abstaining.

Whereupon the Board's business was concluded.

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