



THE COMMONWEALTH OF MASSACHUSETTS

AUTO DAMAGE APPRAISER LICENSING BOARD

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MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

GILBERT W. COX, JR.
CHAIRMAN

BRUCE S. KING
DONALD R. SPINELLI
STEPHEN R. TAGUE
JOSEPH A. VALARIOTI

Minutes of Meeting

Auto Damage Appraisers Licensing Board – July 26, 2006 Marlboro, MA

Members Present:

Gilbert W. Cox, Jr., Chairman
Bruce S. King,
Donald R. Spinelli

Law Offices of Gilbert W. Cox
King Collision
MetLife

Robert Kelly
Yvonne Torres

Counsel to the Board
Secretary

Approval of Minutes

Spinelli moved to accept minutes of June 21, 2006. Seconded by King.
Motion passed 3-0

Report on licenses

5,133 licenses
418 pending renewal
245 applications pending
22 new candidates
3 retakes for Part I
78 applicants scheduled for Part II on August 2nd.

Proceedings recorded by:

John Joyce of Commerce Ins. Co. (Audio/Video)
Thomas Colo, (Audio/Video)
Yvonne Torres (Audio)

Informal/Formal Hearings. (None)

Chairman Cox initiated a discussion about the informal and formal hearings against Commerce that were agreed to be scheduled and asked Attorney Kelly to state his reservations about moving forward. Attorney Kelly stated that he and the Division of Insurance had some procedural concerns with respect to conducting the formal hearings for the Board. Attorney Kelly believes that it may be a conflict of interest for him to sign an order to show cause and also have role in the hearing. A meeting will be scheduled with the General Counsel of the Division of Insurance to discuss above concerns and attempt to resolve the procedure.

Board members and Attorney Kelly also had a discussion re: drafting the Notices of Hearing and Orders to Show Cause for cases 2006-26 and 2005-38 which were voted to proceed to formal hearings. Attorney Kelly requested assistance in determining the facts and alleged violations of the two cases mentioned above in order to prepare the legal documents. Spinelli inquired as to whether a possible solution to Mr. Kelly's concern on the conflict of interest might be to have the Board members conduct the formal hearings themselves. Chairman Coxed stated that this was the Board's procedure in the past but at some point their past counsel, Victor Fanikos took over conducting the formal hearings. Complaint 2005- 26 (Bazinet v. Diesi) was then discussed and an outline provided to Mr. Kelly for purposes of drafting the notices of hearing and orders to show cause. Mr. Kelly was instructed to issue the notices no later than **August 2nd** in order to schedule the formal hearings for September's meeting and it was concluded that the Board would conduct the hearings.

Future Meetings

August 16, 2006 – *Ms. Torres was instructed by the Chairman to schedule two informal hearings from list and to contact the parties by telephone to check availability. Mr. Spinelli requested that Ms. Torres notify them as soon as possible if she was unable to arrange the two informal hearings. Mr. Spinelli also stated that the Board would cancel the August meeting if the informal hearings could not be scheduled.

September 18, 2006 – (Formal Hearings)

Other Discussions

Attorney Peter McCue made a few points on the formal hearing process that should be referred to by the Board. Mr. McCue made reference to his letter dated July 24, 2006 re: issuance of the Order of Notice under G.L. 30A and the Standard Rules of Practice and Procedure, 801 CMR 1.01.

Bruce King read a letter submitted by Mr. Collins re: initial appraisals with obvious damages not being reasonably anticipated and written. Mr. Collins expressed concern over a standard cover letter sent out by Commerce Insurance Company on visible damages. Comments were provided by Roger Walling and Thomas Colo on the issue and the Board members held a lengthy discussion on a possible solution to the issue. It was moved and seconded that the letter be placed on file for future action. Passed 3-0.

Executive Session

A roll call was taken to go into Executive session. 3-0