



Maura Healey
GOVERNOR

Kim Driscoll
LIEUTENANT GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS AUTO DAMAGE APPRAISER LICENSING BOARD

1000 Washington Street • Suite 810 • Boston, MA 02118-6200
(617) 521-7794 • FAX (617) 521-7475
TTY/TDD (617) 521-7490
<http://www.mass.gov/doi>

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

Minutes of the Board Meeting held on October 22, 2024, adopted by the Board at the meeting held on January 21, 2025, by a Vote of 3-0 with Chairman Donovan and Board Member William Johnson abstaining because he was not present at the meeting.

The Auto Damage Appraiser Licensing Board (ADALB or Board) held a meeting on October 22, 2024, at 1000 Washington Street, Boston, Massachusetts.

Members Present:

Chairman Donovan
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 the other four Board members responded present, except Board Member William Johnson who notified the Chairman prior to the meeting he was unavailable for the meeting because of an important unavoidable appointment required his attendance elsewhere.

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 Mapfre/Commerce Insurance and "Lucky" Papageorg of the Alliance of Automotive Service Providers of Massachusetts (AASP).

In attendance were: Lucky Papageorg, AASP/MA Executive Director along with Don Dowling, owner of Marblehead Collision. Also in attendance were: James Bates, materials expert from MAPFRE Insurance along with Larry Bacchus and Paul Geotis, Mr. James Steere of The Hanover Insurance Company, Felix Spinazzola and Director Rob Torres from Travelers Insurance Company, Scott Cambray from Quincy Mutual Insurance Company, Parker Riley and Rimi Ponce from the Progressive Insurance Company, Steve Betley, Senior Account Manager, Insurance Solutions at OEC, Massachusetts Insurance Federation's Executive Director, Christopher Stark, and Michael Parsons owner of Source One Financial.

Approval of the Board minutes for the Board meeting held September 19, 2024:

Chairman Donovan requested a motion to approve the minutes, Board Member Peter Smith made the motion to accept the minutes as presented, and Board Member Carl Garcia seconded the motion. The motion passed by a roll call Vote of: 3-0, with Chairman Donovan abstaining and Board Member Johnson not in attendance because of the unavoidable conflict in his schedule.

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

Chairman Donovan requested Board Member Peter Smith provide a report about the Part-II portion of the examination for motor vehicle damage appraiser license (practical portion of the two-part examination). Board Member Smith reported that another Part-II examination was scheduled for December 14, 2024 and he expected a full group of examinees. The exam would be held at Progressive Insurance Company's Westwood facility and anticipated excellent support from Board Member Carl Garcia and members of the auto body insurance industry in administering the exam.

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:

Chairman Donovan requested an update on the progress of the proposed amendments from the Members of the Board. Board Member Peter Smith informed the Board that because Board Member William Johnson was unable to attend the meeting, because of an unavoidable conflict with his schedule, he would abstain from proposing any substantive changes to the Board's Regulation. Board Member Smith provided an overview of previously proposed amendments agreed to be the Board and a robust discussion was engaged among the Board Members as to the impact of some of the proposed amendments.

Board Member Smith asserted that at the next Board meeting the Board would be reviewing the "Conflict of Interest" language contained in the Board's Regulation and Board Member Carl Garcia suggested that there would be some substantive changes to that section. Board Legal Counsel Michael D. Powers agreed and stated that it would be prudent to revise the definition to include an expanded definition as to what the Board believed would constitute a Conflict of Interest among its members. Chairman Donovan opined that it might be prudent to contact the Massachusetts State Ethics Commission and request their input. Legal Counsel Powers felt that the better way to proceed would be for the Board defining its understanding, while applying the law, and thereafter the Board could request a review from the State Ethics Commission. Legal Counsel Powers pointed out that, a principle of legal review followed by the courts is they will generally defer to an agency's interpretation of matters within the scope of the agency's authority.

Next meeting date:

The consensus of the Board was that the next meeting would be held at 1000 Washington Street, Boston at 10:00AM on December 17, 2024.

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

Lucky Papageorg asked permission to speak to the Board and the Chairman granted permission. Mr. Papageorg asserted that he did not understand the reason that the Board refused to identify the parties to a complaint. Board Member Garcia stated that he believed that there was some merit to the position that the Board could provide a generic identification of the parties to a complaint but would rather wait to discuss the matter upon the return of Board Member Johnson at the next Board meeting.

Review of Complaints:

Board Member Smith stated that Complaint 2024-21 should be dismissed because the appraiser did not renew his motor vehicle damage appraiser license. A motion was made by Board Member Peter Smith to dismiss, seconded by Board Member Garcia, and the motion passed by a Vote of: 3-0 with Chairman Donovan abstaining and Board Member Johnson not in attendance because of conflict in schedule.

Motion to enter the Executive Session:

Board Counsel Powers read the Executive Session agenda item in its entirety and at the conclusion or reading Board Member Garcia made a motion to enter the executive which included adjourning in the executive session. Chairman Donovan requests a discussion on the motion, and Mr. Papageorg asked whether the Board would give some description of the people involved with the complaint. Board Member Smith suggested it would be inappropriate to any of the parties involved to divulge any aspect of the complaint. Board Member Garcia suggested one could have deduced the information from the discussion held among the members of the Board. Chairman Donovan calls for a roll call vote and the motion passed by a Vote of: 4-0, with Chairman Donovan abstaining.

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:

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.

Complaint 2024-21:

The Board reviewed the complaint and the response filed to it and after discussion a motion was made by Board Member Peter Smith to dismiss the complaint and the complaint was dismissed by a Vote of: 3-0 with Chairman Donovan abstaining.

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).