



**THE COMMONWEALTH OF MASSACHUSETTS
AUTO DAMAGE APPRAISER LICENSING BOARD**

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October 20, 2022

Office of State Secretary
Regulations Division
State House
Room 117
Boston, MA 02133

Re: Meeting Notice and Agenda Items for the Massachusetts Auto Damage Appraiser Licensing Board Wednesday, October 26, 2022, 10:00AM

Dear Concerned Parties:

In accordance with Massachusetts General Laws Chapter 30A, §§ 18-25 and Governor Charles D. Baker's "ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW, G.L. c. 30A, § 20" issued on March 12, 2020, Chapter 20 of the acts of 2021 "An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency", the Auto Damage Appraiser Licensing Board (ADALB or Board) will hold a public meeting on Wednesday, October 26, 2022, at 10:00AM at 1000 Washington Street, Boston, Massachusetts.

The topics to be discussed during the meeting of the Board will be the following:

- I. Call to order.
- II. Approval of the Board minutes for the Board meeting held on September 13, 2022.
- III. Report by Board Member Peter Smith on the Part-II examination for motor vehicle damage appraiser.
- IV. Other business – reserved for matters the Chair did not reasonably anticipate at the time of the posting of the meeting and agenda.

- V. Next meeting date.
- VI. Continuing review of 100 complaints filed against motor vehicle damage appraisers licensed by the Auto Damage Appraiser Licensing Board brought by the same licensed appraiser who also owns an auto body shop, most of the complaints have been brought against 2 insurance companies and their authorized appraisers. The following review are complaints filed by the same licensed appraiser and auto body shop owner, against the same auto body appraisal company and the same appraiser employed by the company. The review by the Board will be conducted in accordance with the Auto Damage Appraiser Licensing Board’s “Complaint Procedures” to determine whether: the Board lacks jurisdiction, the complaints are based on frivolous allegations, lack sufficient evidence, lack legal merit or factual basis, no violation of the regulation is stated, or other basis. During the review, the Board will not discuss the named appraisers or the named companies the complaints have been filed against. The Board will review the following Complaints:
 Complaint 2022-55, 57, 60, 61, 62, 63, 83, 84, 85, 103, 104, 109, 110, 111, 112, 113.
- VII. Executive session to review complaint 2019-11. 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. 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.

The licensed appraiser has previously requested the matter be heard in the executive session.

VIII. Motion to adjourn.

Auto Damage Appraiser Licensing Board,
By its Attorney,

Michael D. Powers

I certify that, this Notice was sent by email to the Massachusetts Office of Administration and Finance, to the Office of the Secretary for the Commonwealth and forwarded by e-mail to the IT Services for the Commonwealth.

Michael D. Powers
Counsel to the ADALB

Date

Reasonable accommodations for people with disabilities are available upon request. You can make a request by sending an email to Michael D. Powers at: Michael.d.powers@mass.gov. Please include your name and contact information, and the type of accommodation you will need, including as much detail as you can. Please be advised that while we will try our best to grant requests received after the Friday before the meeting, they may not be possible to fulfill, so please make your request as soon as you know you will need it.