



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

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DEVAL L. PATRICK
GOVERNOR

GILBERT W. COX, JR.
CHAIRMAN

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

DAVID E. KRUPA
JOSEPH COYNE
JOSEPH A. VALARIOTI

Minutes of Meeting

Auto Damage Appraisers Licensing Board, Marlboro, MA – November 28, 2007

Members Present:

Gilbert Cox, Chairman, Law Offices of Gilbert W. Cox
Joe Valarioti, Central Auto Rebuilders
David Krupa, Safety Insurance Company
Joseph Coyne
Robert Kelly, Attorney
Yvonne Torres, Secretary

Others in Attendance

Francis Matheiu
Frank DeSario, Safety
Ed Sankowski, Commerce Insurance Company
Peter Langone, Langone Auto Body
Peter Smith, CIC
Brendan Butler, B&D
Sue Conena, CIC
Paul Semenkow, Peerless
Kevin McCarron, Arbella

Proceedings recorded by:

Jerry Muse, Commerce (Audio/Video)
Thomas Colo, Advanced Auto Body (Audio/Video)
Yvonne Torres, MA Division of Insurance (Audio)

Review of Minutes

Valarioti moved to accept minutes of 10/24/07 as written. Seconded by Krupa. Passed 3-0

Report on Licenses

5,165 Active Licenses; **250** Pending Renewal; **45** new applications;
5 Part I retakes; **35** individuals took the Part II on 11/19/07 including **3** retakes; **9** failed Part II

Step 2 Complaints

2007-01 – AASP/CMARA v. Levesque/LMIC

This complaint will continue on the agenda for action when there is a full Board.

2007-02 – Ray Therrien v. Glenn Moulton

Valariot moved to dismiss. Seconded by Krupa. Passed 3-0

2007-03 – Magri's Auto Body v. Poplaski & Commerce (Insured: Cynthia Dumas)

Motion to postpone consideration until Board receives an opinion from Attorney Kelly on price-fixing.
Seconded by Coyne. Passed 3-0

2007-04 – Magri's Auto Body v. Poplaski & Commerce (Insured: Timothy Carroll)

Motion to postpone consideration until Board receives an opinion from Attorney Kelly on price-fixing.
Seconded by Coyne. Passed 3-0

2007-05 – Magri's Auto Body v. Poplaski & Commerce (Insured: Ja Kim Kyoung)

Motion to postpone consideration until Board receives an opinion from Attorney Kelly on price-fixing.
Seconded by Coyne. Passed 3-0

2007-06 – Magri’s Auto Body v. Poplaski & Commerce (Insured: Tomeka Hodges)
Motion to postpone consideration until Board receives an opinion from Attorney Kelly on price-fixing.
Seconded by Coyne. Passed 3-0

2007-07 – Magri’s Auto Body v. Poplaski & Commerce (Insured: Alphonse J. Ziter)
Motion to postpone consideration until Board receives an opinion from Attorney Kelly on price-fixing.
Seconded by Coyne. Passed 3-0

2007-08 – Magri’s Auto Body v. Poplaski & Commerce (Insured: Karen Covell)
Motion to postpone consideration until Board receives an opinion from Attorney Kelly on price-fixing.
Seconded by Coyne. Passed 3-0

2007-09 – Magri’s Auto Body v. Poplaski & Commerce (Insured: Richard Powers)
Motion to postpone consideration until Board receives an opinion from Attorney Kelly on price-fixing.
Seconded by Coyne. Passed 3-0

2007-10 – Magri’s Auto Body v. Omasta & Commerce (Insured: Judith Clarke)
Motion to postpone consideration until Board receives an opinion from Attorney Kelly on price-fixing.
Seconded by Coyne. Passed 3-0

2007-11 – B&D Auto Body v. Scott Adie
Motion made by Valarioti to move on to an informal hearing. Seconded by Coyne. Passed 3-1

2007-12 – B&D Auto Body v. Angelo Mingolla
Motion by Valarioti to combine 2007-12 with 2007-11.

2007-13 – B&D Auto Body v. Brian Smith.
Brenden Butler withdrew his complaint. Motion by Valarioti to dismiss. Seconded by Coyne. Passed 3-1.

2007-14 – Mass. Motors Inc. v. Bernard Waggenheim
Motion by Valarioti to postpone action until response is received. Cox requested that Ms. Torres provide a copy to Attorney McCue.

Pending Complaints -No action until there is a full Board.

2004-09 – Legere v. Chicos, Correia (Liberty) / **2005-37** – Betley v. Capazzoli

Licensing Subcommittee Report

Brief discussion re: change in Criteria for eligibility to take licensing exam and continuation of Part II. Item will be on agenda for next meeting. Krupa will draft letter to Diane Silverman Black re: attending the annual review of test questions for our licensing exam.

Complaint Procedures

Postponed discussion to next meeting.

ADALB Complaint Form

Valarioti volunteered to draft a new form.

Meeting with Commissioner and Line Item in Budget

Ms. Torres will follow up with Stephanie Pinion re: setting up a meeting with the Board and the Commissioner. Valarioti agreed to draft a letter to the Chairman Ways & Means Committee about adding a line item in the budget for the Board.

Expedited Supplemental Appraisal Process

Mr. Kelly reported that he is awaiting further comments from the Division of Insurance.

Other Requests

Request for Temporary License – Jeremiah Chase.
Motion by Krupa to issue a temporary license. Failed 1-2.

Future Meetings: December 19, 2007