



THE COMMONWEALTH OF MASSACHUSETTS
AUTO DAMAGE APPRAISER LICENSING BOARD

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<http://www.mass.gov/doi>

*Motion to
Accept
3-0 Pass
1-22-07*

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

GILBERT W. COX, JR.
CHAIRMAN

BRUCE S. KING
DAVID KRUPA
DONALD R. SPINELLI
JOSEPH A. VALARIOTI

Minutes of Meeting

**Auto Damage Appraisers Licensing Board – December 18, 2006
Marlboro, MA**

Members Present:

Gilbert W. Cox, Jr., Chairman, Law Offices of Gilbert W. Cox
Bruce S. King, King Collision
Donald R. Spinelli, MetLife
Joe Valarioti, Central Auto Rebuilders

Attorney Robert Kelly and Yvonne Torres, Secretary were also present.

Others in Attendance included:

Dennis LaFleur, Commerce Insurance Company
Jeff Cuff, Commerce Insurance Company
Jim Kaufman, Commerce Insurance Company
G. Muse, Commerce Insurance Company
J. Bates, Commerce Insurance Company
Langone Auto Body
Auto Craft Sales
John Hitt, Cosgrove, Eisenberg & Kiley
Roger Walling, A-Touch Collision Service
Jim Callahan, Commerce Insurance
Tim Kearney, Premier Insurance
Lee Fitzhenry, Commerce
Frank DeSario, Safety Insurance
John A. Joyce, Commerce Insurance
Matthew Jayne, Adesa Impact
Keven McCarron, Arbella
Steve Regan, Mass. Auto Body Assoc.
Ed Nalgawawski, Eds Auto Body
Dean Luther, Carlisle AIB
Mike Moran, LMIG
Paul Semenkow, Peerless Insurance
Jim McNary, One Beacon Insurance
Bob Woods, One Beacon Insurance
Dave Castro, Commerce Insurance Company
Chuck Goldrick, Baystate Appraisal Service

Approval of Minutes

King made a motion to accept the November 22, 2006 minutes as written. Seconded by Spinelli. Passed 3-0.

Motion by King to accept Executive Session minutes. Seconded by King. Passed 3-0.

Motion by Spinelli not to release Executive Session minutes. Seconded by King. Passed 3-0.

Report on licenses

Yvonne Torres reported the following:

5,211 Active Licenses; **261** Pending Renewal; **252** pending applications
57 applicants took Part II Exam on 12/13/06; **2** Part I retakes ; **7** Awaiting the next Part II

Proceedings recorded by:

John Joyce of Commerce Ins. Co. (Audio/Video)
Thomas Colo, Advanced Auto Body (Audio/Video)

Discussions

212 CMR 2.00

The Board agreed upon the following two options for consideration and discussion at the next meeting on January 22, 2007.

1) Delete Section 2.04(e) paragraph 4 sentence 4 *Beginning: (With respect to) and Ending: (shall be used.)

Replace with proposed language:

“With respect to paint, paint materials, body materials and related materials, if the formula of dollars times hours is not accepted by a registered repair shop or licensed appraiser, then a published manual or other documentation shall be used unless otherwise negotiated between the parties.”

2) Delete Section 2.04(e) paragraph 4 sentence 4 *Beginning: (With respect to) and Ending: (shall be used.)

* No replacement language.

Workers' Compensation/Liability Insurance

The Board discussed correspondence submitted by Robert Virta of Virta's garage re: its' business practice of not allowing individuals who are independently employed or employed by another, who refuse to provide proof of insurance. The Board determined that a shop does not have the right to deny access to its premises to an independent appraiser for not providing a copy of workers' comp. /liability insurance.

Petition to amend 212 CMR 2.00 submitted by Attorney Castleman.

The Board requested additional time to review the petition and asked that it be placed on the agenda for the next meeting in January.

Complaints (Step 2)

Spinelli moved to postpone the following complaints to the next meeting and copies should be forwarded to Peter McCue, Esq.

2006-36 – Virta v. Bates

2006-37 – Virta v. Bates

2006-38 - Virta v. Fitzhenry

Scheduling

2004-09 – Legere v. Chicos and Corea – The Board decided to hold a file review meeting on this case in January and requested that it be placed first on the agenda.

The Board scheduled the following two informal hearings for January 22, 2007.

2006-26 – Capazzoli v. Manning and Commerce

2006-40 – Semenkow v. Diamond

The cases below were scheduled for February 21, 2007.

2006-28 – Johnson v. Commerce, Fels, Diesi, King & LaFleur (**Informal**)

2006-37 – Betley v. Capazzoli (**Formal**)

Other Business

Letter submitted by Peter Campopiano on behalf of Angel Perez. The Board requested that staff inquire as to whether Thomson Prometric can administer the Part I test in another language and also requested that Mr. Perez be invited to the next meeting.

Future Meetings

Monday, January 22, 2007

Wednesday, February 21, 2007

Motion by Spinelli to Adjourn. Seconded by King. Passed 4-0.