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THE COMMONWEALTH OF MASSACHUSETTS AUTO DAMAGE APPRAISER LICENSING BOARD

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

Minutes of the Meeting of the Board held on January 23, 2024, and approved at the Board Meeting held on March 12, 2024; Motion of Board Member Carl Garcia, Seconded by Board Member Peter Smith, with Chairman Michael Donovan Abstaining. The Motion Passed by a Vote of: 4-0.

Minutes of the Board Meeting held on January 23, 2023

The Auto Damage Appraiser Licensing Board (ADALB or Board) held a meeting on January 23, 2023, at 1000 Washington Street, Boston, Massachusetts.

Members Present:

Chairman Donovan
William Johnson
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 four Board members responded present.

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: Jim Steere of The Hanover Insurance Company and "Lucky" Papageorg of the Alliance of Automotive Service Providers of Massachusetts (AASP).

In attendance were representatives from both the auto body shop industry and auto insurance industry. Lucky Papageorg, AASP/MASS. Executive Director, Jack Lamborghini, former co-owner of Total Care Accident Repair of Raynham, and Carlos Reyes and Branden Naraine of CIV Car Care Collision of Taunton. James Bates, Supervisor of Material Damage for Mapfre Insurance Company, Mr. James Steere from The Hanover Insurance Company, Eric Doyle from Amica Insurance Company, Brian Partain from National General Insurance Company, and Felix Spinazzola from Travelers Insurance Company. The Massachusetts Insurance Federation's Executive Director Christopher Stark was also in attendance.

Approval of the Board minutes for the Board meeting held October 23, 2023:

Chairman Donovan asked for a motion to approve the draft minutes. Board Member Carl Garcia made a motion to accept the minutes as presented and Board Member Peter Smith seconded the motion. Chairman Donovan called for a roll call vote and the motion passed by a Vote of: 4-0.

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

Chairman Donovan requested Board Member Peter Smith to present the item listed on the agenda. Board Member Smith reported that the exam was held on December 16, 2023, at the Progressive Insurance Company's campus in Westwood, and of the 44 applicants for motor vehicle damage appraiser license scheduled to attend the Part-II portion of the examination, 4 were no-shows, 36 passed and 4 failed the examination. Board Member Smith thanked those who assisted him in the examination process including: Board Member Carl Garcia, Parker Riley of Progressive Insurance Company, Sue Conena, Ed Jankowski, Jeff Guyette and Camirolis Landestoy of Mapfre Insurance Company, Scott Cambray of Quincy Mutual Insurance Company, James Steere of the Hanover Insurance Company and Branden Naraine of CIV Car Care Collision. Board Member Smith reported that there were 25 applicants awaiting the next Part-II exam and he was expecting an updated list of applicants from Mr. Rober Hunter of the Division of Insurance Producer Licensing Section, before scheduling the next examination, which would be in late February or early March of 2024. Board Member Garcia noted that having 4 applicants fail the Part-II examination might appear like a low number, but that number of applicants failing the examination was a 10% failure rate, he stated that the exam is not very complicated, and is created for applicants with basic knowledge of appraising motor vehicle damage and a qualified person should attain a passing score. Chairman Donovan asked whether those that fail can re-apply for the next scheduled examination and Board Member Garcia stated that they could and that he reaches out to each person who failed the exam to go over the reasons for failure. Board Member Smith added that he contacts failing applicants and advises them to contact their course instructors and the licensed appraisers who signed off on their apprenticeships for additional advice. Board Member Garcia stated that course instructors are doing the right thing in the manner they are assisting the applicants for the Part-II examination,

Update on status of proposed amendments to the ADALB's Regulation, 212 CMR 2.00 et seq.:

Chairman Donovan asked Board Legal Counsel Michael D. Powers to provide an overview of the amendment process for the Board's Regulation. Legal Counsel Powers stated that he sent the Members of the Board an email describing the process, along with Board minutes of past meetings containing the previously constituted Board's discussions about the proposed amendments that were set-out on the agenda for the Board meeting. Legal Counsel Powers requested that Board Member William Johnson provide an overview of the process that led to the proposed amendments listed on the agenda for the meeting. Board Member Johnson asserted that, his four-year-old granddaughter had not been born when the amendment process began, and the proposed amendments were nothing more than changes in the "definitions" contained in the Board's Regulation and asked Board Member Smith for his input.

Board Member Smith noted that changes in the appraiser license renewal process – as described in the Regulations - needed to be changed to keep up with the updated electronic process. Board

Member Smith stated that there were other items which need to be addressed as well. Board Member Smith suggested that the process could be broken down and brought up as an agenda item for meetings going forward. Mr. Garcia reminded the Board that any changes to the Board's Regulation could affect other Regulations and he cautioned that the Board may find themselves opening a can of worms if they go into too many changes. Mr. Garcia noted that the auto body shops are also regulated by the Attorney General's office as well as the Division of Insurance regulations 211 CMR 123.00 and 211 CMR 133.00, noting that not all changes to regulations have a good outcome. Mr. Johnson noted the Board's Regulation 212 CMR 2.04 (e) and stated that the claimant needs to be in the loop for dismantling the damaged motor vehicle, but many insurance companies request the auto body shop to dismantle the vehicle. He stated that auto body repair shops need to be aware of the Attorney General's regulations which could deem such an action in violation of their regulations.

Board Member Smith volunteered to work with Board Members Johnson or Garcia to put together suggestions for changes. Board Member Johnson stated that Board Member Garcia would be a fresh set of eyes for proposed changes to the ADALB's Regulation and suggested he and Board Member Smith work together. Board Member Vicky Ye stated that she would like to be included in the conversation, noting that the Board's changes in definitions must avoid any conflicts with the Division of Insurance Regulations. Board Member Garcia added that their work may also find conflict with the Attorney General's Regulations. Chairman Donovan stated that Board Members Garcia, Smith, and Ye should form a working group to review changes and report back at the next meeting.

Board Member Johnson asked that the working group keep the Board apprised of any progress and must be careful not to violate the Open Meeting Law. Board Member Garcia suggested a drop-site for documents may assist the Board in keeping the process up to date.

Next meeting date:

Chairman Donovan suggests a date of March 12, 2024, and the suggested date was agreed for 10AM at 1000 Washington Street, Boston.

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

Board Member Johnson noted that he did not complete the proposed Advisory Ruling he agreed to draft for the Board's consideration, and he would attempt to complete it by the next Board meeting.

Mr. Papageorg asked to be recognized and was granted permission to speak to the Board by Chairman Donovan. Mr. Papageorg asked about the status of a matter filed by a consumer against a licensed appraiser which was pending in the executive session (at a previous session of the Board Mr. Papageorg presented a letter to the Board and stated that he was the consumer's authorized representative). Chairman Donovan requested Board Legal Counsel Powers to respond, and Legal Counsel Powers advised Mr. Papageorg that action had been taken, the complainant was notified, and suggested that Mr. Papageorg contact the complainant for details.

Mr. Johnson asked a question on the process taken, particularly what the process is for reviewing any suggested improprieties on an application, and asked whether the matter was assigned to the Special Investigations Unit of the Division of Insurance. Legal Counsel Powers stated that such an issue did not automatically go to them but needed a referral from the Board.

Motion to Adjourn:

Chairman Donovan called for a motion to adjourn, and Board Member Garcia made the motion to adjourn, the motion was seconded by Board Member Smith, 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).