



THE COMMONWEALTH OF MASSACHUSETTS AUTO DAMAGE APPRAISER LICENSING BOARD

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AGENDA

Auto Damage Appraiser Licensing Board Meeting

January 26, 2016, 9:30 AM, 1000 Washington Street, Boston, Massachusetts

- I. Call to order.
- II. Approval of the minutes of the Auto Damage Appraiser Licensing Board (ADALB) meeting of December 8, 2015.
- III. Report on the Part-II examination for motor vehicle damage appraiser license held on January 6, 2016.
- IV. Draft of letter from Chairman Gilbert W. Cox to the Division of Insurance about the new language contained in the Automobile Insurers Bureau's standard private passenger "Massachusetts Automobile Insurance Policy" providing the following, "[T]he most we will pay will be either the actual cash value of the auto or the cost to repair the auto, whichever is less. The cost to repair the auto is the competitive price, which we secure from a licensed repair facility under our direct payment plan...." Such language is found under Part-7 Collision, Part- 8 Limited Collision, and Part 9 Comprehensive. The ADALB regulation 212 CMR 2.04 (e) requires that the licensed motor vehicle damage appraiser (licensed appraiser) for the insurance company and the licensed appraiser representing the claimant or insured negotiate the cost to repair damage to a motor vehicle.
- V. Draft of letter from Chairman Cox to the Chairman of the Financial Services Committee of the Massachusetts House of Representatives responding to testimony provided at the legislative hearing held in December of 2015 supporting a bill to abolish the Auto Damage Appraiser Licensing Board.

VI. Requests of Mr. Calvin Smith and Mr. Steven G. Martin, who are two non-resident licensed motor vehicle damage appraisers, to waive the experience and course requirement for taking the Part-I examination for motor vehicle damage appraiser license.

VII. Discussion about amending the ADALB regulation 212 CMR 2.00 et seq. The Board will discuss proposed amendments to the ADALB's regulation and scheduling a Special public session of the Board. The Special public session of the Board will be held in advance of considering draft changes and implementing the formal regulatory amendment process, and the Board will welcome interested members of the public to attend the Special public session to provide input with regards to topics and any possible changes the public would like the Board to consider addressing in the next regulation review.

VIII. Discussion about Geico Insurance Company's practice for conducting appraisals of damage to motor vehicles at various auto body shops.

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

X. New Business

VII. Executive session to review and discuss the background of applicants for motor vehicle damage appraiser test who have disclosed a criminal conviction on the application. Review of the sufficiency of Complaint #2015-4 brought against a licensed motor vehicle damage appraiser to determine whether it contains sufficient facts for the ADALB to have jurisdiction over the matter contained in the complaint. Review of the sufficiency of Complaint #2015-3 brought against a licensed motor vehicle damage appraiser to determine whether it contains sufficient facts for the ADALB to have jurisdiction over the matter contained in the complaint. The licensed appraiser, through his attorney, has requested that this matter be held in the executive session at which time he will provide a response to the complaint. All such discussions during the executive session are allowed for 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, and *Department of Public Safety Board of Appeals Matter*, OML 2013-104. During the executive session meeting, the Board Members will also be provided with legal advice by Board Legal Counsel about pending litigation filed against it by representatives of the Association of Automotive Supply Providers of Massachusetts with the Office of the

Attorney General alleging violations of the Massachusetts Open Meeting Law and the legal strategy for defending the litigation. For this purpose under Massachusetts law, in addition to the reasons set-forth previously, a public body may vote to enter an executive session and conduct a meeting pursuant to M.G. L. c. 30A, §21 (a)(3) “To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.”