



## THE COMMONWEALTH OF MASSACHUSETTS AUTO DAMAGE APPRAISER LICENSING BOARD

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### **AGENDA**

#### **For Auto Damage Appraiser Licensing Board (“Board or ADALB”) Meeting Scheduled for January 24, 2017, 9:30 AM at 1000 Washington, Street, Boston, Massachusetts**

- I. Call to order.
- II. Approval of the Board minutes for the Board Meeting held on December 6, 2016.
- III. Report on the next Part-II examination for motor vehicle damage appraiser.
- IV. Presentation by Jake Rodenroth of AsTech Collision Diagnostic Services about the use of manufacturers’ diagnostic tools for pre-repair and post-repair scans of Original Equipment Manufacturer (“OEM”) parts. Mr. Rodenroth will provide an overview of the controversial issues of the use of scans for OEM parts in the auto body and insurance industry.
- V. Report on the ADALB’s response to the complaint filed by James Steere of The Hanover Insurance Company with the Office of the Attorney General’s Division of Open Government (“DOG”) alleging the Board violated the Open Meeting Law at the meeting that was held on October 4, 2016, by contending his attorney was wrongfully precluded from attending the executive session, with his court stenographer, during the Board’s quasi-judicial discussions and attorney/client privileged communications about the legal elements of the Order to Show Cause which was file against Mr. Steere arising out of Complaint 2016-4. At the ADALB meeting which was held on September 7, 2016, during the review of Complaint 2016-4 the licensed appraisers and their attorney appeared at the Board meeting and requested that the Board proceed with an Order to Show Cause. *See* ADALB website “record of meetings.” The proposed Order to Show Cause was approved by the Board at the meeting held on December 6,

2016, and forwarded to the General Counsel for the Division of Insurance for assignment of enforcement counsel.

- VI. Report of request of assignment of enforcement to the General Counsel of the Division of Insurance and the status of the Order to Show Cause in the matter of the Auto Damage Appraiser Licensing Board versus The Hanover Insurance Company, licensed appraisers James Steere, and Paul Horton.
- VII. Discussion about the elements of a curriculum at Springfield Technical Community College (SPCC) for an auto damage appraiser course.
- VIII. Other business – reserved for matters the Chair did not reasonably anticipate at the time of the posting of the meeting and agenda.
- IX. 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 and discussion of Complaint 2016-11, Complaint 2017-1, and Complaint 2017-2 filed against motor vehicle damage appraisers licensed by the Auto Damage Appraiser Licensing Board. Such discussions during the executive session are 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 appraisers' attorneys have requested these matters be heard in the executive session.

**X. Motion to adjourn.**