



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 July 25, 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 June 13, 2017.
- III. Report on the next Part-II examination for motor vehicle damage appraiser.
- IV. Report by Board Member Joseph Coyne as to the status of potential violations of the ADALB regulation, 212 CMR 2.00 et seq., and enabling act M.G.L. c. 26 § 8G by Access General Insurance Adjusters, LLC a company domiciled in the state of California and doing business as “Access” in Massachusetts. The draft of a letter for the Board’s approval prepared by Board Member Coyne to be sent to Access is the following:

July 25, 2017

Ms. Sharon Gibson
Senior Operations Manager
Access General Insurance Adjusters, LLC
3 Ravinia Drive, Suite 400
Atlanta, GA 30346

Dear Ms. Gibson:

It has come to the attention of the Auto Damage Appraiser Licensing Board (ADALB or Board) that your company is conducting physical damage appraisals of motor vehicles in the state of Massachusetts for your policyholders and claimants. The ADALB’s enabling act Mass. Gen. Law c. 26, § 8G requires in relevant part “No appraiser shall complete an auto damage report unless he is duly licensed and unless it is on an approved form, and in a manner consistent with rules and regulations as shall be issued and amended from time to time by the

board....” Therefore, any appraisals of damaged motor vehicles in Massachusetts must be conducted by appraisers licensed by the ADALB.

Enclosed find copies of the ADALB’s regulation 212 CMR 2.00 et seq. and a related regulation issued by the Massachusetts Commissioner of Insurance, 211 CMR 133.00 et seq. Please be sure that your company is following the regulations as set forth by the ADALB and the Division of Insurance. We at the ADALB want to ensure that each and every consumer filing a claim with your company is treated in compliance with the motor vehicle damage appraiser laws of Massachusetts.

If you have any questions or if I may be of assistance, please do not hesitate to contact me.

Sincerely,

Joseph C. Coyne, Jr.
Member of the ADALB

- V. Other business – reserved for matters the Chair did not reasonably anticipate at the time of the posting of the meeting and agenda.
- VI. Executive session to review and discuss the background of applicants for motor vehicle damage appraiser test whom have disclosed a criminal conviction on the application and to review Complaints 2017-5 and 2017-6 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 attorneys for the licensed motor vehicle damage appraisers have requested that the review of the Compliants be conducted in the executive session

VII. Motion to adjourn.