



THE COMMONWEALTH OF MASSACHUSETTS AUTO DAMAGE APPRAISER LICENSING BOARD

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CHARLES D. BAKER
GOVERNOR

GILBERT W. COX JR.
CHAIRMAN

KARYN E. POLITO
LIEUTENANT GOVERNOR

JOSEPH COYNE
RICHARD STARBARD
WILLIAM E. JOHNSON
LYLE M. PARE

Minutes of Meeting of the Board on June 2, 2015, Approved by the Board on July 21, 2015;
Motion of Board Member William Johnson Second by Board Member Lyle Pare. The
Motion Passed by a Vote of: 4-0, Chairman Cox Abstained.

June 2, 2015 Minutes of Board Meeting
**Automobile Damage Appraiser Licensing Board Meeting Held at
Division of Insurance, 1000 Washington Street, Boston, Massachusetts**

Members Present:

Gilbert Cox, Chairman
Joseph Coyne
Richard Starbard
William Johnson
Lyle Pare

Attending to the Board:

Michael D. Powers, Counsel to the Board
Steven Zavackis for the Division of Insurance, assigned to the Office of the General Counsel,
took the minutes of the Board meeting.

Proceedings recorded by:

Jillian Zwien of the Alliance of Automotive Service Providers of Massachusetts (Audio/Video).

Review of minutes:

Review of the minutes from the meetings held on April 28, 2015 was conducted by the Board.

After a brief discussion among the members of the Board about the contents of the minutes, a motion was made by Board Member Coyne seconded by Chairman Cox to approve the minutes of the Board Meeting held on April 28, 2015. Board Member William Johnson stated that because he was not a Member of the Board on April 28, 2015, and did not attend that meeting he would vote to approve the minutes only as to form. Board Member Richard Starbard also wanted the discussion on the vote to indicate the same as to him. The motion passed by a vote of: 4-0, Chairman Cox abstained. Board Member William Johnson called for a vote on the executive session minutes in the same form as he voted on the minutes of the public meeting. A motion was made by Mr. Johnson to approve the minutes of the executive session that was held

on April 28, 2015, seconded by Board Member Joseph Coyne. The motion passed by a vote of: 4-0, Chairman Cox abstained.

Report on the Part-II examination for motor vehicle damage appraiser license scheduled for June 16, 2015:

Board Member Joseph Coyne informed the Board, and the public, that former Board Member Carl Garcia arranged for the Part-II examination by scheduling the examination in Taunton at the Holiday Inn on June 16, 2015 and arranged for a damaged automobile for viewing by the examinees as part of the test.

Steve Zavackis, Executive Secretary to the ADALB, reported that notice had probably been sent out to applicants for the Part-II examination, which would have included the location and date of the examination.

Board Member Richard Starbard volunteered his services and to arrange for a damaged automobile to be provided as the example for applying the practical portions of the Part-II examination.

Board Member Starbard requested Mr. Zavackis to provide him with a copy of the letter notifying the examinees of the date, time, and place of the examination. If the examination had already been scheduled, Mr. Starbard said that he would follow through with it, and would arrange for a damaged automobile to be provided at the location.

Old Business

Mr. Peter D'Agostino a lobbyist for AASP asked to speak to the Board. Mr. D'Agostino informed the Board that he had a public records request that he wished to make.

Robert Whitney, General Counsel and Deputy Commissioner for the Division of Insurance, informed Mr. D'Agostino that any public records request that he would like to make must be placed in writing, to avoid any confusion as to exactly what it was that Mr. D'Agostino was requesting.

Mr. D'Agostino informed Mr. Whitney that he would put his request in writing and would send it to him.

There was some discussion about amending the ADALB regulation, 212 CMR. 2.00 et seq. Legal Counsel to the Board informed the Board Members, and the public, that the Board had held extensive discussions about amending the ADALB regulation but decided to await the appointment of the new Insurance Commissioner of the Division of Insurance. Since that time Daniel R. Judson was appointed the new commissioner, and Mr. Powers said that he would gather a list of topics that the Board had discussed during previous meetings and provide them to the Members of the Board at the next scheduled meeting.

Executive Session:

A letter from a previously licensed motor vehicle damage appraiser had been sent to the Legal Counsel to the Board Michael D. Powers, complaining about the revocation of his license in

2008, and making allegations that his legal rights had been violated. The matter involved the discussion of potential litigation. There was also a complaint filed against a licensed appraiser, Complaint #2015-2.

A motion was made by Board Member Coyne for the Board Members to enter the executive session, amended by Board Member Johnson to include the fact that the Board would not return to the public session at the end of the executive session, the motion was seconded by Chairman Cox. A roll-call of the Board Members was taken and the motion passed by a vote of 4-0, Chairman Cox abstained. The Board went into an executive session.

The Board Members were provided with copies of the letters sent by the former licensee and a discussion was held among the Board Members, which included legal advice that was provided to the Board. The Board Members agreed that the Legal Counsel to the Board, Michael D. Powers, would send a letter to the former licensee inviting him to submit another application to take the examination for motor vehicle damage appraiser which would be processed in the usual manner.

The Board discussed Complaint 2105-2, a motion was made by Board Member Coyne to table the complaint, and a second was made by Chairman Cox. A vote was taken and the motion passed by a vote of: 5-0.

A motion was made by Board Member Coyne to adjourn the meeting, seconded by Chairman Cox and the motion passed by a vote of: 5-0. Whereupon, the Board's business was concluded.

The form of these minutes comport with the requirements of M.G.L. c. 30A, §22(a).