



THE COMMONWEALTH OF MASSACHUSETTS AUTO DAMAGE APPRAISER LICENSING BOARD

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January 13, 2021

Office of State Secretary
Regulations Division
State House
Room 117
Boston, MA 02133

Re: Meeting Notice and Agenda Items for the Massachusetts Auto Damage Appraiser Licensing Board Tuesday, January 19, 2021 at 11:00AM

Dear Concerned Parties:

In accordance with Massachusetts General Laws Chapter 30A, §§ 18-25 and Governor Charles D. Baker's "ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW, G.L. c. 30A, § 20" issued on March 12, 2020, the Auto Damage Appraiser Licensing Board (ADALB or Board) will hold a meeting on Tuesday, January 19, 2021, by teleconference at 11:00AM from 1000 Washington Street, Boston, Massachusetts. Because of COVID-19 Order No. 47 issued by Governor Charles D. Baker on August 7, 2020, gatherings of over 25 people are prohibited and, therefore, members of the general public will not be allowed to attend in-person. The public is invited to join-in the teleconference meeting by dialing the "Participants" telephone number at: 1-877-820-7831 and entering the Passcode 623523#. The topics to be discussed during the meeting of the Auto Damage Appraiser Licensing Board will be the following:

- I. Call to order.
- II. Report by Board Member Peter Smith on the Part-II examination for motor vehicle damage appraiser held on December 19, 2020, at the Progressive Insurance Service Center in Westwood, Massachusetts.
- III. For discussion by the Board, a proposal submitted by Board Legal Counsel, Michael D. Powers, a standard form letter to licensed motor vehicle damage appraisers whom have complaints filed against them to assent to the Board conducting a review of the complaint based on the complaint, documents submitted by the complainant, and any response submitted by the licensee. The standard form letter will be in the following format:

Re: Complaint Filed by XX #xxxx-xx

Dear Mr./Ms. XX:

A complaint has been filed against you by XX (a copy is enclosed). The Auto Damage Appraiser Licensing Board (Board) will conduct a review of the complaint at a future Board meeting. At this time, the Board is conducting a preliminary review of the allegations contained in the complaint filed against you, and the Board has not determined to issue a formal complaint against you. Under Massachusetts General Laws, Chapter 30A, § 21 (a)(1) you have a right: whether to have the discussion of this matter heard during the public session of the Board or during the executive session of the Board meeting to which the public is not allowed to attend; to speak on your own behalf; to have an attorney or representative of your choosing attend the Board meeting to advise you at your expense but he/she will not be allowed to participate at the Board meeting unless approved by the Board; and to create an independent record by audio-recording or transcription of the executive session of the meeting at your expense. See the Office of Attorney General's Decisions on the Open Meeting Law OML 2016-06 and OML 2019-50.

The Board has determined that the complaint filed against you may be decided through an administrative review with no person-to-person contact and, therefore, you may request to have the review of the complaint filed against you based on a "Statement In Lieu of Appearance." Complaints reviewed by a Statement In Lieu of Appearance can be every bit as effective as reviews held in-person. Although there will not be an in-person review, if you request that the complaint filed against you be decided by a Statement in Lieu of Appearance, the Board can make a decision to dismiss the complaint filed against you on that basis. If you choose to have the complaint decided by Statement in Lieu of Appearance you must sign and return this letter within 30 days of receiving it to take advantage of this opportunity. If you choose to have the complaint filed against you reviewed administratively (not in-person), sign and date where indicated at the bottom of this letter return it to the

Board along with any sworn written testimony (“signed under the pains and penalties of perjury”) and any evidence that you would like the Board to review when considering your answer to the complaint filed against you. The most important things to remember are to make sure you write your testimony clearly and succinctly and to submit all the evidence that you would provide at an in-person review before the Board. **PLEASE NOTE THAT ALL STATEMENTS AND EVIDENCE ARE SUBMITTED UNDER THE PAINS AND PENALTIES OF PERJURY.**

If you decide to submit a Statement In Lieu of Appearance, this completed letter and supporting material should be submitted ***TOGETHER*** to the Board by the method listed below. **DO NOT SEND MULTIPLE COPIES – DO NOT SEND MATERIAL SEPARATELY.**

MAIL TO:

***Division of Insurance/Auto Damage Appraiser Licensing Board
1000 Washington Street, Suite 810
Boston, MA 02118***

The Board will review the complaint, your sworn statement, and any other testimony and evidence, and a decision will be mailed to you by U.S. Mail. There is no obligation to have the review of the complaint filed against you decided via a written statement. If you prefer to have an in-person review, send a written response and notify me whether you want the review conducted in the executive session or public session of the Board, and the Board will schedule the review of the complaint, filed against you, at a regularly scheduled Board meeting as soon as possible.

PLEASE REVIEW THE COMPLAINT FILED AGAINST ME BY STATEMENT IN LIEU OF APPEARANCE DURING AN EXECUTIVE SESSION OF THE BOARD. I UNDERSTAND THAT ANY DECISION BY THE BOARD ON THE COMPLAINT FILED AGAINST ME CONDUCTED BY STATEMENT IN LIEU OF APPEARANCE MAY NOT BE A FINAL DECISION AND THE BOARD CAN NOTIFY ME TO APPEAR BEFORE IT FOR AN IN-PERSON REVIEW.

SIGNED:

DATE:

Please provide me with a written response as to whether you would like to have this matter reviewed by the Board by a Statement In Lieu of Appearance (by signing and returning this letter with supporting documents) or reviewed in-person during either an executive session or a public session of a Board meeting (sending a separate letter stating you request the matter be reviewed with you present during a regularly scheduled Board meeting during the executive session or public session of the Board meeting).

Sincerely yours,

Michael D. Powers
Counsel to the Auto Damage Appraiser Licensing Board

CC: Complaint
Enclosures

- IV. Other business – reserved for matters the Chair did not reasonably anticipate at the time of the posting of the meeting and agenda.
- V. Motion to adjourn.

Auto Damage Appraiser Licensing Board,
By its Attorney,

Michael D. Powers

I certify that, this Notice was sent by U.S. Mail postage prepaid to the Massachusetts Office of Administration and Finance, to the Office of the Secretary for the Commonwealth and forwarded by e-mail to the IT Services for the Commonwealth.

Michael D. Powers
Counsel to the ADALB

Date