



**OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION
BOARD MINUTES**

February 13, 2013 10:00 AM

**Vern Riffe Tower
77 South High Street
19th Floor, Rm. 1932
Columbus, Ohio 43215**

1. THE MEETING WAS CALLED TO ORDER AT 10:07A.M.

BOARD MEMBERS IN ATTENDANCE: Jennifer Justice-Haley, Russell Westfall, William Ogg, C.J. Paterniti, Brian Seibert, Ronald Nagy, Summer Moses (AAG), Michael Greene, Dan Gibson, Kimberly Sherfield

BOARD MEMBERS NOT IN ATTENDANCE: Joseph Sanfillipo, Jr.

A. Introduction of our new AAG Summer Moses

2. REVIEW OF NOVEMBER 7, 2012 MEETING MINUTES:

**MOTION TO APPROVE: WILLIAM OGG
SECOND: RONALD NAGY
VOTE: MOTION CARRIED**

3. BOARD REVIEW AND DETERMINATION RE: PENDING REGISTRATION APPLICATIONS:

A. Vote by Board on regular registrations pending from October 23, 2012 through January 28, 2013.

**MOTION TO ACCEPT: BRIAN SEIBERT
SECOND: WILLIAM OGG
VOTE: MOTION CARRIED**

4. OTHER BUSINESS:

A. Investigator's Report (Inv. Dan Gibson) Year-To-Date 2012 Totals

Shop Visits	707
Renewals	27
NOV	182
New Shop App	107
Complaints Investigated	100 (Involving 100 Shops)
Shops LOB	65



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During which time Investigator Gibson visited all of the 88 counties and drove 32,464 miles.

Investigator's Report (Inv. Dan Gibson) – Year-To-Date totals as of February 7, 2013

Shop Visits	61
Renewals	2
NOV	27
New Shop App	9
Complaints Investigated	16 (Involving 16 Shops)
Shops LOB	2

Investigator Gibson has visited 19 of the 88 counties so far this year.

- B. Status Report on Injunctions (AAG Summer Moses) Currently we are just waiting to finish up all of the shop inspections so that we can start filing injunctions. Deciding who we want to file injunctions against and move forward.

GREENE: We're kind of also waiting for that March 22nd date when all of them can go to Franklin County. That's going to be a big difference, I think.

MOSES: It's going to make it a lot easier for us file as many as we want instead of having to go to every single county to file injunctions against everybody.

GREENE: Plus, Dan is finding out they're (the shop owners) not real excited to come to Franklin County, so maybe they'll get into compliance before it gets that far.

MOSES: Do you want to send out a letter letting them that know that if they don't come into compliance that you are going to send an injunction, it'll have to be in Franklin County? Or just wait until they get it in the mail?

GIBSON: What I've been doing is confirming that they received the letter from the Attorney General's office. Some of them won't even answer; they'll say they threw everything in the trash. Basically, what I'm telling them is the status of the case, the consequences if they do not get into compliance, and their options and how to get into compliance. I am explaining that sometime after mid-March, injunctions are going to be filed and they are going to be filed in Franklin County. So they're all clear of that, and I'm documenting it in the history of each business. Also, I'm updating photos of their signs and if I can get photos of collision jobs, I'll take those. I'd better be watching my back when I'm taking photos. Some of these guys for 6, 8-10 years despise us, despise government, despise regulations and some of those can be nasty.



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NAGY: Is it one specific area or demographic or are they all over?

GIBSON: There are 26 shops in 12 different counties.

NAGY: I know that Youngstown isn't a big fan ours, that's why I asked.

GIBSON: You know what, it isn't so much us, its government and regulation in general and they do not want to be told what to do, how to do it and quite frankly, they really just pretty much care about themselves. They want it all.

SEIBERT: I do have a question, whenever we do these filings and stuff like that, in the case of Summer, is there any way, the way that this is written, we can hold these guys or these people accountable for the financial expenses. Like say for instance, you get sued by a private individual or by a company a lot of times, not only do you have to pay that back you've also got attorney cost and court cost and stuff. I think that that would be a deterrent. The registration is \$225, but if we have to start bringing in the Attorney General's office and that gets up to 3 and \$4000 because in the past, what we had is, we send them letters, we send them injunctions, we take them to court and right before they get to court, they write a check for \$225 give it to them and the judge throws it out.

GREENE: I'll let Summer answer that, but Ted Klecker who was here once before filed for our expenses and the judge said no. I don't remember what county it was, He said no because the State is expected to regulate these businesses and absorb the cost of regulating and whatever it takes. In that court, whichever one it was, I'd have to go back and look at what it costs us.

GIBSON: I think it was Belmont.

GREENE: It may have been Belmont. I can almost remember the guy/shop. The only thing that we've been able to recover thus far is the lockdown cost. We have been able to recover that. For the locksmith to go and change the locks and lock it down. We've tried, well Ted tried I should say, now, Summer may know something that I don't know.

MOSES: It's really hard for the government entities, such as me, since I am your legal representation to get paid because I am paid from tax dollars any way and I don't keep track of billable hours for you give them to you. Now, if this became some million dollar, two million dollar case, then the state will usually try to go after expenses and the judge is more like "Oh, ok that was a lot of tax payer money wasted". Part of my job is to assume that I will take care of these issues. Most courts waive the states fee to file anyway, so we don't have a lot of cost there. I'm kind of paid whether I'm doing Collision Repair Board, Barber Board, Private Investigator Board so most judges won't give you that fee.



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GREENE: We've tried before, we have even filed to get Dan's mileage because he had made 7 trips to whatever shop this was, the round trip, we had to figure all of that, and we got none of it back.

MOSES: It's kind of assumed that this is the States cost. This is why you guys charge the fees, anyway to regulate. It just all goes towards this.

GREENE: Now we have had some courts charge us filing fees.

MOSES: Yes, some will.

GREENE: It's only been two out of how ever many counties we've filed in.

SEIBERT: I remember sitting next to Paul (Duncan) when Paul was on the board here and his face would just turn red when he would see all of that we had three hundred and something cases and nothing was moving forward. I just think that it would be a deterrent to go on and come into compliance. I understand that you work for the State of Ohio, but we all know that the State of Ohio is not real, what we call in a good financial situation, so why are we doing that?

GREENE: Well, we are charging them arrears. We've collected a record number of arrears in the past three or four years. That's in with the rest of it; they can't just pay \$225 and start from there. They start from where our records begin, when we found the business.

NAGY: Dan, one question. I'm curious; the Notice of Violations Year End was 182 and 107 for New Shop Applications. Are those New Shop Applications, would you say those are of the 182 or are some of those even ones you might not have issued a Notice of Violation on? In other words, is it kind of split that once you're there they either (register) or they become the anti-government group?

GIBSON: It's split for sure, but in most cases when I get a complaint and it's a new shop, and I go out there, most cases they get registered, now there is a percentage that it takes a written Notice of Violation and then they get registered. Then there are some that still aren't registered and there are ones that I go back to check on and they're not even there. They've already moved on. So I guess to answer your question, it's a combination. More and more we are getting new business we haven't even contacted. They've heard about us and got on our website and voluntarily complied.

NAGY: Almost being proactive.



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GIBSON: Yes, and that's happening more and more. But the majority of those new shops would be from complaints.

MOSES: Dan has mentioned the special groups that are not fond of the government; we did receive a letter from one of those groups. It was just a letter, nothing to worry about unless he files it in court and then I'll write a motion to dismiss. It's really ridiculous and what happens when people go to law libraries and have no comprehension of the law. My favorite is, they tend to use racial discrimination laws to talk about how they're being discriminated against when it has nothing to do one with the other.

GIBSON: Actually, it's one person, two businesses and we've had one business, four different locations and the other business, two different locations. I've found the last few locations from customer complaints.

We almost had him to injunction in Hamilton County back in '08 I believe when I went to make the final contact he was gone, it was vacant. Didn't find him for a couple of years until a complaint and then he moved from that place and then we got another complaint. When I contacted him a couple of weeks ago, it was not a good contact. That was, I think, on a Tuesday, because I came to work in the office on Thursday. Mike had already received a 29 page filing from my visit and part of it was he was accusing me of treason. Didn't he?

MOSES: Yes, you were accused of treason, your attorney was accused of fraud, me, so I'm a fraud as an attorney. I have no legal knowledge.

GIBSON: So you can imagine how that contact went. It's a Cincinnati address.

MOSES: I would recommend being very cautious.

GIBSON: Well, I won't be seeing the inside of that building again without a search warrant, I'm sure.

HALEY: Is he still operating?

GIBSON: Oh, yeah.

MOSES: He owns the land, he's going to operate forever.

HALEY: Is it like a rural place?

GREENE: It's right downtown.

OGG: Is it a big operation?



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GIBSON: It's right across from a city park.

GREENE: Right along the main drag.

HALEY: Really? Doing a lot of the DRP work or something? Is he's busy?

GIBSON: One business is collision and the other business is tinting. Both businesses are registered with the Secretary of State. That's a real good example of the type we're dealing with here. It isn't just this round of injunctions, it's the same type every round.

MOSES: I think that you are going to be seeing more of them in the future. We are seeing more in our office of the anti-government and apparently now with the internet they have formed groups. You can look up anti-flag groups and these groups will pop up like crazy. They give each other laws that they can use, most of its wrong. I've been with the AG's office for four months and this is my second one that has come through. So you will probably be seeing more of those and more people like that.

NAGY: With the new law taking effect March 22nd, do we have a game plan of those we want to do, file right away or do you want to wait and see. I mean, we can file right away in Franklin?

GREENE: Right, that's the twenty some that he's doing the final notice, final contact on. Once we get everything to Summer, the paperwork and everything, I'll put something out when we get it all filed. But that will be the first wave, so to speak.

GIBSON: Now this guy, this is going to be something that we've never dealt with before. If they see a registered mail coming, they're probably not going to accept it or it's not going to get in their hands, that sort of thing. In this case, I don't know how you're going to serve this guy. Especially now, we're going to be dealing with court in this county and I'm assuming that that court contacts the Franklin County Sheriff's Department, that would contact the Hamilton County Sheriff's Department to try and make personal service?

MOSES: It's going to depend, 119 has certain requirements for how they want it done. Franklin County Court has certain requirements, so we'll just follow the steps and if nothing else, we can put it in the newspaper. Then you can say "We've done everything, we've tried to have the sheriff show up, we done a publication." And a judge is going to look "well, you've made good effort to...if this guy chose to ignore it repeatedly, we'll just move forward with this."

GIBSON: We'll good, because he'll be a tough one to serve.



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MOSES: I don't think he believes in the court system. I think that was in there which is why I think he didn't file with the court system but demanded a response and he wanted over five million dollars in injuries for your (Dan) treason, my fraud, you questioning his authority.

GIBSON: He's has threatened me and my family and we're not going to have anything when this is all over with.

HALEY: Well at least it's documented. That's what I like, documentation.

GIBSON: That's part of the investigation, how un-cooperative they are.

OGG: Dan, as a former patrolman, do you have the right to carry?

GIBSON: I don't know, we'd have to change, it would have to change the law and whatever. If it came down to that, I don't want to do that again.

OGG: Can you take a deputy sheriff with you?

GIBSON: Yes, I'm smart enough to know when to back away and I would not hesitate to call in the local police; even to file a report if a crime has been committed. I would keep you in the loop, Mike.

GREENE: I'd appreciate it.

GIBSON: You could probably call Summer. But then, there are some that are already off limits. Mike's told me not to go back there.

GREENE: There are even some legal shops I won't let him go to.

C. Status Report on Legislation – (ASA) **GREENE:** The only thing is that everyone knows that SB 114 passed and I'll get a little more in to that when I get into my report.

HALEY: That's a good thing, right?

GREENE: That's huge!

D. Director's Report (**Dir. Greene**) SEE ATTACHED

5. **NEW BUSINESS**

A. Elect 2013 Officers



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**MOTION FOR NOMINATION OF BRIAN K. SEIBERT FOR CHAIR: RONALD NAGY
SECOND: JENNIFER HALEY
VOTE: CARRIED**

**MOTION FOR JOSEPH SANFILLIPO FOR VICE CHAIR: JENNIFER HALEY
SECOND: RONALD NAGY
VOTE: CARRIED**

B. Changes effective March 22th with SB114

**6. ADJOURNMENT: NEXT BOARD MTG. – MAY 15, 2013, LOCATION: Vern Riffe
Tower, 77 South High Street, 19th Floor, Room 1932, Columbus.**

**MOTION TO ADJOURN: RONALD NAGY
SECOND: BRIAN K. SEIBERT
MOTION CARRIED**