



OHIO BOARD OF MOTOR VEHICLE REPAIR BOARD MEETING MINUTES

FEBRUARY 14, 2018 10:00 AM

**Vern Riffe Tower
77 South High Street
19th Floor, Rm. 1914
Columbus, Ohio 43215**

1. At 10:00 AM, the February 14, 2018 Board of Motor Vehicle Repair board meeting was called to order.
2. **INTRODUCTION OF MEMBERS & GUESTS PRESENT:** Christopher Sterwerf, Don Rife Jr., Jeffery Wagner, Keenan McKee, Mary Katris, Scott Murray, Earl Dohner, Barry McKew (AAG), Michael Greene, Craig Robinson, Theresa Peppers, Kimberly Peppers.

3. REVIEW OF AUGUST 16, 2017 MEETING MINUTES:

**MOTION TO ACCEPT: SCOTT MURRAY
SECONDED: KEENAN MCKEE
VOTE: MOTION CARRIED**

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

- A. Vote by Board on regular registrations pending from August 1, 2017 through October 31, 2017.

**MOTION TO ACCEPT: JEFFERY WAGNER
SECONDED: SCOTT MURRAY
VOTE: MOTION CARRIED**

- B. Vote by Board on regular registrations pending from November 1, 2017 through January 31, 2018.

**MOTION TO ACCEPT: EARL DOHNER
SECONDED: SCOTT MURRAY
VOTE: MOTION CARRIED**

MISSION STATEMENT

Effectively and efficiently enforce Ohio laws by implementing Common Sense Initiatives to enhance consumer protection and promote industry growth and compliance.

5. OTHER BUSINESS:

Investigator's Reports – Craig Robinson / Jennifer Johanson / Theresa Peppers Investigator

Craig Robinson

**2017
Totals**

January 01, 2017 through December 31, 2017

Shop Visits	1343
Renewal Reminders	248
NOV's	511
New Shop Applications	143
Complaints Investigated	154 (Involving 154 Shops)
Shop's Located "Out of Business"	44
Total Counties Visited to Date	44

- * Worked with Stark County Common Pleas Court involving an unregistered shop.**
- * Worked with Ohio Department of Taxation involving a Summit County unregistered shop.**
- * Worked with ATF involving an unregistered shop in Mahoning County.**
- * Worked with NICB reference suspect shops.**

Jennifer Johansen

2017 - Totals

January 01, 2017 through December 31, 2017

Shop Visits	1222
Renewal Reminders	240
NOV's	367
New Shop Applications	155
Complaints Investigated	74 (Involving 74 Shops)
Shop's Located "Out of Business"	57
Total Counties Visited to Date	44

Craig Robinson

**2018 - Totals
January 01, 2018 through February 14, 2018**

Shop Visits	218
Renewal Reminders	48
NOV's	78
New Shop Applications	16
Complaints Investigated	15 (Involving 15 Shops)
Shop's Located "Out of Business"	12
Total Counties Visited to Date	18

Jennifer Johansen

**2018 - Totals
January 01, 2018 through February 14, 2018**

Shop Visits	123
Renewal Reminders	26
NOV's	35
New Shop Applications	14
Complaints Investigated	9 (Involving 9 Shops)
Shop's Located "Out of Business"	8
Total Counties Visited to Date	16

Theresa Peppers

**2017 - Totals
August 16, 2017 through December 29, 2017
Letters Sent Out**

Failure to Comply	39
Notice of Violation	20
Failure to Renew	66
Renewal Applications	13
Expired COI	41
Intro Packets	12
Complaints	9

Theresa Peppers

**2017 - Totals
August 16, 2017 through December 29, 2017
Letters Sent Out**

Failure to Comply	20
Notice of Violation	5
Failure to Renew	16
Renewal Applications	8
Expired COI	6
Intro Packets	5
Complaints	2

- B. Attorney General's Report – (Executive Session if Needed) – AAG Barry McKew – NOTHING TO REPORT
- C. Legislation Updates – ASA Ohio Rep. Matt Dougher NOTHING TO REPORT
- D. Director's Report – Mike Greene (PLEASE SEE ATTACHED)

**Investigators Combined
2017 - Totals
January 01, 2017 through December 31, 2017**

Shop Visits	2565
Renewal Reminders	488
NOV's	878
New Shop Applications	298
Complaints Investigated	228 (Involving 228 Shops)
Shop's Located "Out of Business"	101

The new e-Licensing System is still on track to go live the week of April 23rd. Almost the entire second half of February and the entire month of March is dedicated 3 days a week to staff training on the new system. There's going to be a lot of time the investigators are going to be off the road; there's going to be a lot of time when people are out of the office so if you call just leave a voice mail. Most of the training days are Monday, Tuesday and Thursday 9am to 4pm. That puts us out of the office a lot because it is mandatory training.

REMINDER: Some of you may have already taken care of it, the Financial Disclosure Statements are due April 15th, I believe. You will want to make sure you get that in; you can do it on line now, it's pretty simple. The agency pays for it; they do fine us if it's not in on time.

QUESTIONS

WAGNER: Mike, the "242 "Not Registered" under investigation" are

GREENE: It's about the same number every time; it's pretty much the same people. It goes up and down by 4 or 5 every quarter.

WAGNER: By and large they're the same ones...

GREENE: They're pretty much the same ones. Two or three years ago we were at 500 so we've made some progress there. It slowed down a little bit but they're still getting letters; they're still getting visits. They're not forgetting about us and that's for sure. It's just the hold outs. Mostly it tends to be a kind of an anti-government thing.

WAGNER: In the last two meetings, the gentleman in Cincinnati.

GREENE: That's still pending.

MCKEW: Yes, that's in the Court of Appeals in Franklin County. He's representing himself. I'm not handling the case, another attorney in the office is and since he's a pro se litigant, he files 8

million motions. So there's a lot of work generated on it and we've won when any of those things come forward. It's the process.

WAGNER: Did he have to cease operations?

GREENE: Well, the order was but they didn't order a lock down.

MCKEW: Plus, too, it's in appeals. It's not enforceable; the enforcement is contempt and you can't enforce if it's under appeal.

STERWERF: Is there any reason why the courts are so lenient to granting extensions after late filings?

MCKEW: He's appealing; it's the process. He appealed, I don't know the specifics but it's become so convoluted and the courts are handling his like – I think three different appeals going on in the courts. It's going back and forth; the courts send it back to the court because the Court of Common Pleas made a mistake that didn't affect our win, they sent it back for them to issue a new order. Thus he could appeal the new order; they sent it back to the Court of Common Pleas to issue a corrected order. They did, against him, but now that's a new appeal. I can't say A B C it's just so convoluted.

STERWERF: Gotcha

MCKEW: The courts and every motion our office wins. It's part of due process.

STERWERF: Mike, back to you, what's the temperature out there as far as threats about the board being shut down?

GREENE: The only thing I've heard is that they're kind of waiting to see how the ones they've shut down go or the ones they've consolidated go and then if that goes well, there may be more. There really isn't anywhere to put us as far as consolidation goes. I'm not sure how it would fit in with any of the other agencies. They may find a way. There's nothing as far as the Sunset Review thing is over for 5 years, we don't have to worry about that unless they fire up something new. That's any every 5 year thing; we should be ok.

And I have heard, on that note, that there are a couple of legislators in the Dayton area that are talking about re-introducing mechanical legislation. I'm not sure, I haven't seen anything in writing on that yet other than they've shown interest. They pulled the old HB 199 and my understanding was they were going to word it exactly the same and just re-introduce it as the new bill. But, I haven't seen anything.

ROBINSON: That's probably one of the hot topics that I hear from the shops, "When are you going to bring the mechanics online?"

MCKEE: It's not from a lack of effort.

ROBINSON: You know, right away it starts off with "When are we going to hear something from that?" that's not there. One begets the other right away.

STERWERF: You know when you made the changes, I guess it's been a year or more now, with the verbiage I that's on the estimates, the statement that's on the invoices and estimates. Has anyone spot checked or seen how shops are dealing with that?

ROBINSON: No, but I haven't heard any complaints, not a word.

STERWERF: I have like 3 shops in our area and they didn't even know anything about it, but they were excited to hear about it. How do we get that out or is there something that we can do when you guys go out and meet to maybe just check or ask if they are doing that on the estimates just to get the word out to other shops.

GREENE: We did put it out back then if you'll remember. We put out letters to all of the shops and we also put it out on our website and of course it's in our rules, too.

WAGNER: People pay their dues and just really don't read everything.

GREENE: Well, That's probably true because the letter I sent out in September about updating e-mails, I'm still getting people saying "Oh, I got a letter sometime back in the fall – something about an e-mail." And I get emails everyday "I tried to go online and renew and I couldn't get it to work." The letter said it was going to be in the spring and there were going to be more letters to come. So they don't all read their mail, that's true.

STERWERF: Would it be worthwhile for the investigators when they go out to check or ask?

GREENE: Worthwhile to check or mention it, yes.

STERWERF: It was positively received when I told some of the shops about it. I'm just trying to figure out another way to get the word out there.

GREENE: At the time when we did that and put it out I think it was about the same time the decals and the **(INAUDIBLE)** It was all positive feedback.

6. OLD BUSINESS:

A. Bureau of Labor Statistics Report –

STERWERF: The Bureau has changed up their website and it's not as easily searchable as what it used to be; one source, I know, is a good place to get that information is Collision Week. It's a very reputable news source in the collision industry and I went back 5 years when we went through this last year to verify their numbers were good. I'm having a more difficult time searching it now because the Bureau of Labor's website has changed but it might just be easiest to reference Collision Week's report and reference that yearly. That might make it easier because the Bureau's website is always going to change in the way they're going to report the information but Collision Week has been very steady about it - actually they have been doing it for about it for ten years now. I've verified it for the last five years were good.

GREENE: Have they put out a report yet for this year?

STERWERF: It's usually put out like the 3rd quarter, I believe is when they report it, so we can go back and get last years and maybe just keep a running tally with using that report; that would be the simplest and easiest.

Alright, on to the second portion of Old Business: New mission statement and agency goals.

RIFE: Mary (Katris) had dropped off a sample, right? That was yours? Mission statement and it touches most of the topics. I don't know that we've had any more. Do you know?

GREENE: No we haven't.

RIFE: So I guess I'd like to talk about that as far as do we still feel there's a need for a new mission statement. Obviously I do, because our industry has changed and it's centered

around consumer safety. Which is, I think, our best angle to ever do anything in this industry with government I guess it would be to base it on customer safety. I'd still like to hear some more, I'd like to get some ideas on what it could look like. I have notes jotted down also, some ideas. It definitely needs revamped, but I definitely would like to nail that down for the next meeting so that we can adopt it (INAUDIBLE).

STERWERF: It would be worthwhile to get several examples on paper and then we could put in meeting notes for the next meeting.

RIFE: Submit them prior to the next meeting.

GREENE: There were some examples in your packets for November. I don't think I put them in the packets for here. I guess we can put it up for a vote next meeting if you want I can type up like four or five examples from what we've got.

RIFE: Yeah

GREENE: Do you want to keep it focused on mainly consumer safety?

RIFE: Consumer safety based on the new and changing industry.

GREENE: I can have something up so you can at least – like four or five examples we can discuss it and then have a vote on it from that next meeting?

RIFE: I mean, if everybody would just submit even a couple of sentences that would help because that way we can combined it and take a look at it and vote on it. I don't think the current one serves us anymore.

STERWERF: Is there any specific verbiage that needs to be in there?

GREENE: The only thing that I would, and it's totally up to you, this mission statement has to be submitted with our budget, our budget testimony, the bottom of our forms, our website – everything. You want it to be as straightforward and simple, to the point and not too wordy. That's the only thing that I would suggest.

RIFE: Is it going to replace the agency goals then? Is that what's going to replace? Or is that still...

GREENE: No. That's a totally separate thing. The goals are more of a long drawn out, bullet points of things that we try to achieve; where the mission statement is a short impact statement that you put out there.

STERWERF: Does it need to reference the Governor's...

GREENE: No, they kind of let that fall to the wayside. Now that it's an election year coming up, they'll come up with another one with the next governor so we'll have to start over again in 2019. That's ok, we've done it every time, and it's not a big deal. They're not asking that that stays in there; the Common Sense Initiative. If you'll remember before it was Turn Around Ohio; so you had to have those but now they're kind of letting that go until the next one comes. If we come up with a mission statement that doesn't have Common Sense Initiatives, they're not going to bother at this point.

RIFE: Can we update the agency goals also?

GREENE: We can, but that's something that we can put on the agenda....

RIFE: I've made a few notes here and there. The only reason I bring it up is if you look at the third one, the third one says *"Expand agency involvement in higher education programs*

and standard. If that's a goal, still that's fine but I don't think it's a goal that's ever been met by this board.

GREENE: Yeah, the Board of Education brought in a bunch of different industries and one of them was auto repair. They had me, Bill Sefcek and another guy that worked with him and there were three or four others that were on the auto repair committee. It was to set standards for vocational schools and college courses in auto repair. We worked on that for a couple of years.

RIFE: The only reason why I bring it up is if I go down the list #1. *Continue building a positive rapport with the industry.* That's what you guys do, not only enforcing but building a rapport. So yeah, check off. *Enhance the agencies level of efficiency to better meet the needs of Ohio Citizens.* I think that's the case, right?

GREENE: That's an agency thing.

RIFE: The third one, though – I haven't seen that. So I hear what you're saying, maybe that's happened in the past, but I don't think that we have an active role currently with schools or any kind of training.

GREENE: Ok .

STERWERF: I was looking at that as not just education as far as dealing with schools but just educating the general public.

RIFE: Do we do that?

STERWERF: No, one thought I had, maybe for future discussion, would be that according to the rules, we're not allowed to penalize or do anything to companies based on the quality of their work but quality is subjective. Opened to opinion whether a panel looks straight or paint job looks good or not but I would argue that safety is objective. It's based on facts, it's yes or no, and it's pretty clarified. I would submit that it would be very easy to train investigators on how to do a non-evasive, non-destructive assessment of a repair where it would be simply be a service to the public, possibly. To educate them on if their vehicle was repaired per the OEM mandate.

ROBINSON: Are you talking about us?

STERWERF: Yes.

ROBINSON: We're going to go the shops.....

STERWERF: I would suggest that we advertise to the public that they can bring their vehicle and we can do a non-evasive examination to see if panels were spliced where the OEMs want them to. There's a simple tool that's a mill depth gauge finder. It's an electronic tool, you just touch the paint and it will tell the thickness of the paint. You can find where the weld is and where the body filler is where the panel was replaced.

ROBINSON: You're really opening up a can of worms – the next thing you know we're going to be subpoenaed into court because whoever sues that company, the first thing they're going to do is they're going to bring in the expert.

RIFE: And you're not really an expert!

ROBINSON: They are going to say "Where did you get that and when was it verified?"

STERWERF: And that's fine, all you're doing is leading them to take a deeper look into it. It's just to educate the consumer. No penalties.

RIFE: Let's put it up for a vote.

GREENE: Where would you go for that in 88 counties with two investigators?

STERWERF: They can bring their vehicle to Columbus.

GREENE: Who is going to pay for their parking and who is going to get them in the building?

STERWERF: I'm just painting a broad picture so we can fill in the details.

GREENE: But you're taking an investigator who already is strapped with 44 counties, trying to get all of these places, handle all of these investigations and all of these other things and now you're going to load them up with something they don't even have training for?

STERWERF: We can look at the options and discuss it.

GREENE: We don't have the resources!

STERWERF: But if the public sees value in it, we could get the resources possibly in the future.

GREENE: Ok, are we going to put this in our rules? Are we going to put this in our statutes?

STERWERF: We're just discussing it at the moment...

GREENE: I know, but what I'm saying is this is a can of worms we aren't prepared to handle. We don't have the training, we don't have the expertise, and we don't have the resources to bring cars in from all over the state to start inspecting.

STERWERF: At the moment, we do not and you're correct. I agree with you.

MCKEW: I was going to say with your present statutes you have absolutely no authority to do that and if you had your investigators given that type of device, they would be subpoenaed. My office would stop them from doing that because they would be going beyond their legislative authority.

STERWERF: We're able to educate the consumers.

GREENE: That's not educating, that's inspecting a car for the quality of repair and we don't have the authority.

MCKEW: You have no authority to do that under your statutes.

STERWERF: According to some of the attorneys I've talked to....

MCKEW: They're not the ones would be representing you. My office and I have the experience and the knowledge of statutory authority for the State of Ohio. You don't have that authority and if your investigators started doing that we would ask Mike to stop it. Then the board is risking suit and subpoenas.

RIFE: That's cool, at least we get some (INAUDIBLE)

MCKEW: I'm just telling you. Boards try to go beyond their authority all of the time and my office acts to stop that from happening because that illicit suits and monetary damages. If your investigators told someone this A B C and they brought a suit against that company for

A B C and that company wins, all of the court costs are against the State of Ohio because your investigator told them to do that.

STERWERF: Or if we save a life then we would get positive publicity.

MCKEW: Then change your statutes to do that. I have no problem with your thoughts,

(INAUDIBLE DISCUSSION)

GREENE: Salvage inspections, there's a good example right there. Salvage inspections have to be done on any car that has a salvage title, correct?

RIFE: Right.

GREENE: The Highway Patrol, who has 1500 people don't even have the expertise or authority to inspect the quality of the repair. That's not what they're looking at. And you're telling us to take two people and we're going to bring them in everyday?

STERWERF: We don't know what the response would be. We need the shops to understand that they need to put the verbiage on their estimates; the word is not getting out about our board.

GREENE: Ok

STERWERF: And I'm just discussing this as an idea for the future.

GREENE: It's not feasible. It's really not. We don't have the resources to bring somebody to Columbus from Cleveland who got their car repaired and they don't think it's proper. Ok, drive to Columbus in this unsafe car; bring it down here, find a parking spot, come up here and we'll have an inspector drive in from Cleveland.

ROBINSON: Even if we had substations around the state, for the sake of argument, we increase our personnel – all of that has to be done – my background is in law enforcement – I'm telling you, none of that can be done without first having the legal system underneath you. Every time a police officer, anywhere, does anything the first thing he does is he grabs his law book and says "Ok, you're under arrest" or he'll go "I'll tell you what I'm going to do, I'm going to give you a break this time." And that's how he operates because if he can't validate himself in court he's not going to take it anywhere. Where you want to go with this is not a bad idea.

DISCUSSION CONTINUES

B. 2018 Board Meeting Dates

MOTION TO ACCEPT: DON RIFE

SECOND: SCOTT MURRAY

VOTE: MOTION CARRIED

C. CIC Definition of "Class A Shop"

RIFE: What would we do with that? How would we use that? Is it just a posting on the website of what we think a shop should have; we can't render opinions, really.

GREENE: My only question was – in reading this article, did everybody get this from the November packet? "*CIC Adopts Definition of Class "A" Shop Plus Training Goals*" and what Don and I talked about is "is there a way we can have Class A Shops", my only question is, I'm not sure what the standards are.

RIFE: I think they are revising those right now, I believe. That would be as CJC recommends.

GREENE: Ok, I see the definition for guide.

RIFE: Yeah, there's much more to it. But again, it doesn't mean that it's a Class A Shop; it's the equipment and training you would need to fix any car. It's not so much as it's an A B or C, it's what's required to repair today's cars.

GREENE: I got you.

RIFE: I don't like the fact that it's this Class A. Because really, today, anymore, unless we can segregate shops to A, B, C or Tier 1, 2, 3 Tier 1 being structural – late model cars with advance metals, then B would something else, no structural. I mean, we can't do anything. We can put it on the website.

STERWERF: You've planted the seed, we've had the discussion and we look at what options The Board has within our statutes.

GREENE: Would this be a problem competition wise or like, you've got a shop that's been registered for 10 years versus a shop that's registered 5 years and we've deemed this shop to be a Class A and the other shop says "hey, wait a minute! How come I'm not a Class A?" We would have to put together some kind of standards or something, I guess. Then ask them where they stand or not. I don't know.

RIFE: Part of it, when I looked at this it was *Enforce Ohio's Registration to Protect The Consumer and Level the Playing Field*. We're looking for consistency in operators, proper repairs (not meaning quality repairs) proper by the manufacturers standards. Not something we decide, the car maker's standards.

GREENE: And that would determine what equipment they need to be..

DISCUSSION CONTINUES

7. NEW BUSINESS:

A. Election of 2018 Officers

MOTION TO NOMINATE CHRIS STERWERF AS CHAIRMAN: Scott Murray

SECOND: Don Rife

VOTE: MOTION CARRIED

MOTION TO NOMINATE DON RIFE, JR. AS VICE CHAIRMAN: Chris Sterwerf

SECOND: Scott Murray

VOTE: MOTION CARRIED

8. ADJOURNMENT: NEXT BOARD MTG. – MAY 16, 2018, LOCATION:

Vern Riffe Tower, 77 South High Street, 19th Floor, Room TBA, Columbus, 43215.

DIRECTOR'S REPORT
February 14, 2018

I. FY18 Total Revenue = \$290,558 (Arrears = \$15,228)

- A. FY17 Total Revenue = \$235,601 (Arrears = \$12,575)
- B. Increase = \$54,957

II. 1748 Current Registrations

- A. 1 Airbag Business
- B. 1344 Collision Shops
- C. 44 Dealerships
- D. 175 Glass Shops
- E. 24 Mechanical Shops
- F. 49 Mobile Businesses
- G. 111 Tint Installers
- H. 113 Pending Registrations

(Total Businesses in E-Licensing System = 4630)

III. Non-Compliance

- A. 242 "Not Registered" under investigations

IV. Complaints Forwarded

<u>AGENCY</u>	<u>2017</u>	<u>2018</u>
OAG	8	
EPA	5	
TAX	6	2
BWC	3	
NICB	5	
DOI	6	2
IRS	3	
BMV	2	
OSHP	0	
BBB	25	4

V. Other News

- A. The new eLicensing system is on track to go live the week of April 23rd.

- 1. There will be many training days coming up for the staff.