



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

February 15, 2012 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 10A.

BOARD MEMBERS IN ATTENDANCE: Jennifer Justice-Haley, Ronald Nagy, Rick Finney, William Ogg, Keith McCarthy (AAG), Michael Greene, Daniel Gibson, Kimberly Sherfield

GUESTS IN ATTENDANCE: PRESENT: Adam Lemke (ASA Ohio), Greg Barhorst (Ohio Auto Kolor), Dave Detrick (Jeff Wyler Collision), C. J. Paterniti (D & S Automotive), Bill Sefcek (Stan Mitchell Enterprise)

2. REVIEW OF NOVEMBER 9, 2011 MEETING MINUTES:

MOTION TO ACCEPT: RONALD NAGY
SECOND: RICK FINNEY
VOTE: ACCEPTED

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

A. Vote by Board on regular registrations pending from October 26, 2011 through January 30, 2012.

MOTION TO ACCEPT: RONALD NAGY
SECOND: RICK FINNEY
VOTE: ACCEPTED

4. OTHER BUSINESS:

A. Investigator's Report (Inv. Dan Gibson)

YEAR TO DATE TOTALS 2011

Shop Visits	771
Renewals	25
NOV	220
New Shop Apps	99
Complaints Invest	115 (INVOLVING 115 SHOPS)
Prosecution Action	391
Shops Located Out of Bus	51



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

GIBSON: I made it to all 88 counties during the year and I travelled just a little under 34,000 miles.

FEBRUARY 06 thru 09, 2012

Shop Visits	80
Renewals	2
NOV	25
New Shop Apps	24
Complaints Invest	28 (INVOLVING 28 SHOPS)
Prosecution Action	391
Shops Located Out of Bus	4

- B. Status Report on Injunctions (AAG Keith McCarthy) – On January 5, 2012 a declaratory judgment was granted against Eddie Emerine, doing business as Auto Surgeons Collision Center. The case proceeded and costs were granted against Mr. Emerine on February 7, 2012. There were three other entities that came into compliance shortly there after and a motion to dismiss the complaint for injunction was filed. Those companies were Bill Shonk, d.b.a. Shonk Collision & Frame, William Pletz III, owner of Collision Specialists of Ohio, LLC's those cases have been dismissed. Right now the only thing on the docket is a February 15th hearing to determine to whether or not to dismiss the complaint against Greg Jenkins, d.b.a. Jenkins Auto Glass and that is in Fairfield County Court of Common Pleas.

NAGY: Quick question

HALEY: Yes

NAGY: What were the counties of the other two?

HALEY: Do you have that?

GREENE: I've got it...

MCCARTHY: Licking, Pickaway and Fairfield Counties.

HALEY: Anyone else have any questions for Keith or the AG's office?



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

- C. Status Report on Legislation – (ASA Adam Lemke) Currently, we're actually in the midst of, anytime now, of the Governor beginning their mid-biennium budget review. Spoke about that last time, that's as one of the few states in the union that has a two year budget. Most of the other states do a review on the off years so that is something that they will be doing in Ohio this year. Again, it is just suppose to be a review of the budget and see where things are falling in line and to just make sure that we stay close to the budget over a two year span. Anytime you have the budget being reviewed and you have a bill on the floor, you know, in regards to budge matters we definitely have to keep the board top of mind and make sure that consolidation doesn't come back up or anything like that. That is certainly something that, as that gets introduced and as the process continues, we will be monitoring.

An update on SB 114, as you recall, that's the motor vehicles bill which deals with window tinting and then also incorporates the change with the name of the board and also the jurisdiction being Franklin County. That has passed out of the Senate, which happened before our last our meeting. Currently, the bill is kind of sitting and waiting for an action out of committee. We're obviously still working every angle we can because this bill is a very important bill for this board and it's one of those things, that obviously, we know what impact it will have being able to have the jurisdiction be in Franklin County. Obviously the name change is a big portion of it and also grabbing the window tinters into our circle will be big as well. There's a lot of factors at play as to why that bill's not moving, though a lot of which is stuff that was shut down in the past so trying to overcome some of that is going to be a little bit of a challenge but is certainly something that we're still continue to work on.

A bill that was introduced very recently, SB 273, it's a motor vehicle salvage dealer law. Basically the law is to permit to the salvage motor vehicle auction and pools to auction and sell motor vehicles to persons other than motor vehicle salvage dealers. So basically, they are opening up the auctions. Currently it's in committee right now, this bill, like I said is a newer bill and it is certainly pulling a lot of interest from the insurance companies who see it as a way to potentially make more money on the salvage vehicles because they're going to have a bigger pool that they're going to be selling it to. You are also going to have some of the parts companies like LKQ that don't necessarily want to be paying the higher price for those salvage vehicles. So this is something that as an association and with our representation we are being, I guess "courted" would be the right way to say it, on both sides as to what's going to be the best direction. Obviously other states have gone through this as well. This is something that as an association at the national level we have experience with as well. So it will be something that is going to gain a lot of action here as they are back in session and this thing is going through committee. We're still kind of monitoring it and



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

really have to weigh the overall outcome of if you do open it, because like I said if the price of the salvage vehicle start going up, now the insurance companies.....we all know obviously what the consequences of that are going to be. They're going to make more money off of those totaled vehicles so we're going to start seeing that impact our shops, so that certainly is an important component of it and then also where the parts are going is the other side of it, too if you are opening it up, so those certainly are important aspects to consider.

I reported last time on HB 278 it is the Financial Responsibility law that was introduced by SafeAuto looking at insurance raising the insurance minimum. It's still in its first hearings in front of the House Insurance Committee. That's one of those bills, again, that you've got one insurance company and trial attorneys that are in favor of it and most of the rest are against it. Still not sure how much traction that is going to gain because it's still kind of early on in the process, but we're still going to continue to monitor that.

One other bill that we've talked about in the past, not necessarily collision related is HB 61 – the compensatory time off. Were basically, as independent businesses, you will be able to work with your employees if they agree to it were if they go to work overtime, instead of an extra pay they can take time off in lieu of that. This is one of the ones that keeps getting re-introduced every General Assembly. It has reported out of committee but this is one of the bills that I think for right now will probably not go too far because a lot of the unions feel like it is taking away overtime, it's not, it's a union issue. Obviously we know how SB 5 went so it will play to probably get the unions at least a little bit back in the middle of the road on where they fall. I think that this is going to be one that probably is just going to sit around for a little while.

Those are the main ones I had to report on and if you guys have any questions, I'll take those.

HALEY: Does anyone have any questions for Adam? Good job, thanks Adam.

LEMKE: Thank you.

HALEY: Director Greene's report.

D. Director's Report (Dir. Greene)

GREENE: Thank you. For Fiscal Year 2012, the year to date revenue is now \$222,299.70. Over \$16,000 of that collected are arrears and late fees. And that figure is over \$11,000 above over last year in the same time period in Fiscal Year 2011. This figures were taken when we ran the Pending Registration Application Renewals January 30th. As of that date, we had 1482 current registrations. That



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

is up 25 since the last meeting. I can tell you within the last two weeks, registration applications have climbed at an alarming rate in the auto glass industry thanks to some participation with the insurance companies now requiring the auto glass shops to provide registration numbers. That's helped us out a bunch. Yesterday alone, we had 10 new registrations issued, 8 of those were glass shops. Breaking down that 1482, 1328 of those are collision, 91 are glass, 38 are dealerships, 24 are mobile units and the one airbag business.

Most of you, the Board Members, received your schedules for the Ethics Training. Unfortunately, everyone on the board this year will have to receive ethics training with the exception of Rick Finney. Unfortunately, this is Rick's last meeting and we certainly want to thank him for all his many years of serving on the board and all of his dedication to the industry and what he has done for it. Rick has been a big player all along and a big supporter. I really appreciate all his help so he won't need ethics training this year, I think I can skate him through. If you would, please let me know which one of the dates that you registered for, there are several statewide dates. Think the last one I sent out to you had six dates, seven dates, I'm sorry, spread out a little bit through out the State. Once you register for one of those, let me know so that you can get the credit for it on the training records. Also, don't forget to submit your mileage and your timesheet for that training date because you can't get paid for it.

HALEY: I have a question about that....

GREENE: Yes

HALEY: I signed up for August 16th, I got an e-mail that said maybe the date was changed but when I got on line, it didn't look like it.

OGG: Are you in Marietta?

HALEY: Cincinnati, Anderson Township.

GREENE: From what I got, that's still there, that's still good.

HALEY: Because it said Southwest Ohio and that's us.

NAGY: I just want to see you sitting in that room, all alone that day (laugh)

HALEY: I know some people in there, so (laugh) I wouldn't sit there long! Luckily it's close.

GREENE: I just got this on February 1st and that's still good.



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

HALEY: Alright

OGG: March the 2nd for Columbus?

GREENE: Yes sir, it sure is.

HALEY: Yep. Mines in August

OGG: I'm getting mine over with.

HALEY: I know (laugh).

OGG: One question, Mike.....

GREENE: Yes sir.

OGG: Are attorneys exempt?

NAGY: No! (laugh)

GREENE: To my knowledge, if they are a board member or if they are in an appointed position, they have to file a Financial Disclosure Statement.

OGG: What about ethics?

GREENE: Well, yeah, Ethics Training, you mean, no they have to have it Bill (laugh)

HALEY: I don't know if he was prepared for that! (laugh)

GREENE: Everybody has to have it. All state employees have to have. And speaking of the ethics – financial disclosure statements are out and those are due by April 15th. If you want to send them through me, you can, if you want to send them direct, that's ok, too. Just let me know when you send it in. The agency pays the filing fee. Remember there are fines and penalties up to \$250 if it's not there by April 15th. So you want to try and have that in. They have changed that form a little bit. I think I e-mailed it to everybody. The 2011 Form has changed somewhat , it's no easier but it's

HALEY: I think they just juggled some stuff around...

GREENE: Yeah, they moved things around

NAGY: They want to make sure you're reading it.



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

GREENE: Board appointments, as I mentioned, Rick's leaving us, Virginia Duncan sent her resignation in and I forwarded that to everyone January 19th. So we have two openings, I have notified the Governor's office of that and I haven't heard anything back. But it's not unusual to not get an answer right away. There are many boards that are waiting on appointments some of them have been waiting for as long as a year.

The final thing I have of course is the board member travel and time report. If you get this to me by Thursday at noon, I'd appreciate that. That's tomorrow (laugh) sorry! I'm sorry, just make it up and give it to me (laugh)! They actually came out this morning – yesterday afternoon late and wanted them earlier than that and I said "no", I'm not going to ask for it any earlier than that, because they've got some staff changes and things, they wanted them several hours after the meeting which is impossible, so if you would get them to me. This is not a pay week so I'm not real worried about getting it by noon tomorrow but if I don't see it Friday morning, you probably going to hear from me.

That's all I have. Does anybody have any questions for me?

NAGY: The appointments.....

GREENE: Yes sir

NAGY: Do you submit....have the names been submitted or how does that work? It's been awhile

GREENE: Do you want to explain that? (to Adam Lemke, ASA Ohio)

LEMKE: No (LAUGH)

GREENE: Let me put it like this, there is a link on our website that takes you to the application process. Anyone under the Ohio Revised Code that falls under the section that is a shop owner or operator or a mechanical shop owner or operator or if they want to apply; anybody can apply. Now those applications go direct to the Governor's office. Normally what occurs is they take that group of ones that are qualified and they will ask for a recommendation from ASA and then ASA makes a recommendation. Ok if we have 10 names and ASA will recommend 4 or 5 and then they will pick 1 or 2 of those to fill the two positions openings, that's my understanding. I have no say in who gets the what.

NAGY: Obviously if I'm on here (LAUGH)

GREENE: Yeah, especially knowing what I know now! (LAUGH)



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

GREENE: But

NAGY: I wasn't sure of the process, I thought there was an online application.

GREENE: There is an online application and there is a link on our website to do it and anyone can apply when they take those and they ask for a recommendation from ASA and ASA will send that out and they will copy me on it, normally, so I'll know who has been submitted and then normally we don't hear anything until appointments are actually made and the Governor's office will come out with a media release. That is normally the first time I hear about it. Once in a great while, they've called me on a couple over the years, they've called me and said "What do you think about this Ron NAGY guy....."

NAGY: Obviously that didn't happen!

GREENE: Yeah (LAUGH) – My opinion was worth nothing but that's normally the way it works. I notified them back in November that we had the openings and like I said, a lot of the boards have been waiting a lot longer than that.

NAGY: Yeah, I knew nothing was rushed

GREENE: Any other questions for me on my report.

HALEY: Do you know if it will allow you to upload your resume? Or just fill out an application?

GREENE: I believe it allows you to upload information, unless they have changed it; but when Strickland created the link, well under his administration and at that time you could upload any information or documents that you wanted. I imagine it hasn't changed, I would say that it is probably exactly the same as it was.

HALEY: Anything else on the old business that anybody wants to bring up?

MCCARTHY: One item Mr. Greene, my understanding is the two recommendations that was initially to get the board off the ground but now that the board has been operating it would be three recommendations.

GREENE: Oh really?

MCCARTHY: Yes. But you can follow-up with Janyce on that.

GREENE: Three recommendations for each spot?



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

MCCARTHY: For a vacant position.

GREENE: Ok, I didn't know that

MCCARTHY: That's because the board is already established now.

GREENE: Ok, that's news to me! Thank you, I appreciate that Keith.

HALEY: Anything else for old business?

5. **NEW BUSINESS:**

A. Election of 2012 Officers

Nomination of Jennifer Haley for Chair: Ronald Nagy

Second: Rick Finney

Vote: accepted

Nomination of Brian Seibert for Vice Chair: Ronald Nagy

Second: Rick Finney

Vote: accepted

HALEY: I would just like to thank Rick for all the time and energy he put into this board. I hate to see people go, but I might be on borrowed time too (LAUGH) who knows? We really appreciate you. What we have tried to accomplish and what we can accomplished within our little board here.

We open it up for public comment. Do you guys have any gripes, complaints, comments? We appreciate you being here though, it means a lot.

GREENE: It sure do! Bill do you have anything that you want....you want to give us a.....

SEFCEK: Once again, thank you! My name is Bill Sefcek, I've spent a tremendous amount of time with State Farm Insurance on the other side. Prior to that I was in the collision repair industry, I left State Farm last May. I developed a company, Stan Mitchell, Enterprise, which is a coaching consulting partner to collision repair facilities to help them to better employers, help them to better business people, help them to be better strategic partners for the folks that they do business with. And hopefully, bridge the gap between the insurance companies and the collision repair industry.. I believe it can be done. It's just a matter of some good understanding, some good standards, some good follow through, helping them to be more reliable and predictable. It's great, I'm here to see what I can do here, you know if there's anything that I can do and also to support your efforts in the collision industry. I



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

guess this is tremendously important and always has been. I believe it's still in its infancy as far as what it can do. Maybe in my lifetime you can do more. I want to see all the work, I'm impressed. I just want to kind of get a feel for how many folks showed up, what kind of involvement there was, it might be nice to get some other folks in here once in a while. Maybe the next meeting or if I talk to anyone during that time between now and then; whatever I can do, it Time to give back a little bit..

HALEY: Thanks for being here.

GREENE: Bill has been a big supporter over the years since I've been with the board just for the shop owners. Bill has always been supportive of what we're doing. He came to the ASA meetings we did back in the fall before last.

SEFCEK: There were only five people then, wasn't it?

GREENE: Yes. He has been very support and he has always been there if I needed to call him for advice or information or help, he has always been there and I appreciate him being here and giving us this information we'll have it available.

SEFCEK: Thank you. I know as an insurance representative, I couldn't be a part of this to well. Rubbing the edges, not only the edges for my insurance carriers so, but it's still back there, so....

HALEY: I think one of the biggest challenges of this board is not being able to be a little bit more expedient on going after the illegal shops that are out there. You know, what is it, SB 114 is really important to keep that in our minds and talk to our reps about how important that is so that we can be able to prosecute and chase down people out of Franklin, base it out of Franklin County up here rather than in each individual counties. People just don't pay any attention to it, they don't care.

NAGY: What do you think such an increase in applications. The reason behind that?

GREENE: Well I'd like to think it's because we're doing a better job (LAUGH) .

NAGY: Is word getting out?

GREENE: I'd like to think that it is. We've redone our mailing system on the letters and the process that was done in the past. Dan starts out with an introduction packet and everything and then we go after 30 days we're right on top of it with a Notice of Violation; 30 days later we're right on top with a Non-Compliant letter and 30 days later we're right on top with a Final Notice letter, then 30 days later we're right on top with turning it over to the AG's office and their letter. I think it's just you know that we've got a good system going on right now and we're getting a lot of positive press



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

when we go to Pickaway and Fairfield or Licking. Last year it was the five counties in northeastern Ohio and the year before that it was the five counties down south and the year before that it was Lorain. They are seeing that we're doing something about it, we're seeing a lot more shops...that's why you are seeing such a huge amount of arrears of late fees and penalties being paid...

NAGY: I was getting ready to say, \$16,000 is a whole lot of money

GREENE: It was only two or three years ago we were collecting \$2000 a year in arrears, now we're collecting \$16,000 and that's just as of January 30th, this goes to June 30th and just in the past few weeks the shops we've had in injunctions on, we've collected a lot more arrears and we'll just keep it up. I think, you know it's just they know...it's like one shop owner called me a couple of weeks ago from down in your area Jennifer and he said "Man, I've moved 3 times and I can't get Dan Gibson off my butt!" (LAUGH)

HALEY: Is that our friend?

GREENE: He says "I'm tired of it" he's all upset and everything and I said "you know what?" I said "all you got to do is register and you're not going to see Dan Gibson again"

NAGY: It's gotta be cheaper than moving!

GREENE: Well he's been probably moving for a while. (LAUGH)

NAGY: I understand (LAUGH)

GREENE: But he's changed locations three times at least that we know of and Dan has found him every time.

HALEY: It's because he keeps putting a sign out! (LAUGH)

GREENE: Well, I don't think he has a sign at this location. But that's the kind of thing that we're getting all over. Yesterday we had a shop we've been after in Selena for I don't know how long and I sent them a letter and said "look, this is it we're tired of playing games" and man they paid 3 or 4 years worth of back fees and we couldn't get them. Dan's made a hundred trips up there.

NAGY: You think maybe it's some of the press you're getting from some of the

GREENE: I don't know, something's working, something's working.



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

NAGY: What tone are you getting as you're out there? (TO DAN GIBSON, CRB INVESTIGATOR)

GIBSON: Well, we are becoming more known just each year, it seems like. I think we've established the reputation that we won't go away. It's pay now or pay later, it's not like that if we put you off for two years, we're going to save ourselves a couple of years of fees. It doesn't work that way, it just keeps adding up. I think that Mike's mass e-mailings putting everything out the press releases and AG's Injunctions and the court rulings. I think that a number of the shops are talking with one another saying "hey, you know what you might as well just do it. I tried what you're doing and it didn't work. Just do come in compliance". I think that it's a number of different things. A big part of it is just that we won't go away and if you're going to stay in business, you might as well get caught up and go on.

HALEY: There was one down our way that was running radio ads over Christmas and when you sent me the latest list, not registered.

GREENE: Well there's still plenty of them out there

GIBSON: Oh, yeah, there's.....

HALEY: He's been around a while and he advertises on the radio

GREENE: Give credit to the AG's office, because the last 3 Assistant Attorney Generals we have had have been very proactive, very willing to do what we need o get things done. Their letters get a bigger response, when they send the letters out. That's been a big help and another thing is, I have to give the insurance industry some credit because like I said with the glass shops, there are insurance companies now that are requiring the shops to prove that they are registered and if they did that statewide we'd see a big push over night. But the ones that are doing it are doing it right. We get calls everyday from a place up by Akron, what's that called? They do something statewide for the insurance industry. I can't think of the name of it now.

Everyday, everyday they call us and they are looking at shops on our website

SHERFIELD: Axiom

GREENE: Axiom!

NAGY: That's who we have to register with if we are a DRP.

GREENE: Oh, is that what that is



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

NAGY: There's probably about 3 or 4 insurance companies that use them as a background check....

GREENE: They call us on a daily basis, on a daily basis they call us "we're looking at this shop, we're looking at that shop" and they are wanting to know what's going on.

NAGY: I know that All State uses them a lot and another DRP we're with does

GREENE: We're also getting complaints, we're getting help from the Better Business Bureau, they're calling us every time. Every Time a collision repair shops applies with Better Business Bureau, they're checking with us. We've set up a rapport with Taxation, IRS, EPA BBB, all of these different entities, it's a joint effort. I'm telling you it's, BWC – it doesn't matter who it is, everybody is checking with everybody. It's a lot better than it used to be.

6. **ADJOURNMENT: NEXT BOARD MTG. – MAY 9, 2012, LOCATION:**
Vern Riffe Tower, 77 South High Street, 19th Floor, Room 1932, Columbus.

MOTION TO CHANGE MEETING DATE FROM MAY 9 TO MAY 16TH:
JENNIFER HALEY
SECOND: RONALD NAGY
VOTE: ACCEPTED

MOTION TO AJOURN: RICK FINNEY
SECOND: WILLIAM OGG
VOTE: ACCEPTED