



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

February 21, 2007 10:00 AM
Ohio Department of Public Safety
Shipley Building, Room T3-7
1970 W. Broad St
Columbus, Ohio 43223

1. CALL TO ORDER. INTRODUCTION OF MEMBERS & GUESTS PRESENT:

At 10:05am, Chairman Emus called meeting to order. There was an introduction of Board Members & guests.

Board Members & Staff Present: Ralph Emus, Rick Finney, Dave Weber, Paul Duncan, Eric Poklar, Mike Greene, Kim Sherfield, Dan Gibson and AAG Ted Klecker

Board Members Absent: Benjamin Williams

Attendees Present: Lisa Clark ASA, Kim Nowell ASA, Dennis N. Sterwerf

Introductions: Eric Poklar

2. GUEST SPEAKER: Vikki McBride, OEConnection – *Rescheduled*

3. REVIEW OF DECEMBER 13, 2006 MEETING MINUTES:

MOTION TO ACCEPT THE MINUTES: *Dave Weber*

SECOND: *Rick Finney*

VOTED: *Accepted*

4. BOARD REVIEW AND DETERMINATION RE PENDING REGISTRATION APPLICATIONS:

A. Vote by Board on regular registrations pending from November 30, 2006 through February 8, 2007.

WORKMAN'S COMP ID NUMBERS

Director Greene advised the Board of his research of over 3600 files and out of those, 44 actual shops were questionable. Letters were sent to those shops requesting this information. Director Greene went on to fill the Board in on his conversation with a representative of BWC. The question was posed "What if there was a shop owner that was paying people under the table or claimed to



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

have only one employee when they really have more and they don't have neither a BWC nor an unemployment number?" The BWC representative told him that, basically, they did not care. The representative went on to say that BWC is more or less a "suggestion." It's like insurance. The only time that there would be a problem is if an injury and a claim is made and there isn't any money to cover the claim. In cases like this, enforcement would take place.

Board discussion: *BWC & Unemployment being an option. Shops are not required to have these insurances. CRB staff has been trying to get everything caught up and unregistered shops on board. They have received a lot of good responses – Director Greene advised he is trying to get something in writing from BWC.*

Per BWC, both sub-contracting & 1099's are fine; they are concerned when there is a claim or a loss. That is when enforcement "kicks-in". At that point, it is turned over to OSHA. BWC doesn't investigate claims or losses, BWC only investigates fraud.

Dave Weber suggested Investigator Gibson start a list of shops he feels should have Workman's Compensation.

MOTION TO ACCEPT: *Dave Weber*

SECOND: *Paul Duncan*

ROLL CALL: *Motion Carried*

Question raised: Where does Wage and Hour stand on this issue? At this time, it is not known where they are on this issue. Director Greene will contact the Wage & Hour Division to see.

- B. *Vote by Board on regular registrations pending from October 10, 2006 through November 29, 2006, tabled from December 13, 2006 meeting.*

MOTION TO ACCEPT: *Dave Weber*

SECOND: *Paul Duncan*

ROLL CALL: *Motion Carried*



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

5. OTHER BUSINESS:

A. Investigator's Report (Investigator Dan Gibson)

Year-To-Date Totals 2006

Shop visits	934
Renewals	53
NOV	312
New Shop Appl.	108
Complaints	102
Prosecution Cases	
A.G. Notifications	247
Injunction Requests	97
Shops "Out of Business"	161

Year-To-Date Totals 2007 (as of February 15, 2007)

Shop visits	153
Renewals	2
NOV	9
New Shop Appl.	16
Complaints	17
Prosecution Cases	
A.G. Notifications	0
Injunction Requests	0
Shops "Out of Business"	11

B. Status Report on Injunctions (AAG Ted Klecker) - *None of the shops under injunction expressed any interest in registering.*

Injunctions are pending in Lorain County originally filed against five body shops.

Lou Kish Settled for \$450

*Zipps Shop Closed – Pre-trial on January 23, 2007 in Lorain County
No one showed up.*



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

Going forward with the injunctions since no one appeared. What we have now on the record with each of these cases are two affidavits: one from Director Greene when he was the investigator, and other from Former Director Cassidy. What has been filed since then is called a Summary Judgment for the injunctions. AAG Klecker is asking the judge to take a look at what's on the record, which is the affidavit stating that these shops are not registered. The three remaining shops being Fender Bender, Rapid Auto Body and Jeff's Auto Body, they are operating as repair shops without registrations. That's all we need to get an injunction.

C. HB 208 Update (Dir. Greene)

Don't think anything is going on with it. Lisa Clark: Hadn't heard anything from Victor. Have been concentrating on that 3901 which had a good response.

D. 2006 Financial Disclosure Statement status – *Disclosure Statements are due April 15, 2007 (reminder) board pays the filing fee.*

6. NEW BUSINESS:

A. Status of back fees (Dir. Greene) –

With the Non-Compliance Letters we've generated over \$13,000 in back fees. Check returns have gone from 23% to 11%. Our goal is to get it down to 5% by the end of the next fiscal year. AG Collections Accounts have gone from 233 to 128 and the balance of those accounts has gone from over \$44,000 to just over \$38,000. There have been quite a few shops get legal that hadn't been since 2000-2001. There are an additional 160 more to go out in the near future. Our goal is to get as many legal and up to speed.

B. ASA Meeting, Phoenix, AZ (Dir. Greene) –

MACS convention in Phoenix, Arizona – There was a forum made up of 20 states. The main topic of discussion was getting other states on board. The panel and forum was outstanding. Director Greene presented CRB's PowerPoint presentation.



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

- C. Review of new Goals & Mission Statement (Dir. Greene) –
Copies of the revised Goals & Mission Statement were sent out to everyone. Revision was due because the Strickland administration has asked from each board what they are doing to implement the “Turn Around Ohio” initiatives. The initiatives mainly focus on protecting the consumer and what can we do for the people of Ohio. Another thing that they focus on is waste in state government (are we getting our moneys worth out of our people).

MOTION TO ACCEPT: *Paul Duncan*
SECOND: *Rick Finney*

- D. Special presentation (TBA).

- E. Nick Lahni's resignation

7. EXECUTIVE SESSION: (IF NEEDED)

- A. Personnel Matters

8. PUBLIC COMMENT:

It was suggested by Chairman Emus that Dennis Sterwerf give the history of the CRB.

MOTION TO ADJOURN: *Rick Finney*
SECOND: *Dave Weber*

9. ADJOURNMENT: NEXT BOARD MTG. APRIL 11, 2007 @ 10AM