

**OHIO BOARD OF MOTOR VEHICLE REPAIR
BOARD MEETING MINUTES**

May 14, 2014 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 10:00 AM.

BOARD MEMBERS IN ATTENDANCE: Joseph Sanfillipo, Jr., William Ogg, Jeff Wagner, Christopher Sterwerf, Earl Dohner, Rico Barrera (Asst. A.G.), Michael Greene, Daniel Gibson, Kimberly Sherfield

BOARD MEMBERS NOT IN ATTENDANCE: C.J. Paterniti

2. REVIEW OF FEBRUARY 19, 2014 MEETING MINUTES:

MOTION TO APPROVE: WILLIAM OGG
SECOND: CHRISTOPHER STERWERF
VOTE: CARRIED

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

A. Vote by Board on regular registrations pending from January 31, 2014 through April 30, 2014.

MOTION TO APPROVE: CHRISTOPHER STERWERF
SECOND: WILLIAM OGG
VOTE: CARRIED

SANFILLIPO: I guess before we go any further on that application and so forth, do we have a process, I know you have a process, but do we have a form or something you fill out when you go into a location to determine whether they've got the proper credentials to be.....

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GREENE: No, they're just required.....the investigator normally ends up in a shop that's already not registered.

SANFILLIPO: Ok

GREENE: So, they get the first thing which is the intro packet. We give them an application with the instructions, a pamphlet, and the EPA application for PBR, all of the paperwork to go through and start the process. They usually follow-up and then the checklist will come when they mail in the packet. We have a checklist to go down to make sure they have everything at that point.

SANFILLIPO: Ok, the checklist consists of something like what?

GREENE: Ok, well like everything that's on the application: the vendor's license, tax ID, the unemployment, the BWC.....

SANFILLIPO: If those aren't completed then we hold off or we don't issue.....

GREENE: Right

SANFILLIPO: Ok

STERWERF: There is no protocol, there's no list to go in

GREENE: That the investigators have?

STERWERF: Yeah

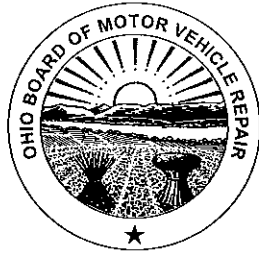
GREENE: No, they either registered or they're not registered. The 99.9% of the complaints are on unregistered shops so that's where we're starting. We are starting with somebody that hadn't done anything yet.

STERWERF: What about if you were to go or somebody was to report an existing shop for not complying with some aspect of the law, or of some other agencies law?

GREENE: Well, it depends on what it was, I guess. I mean, if it was.....if they report that they were not paying worker's comp. We have a worker's comp search engine we can check. We have a Secretary of State search engine. We have BMV search

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engine, so a lot of those we can check in the office. If we can't then we will forward that to the correct agency. That's where we get, like on my report that says how many we've forwarded to each agency.

INTRODUCTION OF BOARD MEMBERS

INTRODUCTION OF NEW BOARD MEMBER: Earl Dohner, B & E'S Garage, Brookfield, Ohio – Retired.

4. OTHER BUSINESS:

A. Investigator's Reports – Invests. Dan Gibson / Director Michael Greene

YEAR TO DATE TOTALS

May 5 – 8, 2014

Investigator Daniel Gibson

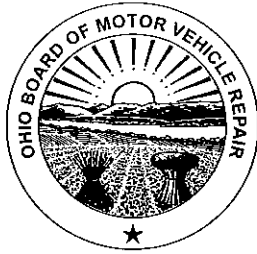
Shop Visits	260
Renewals	14
NOV	74
New Shop Applications	22
Complaints Investigated	12 (Involving 12 Shops)
Shops Located "Out of Business"	30

STERWERF: What time periods do you tend to do the investigations? I noticed on some your reports that you leave out early morning, obviously. There's quite a drive there to get there, what time periods do you tend to focus on when you do your investigations?

GIBSON: Well, I try to be at around 8:00 (am) is my goal. I leave out early to get out of Columbus, but that can vary. Sometimes I start at 5 in the morning or sometimes I start at 6 in

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the morning. If I'm working local, I'll do computer work before I get in the car. Wherever I go, I can start at 8 (am) as opposed to just sitting around waiting for them to open.

STERWERF: Do we ever tend to do any investigations like in the evening time? Like from the hours of like 6 to 9?

GIBSON: Oh, I have, generally I don't, but I have done evening and I've also done weekends when I get a specific complaint about them saying "hey, they are only there in the evenings" or "they're only there on the weekends".

STERWERF: Perfect.

GIBSON: Yeah, I do that.

STERWERF: So if you get a complaint on the evenings that's when you tend to go?

GIBSON: Even if they're not there, I leave a note saying "Please call". A lot of times we can resolve it with a phone call because I'll leave an introduction packet. But obviously there are some that won't return the calls and then that's those ones I have to go back to and try to find them in person.

STERWERF: Gotcha

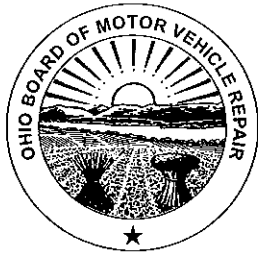
GIBSON: So, yes I do some evenings, I do work so weekends, Saturdays and Sundays but it would be for a specific complaint.

SANFILLIPO: Is that something we ask, Mike, when they call in if there are specific hours that these people are working?

GREENE: Yes, they usually let us know if the guy is working after they get home from their regular job or something like that. We have several when I was an investigator like that. We ended up doing investigations on the weekend and a couple in the evening.

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YEAR TO DATE TOTALS
January 01 - May 10, 2014
Investigator Craig Robinson

Shop Visits	473
Renewals	39
NOV	105
New Shop Applications	114
Complaints Investigated	44 (Involving 44 Shops)
Shops Located "Out of Business"	20

GREENE: I kept Craig on the road in Cleveland today rather than bring him into the office to read his report.

- A. Attorney General's Report – AAG Rico Barrera – Not a lot has changed since our last board meeting. As I mentioned, we had 7 initial injunction complaints filed. Three of them have settled two of them were combined into one action so there were three outstanding. The one update I can give you is one of those three were just recently ruled in the boards favor via summary judgment. So right now, they were found to be in violation and are required by the court to register with the board. They were given a certain time frame, 30 days to comply with the courts order and we are within those 30 days right now. So, we are in the process of figuring out the next steps as far as enforcing the courts order and making sure that they register with the board. Other than the summary judgment motion, the remaining two, not much has happened to update the board on.

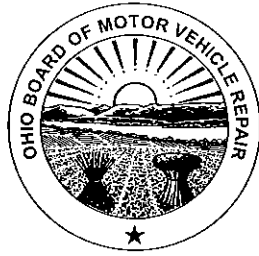
SANFILLIP: Those are the ones that have been pending for some time?

BARRERA: They have, yes.

SANFILLIPO: Where are we at with new filings?

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BARRERA: With new filings, we have no additional new filings.

SANFILLIPO: Ok, so we have nobody that's not up to compliance, that's not giving us a hard time?

GREENE: No, we haven't gotten the cases prepared to file yet.

BARRERA: Any injunction has to be approved by the Attorney General himself and the standard through which you bring an injunction is pretty high. The foundational work you have to put into it to support your case is relatively extensive. We've learned some things as we've gone through these initial seven about what we need to do to strengthen our case so that we're more successful in moving forward. Not that we haven't been successful with the seven we have now. There's a lot of foundational work that goes into it and the process itself, takes a lot of time. We filed these in November and through the natural process of litigation we still going through it.

WAGNER: They're doing enough yet to have a time line that we can say "it takes five months, six months? Is it safe to say what we're looking at that?"

BARRERA: You mean a timeline as far as resolving the seven we have right now?

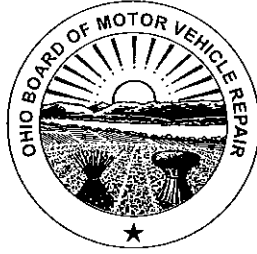
WAGNER: Yeah, from the time you started doing the investigation up to the actual filing....

GREENE: Well, some of that has taken a couple of years. When we filed the first injunctions in '07, we prepared the cases, presented them to the AG. They got the approval to file the injunctions. If you remember back then, we had to file them in each separate county. By the time we got in the courts and to the point of shutting them down, and all of the hearings and everything it was two years. The investigative part, we're always making the documentation and building the cases getting them ready to turn over to the AG, what happens is when we get ready to turn them over, the investigator has to go back and make contact with each one of them. That is a requirement of the AG's office, update photographs, and update contact with the owner. So it's almost like here is a year's worth of investigation or documentation on them, now we've got to go back and get a little bit more before we can go forward. We've had a 100% conviction rate on getting them done. We've filed in about 25 counties.

SANFILLIPO: I guess I'm a little confused, if I'm driving down the highway and I'm breaking the speed limit, I'd get a ticket immediately.

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GREENE: Right. That's a criminal law.

SANFILLIPO: Ok, this is a violation....

GREENE: This is a civil case.

SANFILLIPO: It's still in violation of the law. Why is it taking it so long to get this before the AG?

GREENE: It's documentation we have to have. The law says we have to go through a process. You find a shop; you have to present them with an intro packet.

SANFILLIPO: I understand that. But, once we get to the point of Notice of Violation, where they've actually ignored our requests....

GREENE: We've still got a process, 30 days – A Notice of Violation, then you've got a 60 day letter Failure to Comply then you've got a 60 day Final Notice Letter then you've got an AG letter of 60 days

SANFILLIPO: So we're up to 9 months now.

GREENE: Yeah, that's getting through the process.

SANFILLIPO: Ok, once we've notified all of these people in 9 months, why does the Attorney General sit on it for so long? Honestly, seven years for a case, the attrition for a collision shop owner is a lot lower than that. They are in and out of business in three or four years. So by the time we get to it, they are already out of business again.

GREENE: Well, no, we collected ten years' worth of back fees on a bunch of shops.

SANFILLIPO: The board has been in existence now for how many years? We've only gotten 7 convictions?

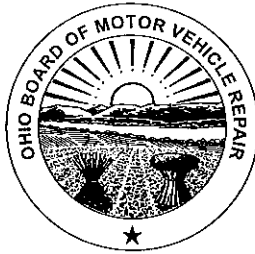
GREENE: No, I said 25 counties.

SANFILLIPO: Oh, and you've tried them in each individual county?

GREENE: Yes.

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SANFILLIPO: Ok. These guys look at this thing and they say like "Well, you know it takes this long to get it down, why should I comply?"

GREENE: Well, it's getting a lot better. When I came here in 2006, they had zero. From 1999 to 2006, they had none. No injunctions.

SANFILLIPO: Ok. What can we do on our end to expedite this thing? Once the nine months have passed, you've already gotten your letters and so on and so forth. Is there any way to expedite beyond that point so that we're not waiting 2 and 3 years to get to trial?

BARRERA: Honestly, it's part of the litigation process. These things don't happen instantaneously and it's for a reason. It's for due process reasons. I understand the concern in wanting it to move as quickly as possible, we're on the same page as far as that goes. Some of that has to do with just scheduling with the courts. The Franklin County Court of Common Pleas is a very busy place. So, it takes time that's just the reality of the situation and sometimes you wish it would move faster but.....

GREENE: So we have 25 cases we're going to turn over to them. That's 25 more visits that these guys have to make, to go back and take photographs and make contact with the owner. That may not happen on the first visit, they may be able to take photographs but owner may not be there or the place may be closed. We've got to make all of the contacts to update that before we can hand them (AG's office) the file and say "here, we've met everything we're required to meet by law. It's time to go to court. The only way to speed that up is if I had 88 investigators, one in each county. I can get those cases in a lot quicker, but I only have two. We've only had two for the last six months and only one before that. We don't have enough people or enough resources.

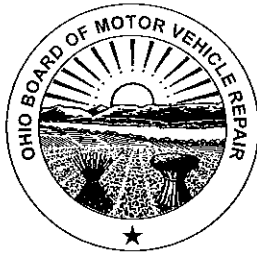
GIBSON: If I can add, back when we went to different counties, we might have a dozen, two dozen – 30 shops that we start with in this process.

GREENE: In one county.

GIBSON: Yeah, those are each individual packets, each individual filing and through the process we get the vast majority of them registered. Back fees paid, but that's what it took for them to say, "Oh, this is at the point now where I'm going to have to deal with this because it's a legal issue." Of those 30, we might have 3 that just decide "show me what you got" and those go to actual injunctions. This is a generalization, at that point, you are dealing with

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people that know the system so that's when they start the "I need a continuance". They'll wait for the court date and then they'll say "hey, I can't make it" then the courts say "yeah, I'll give you a continuance" then another 3 months will go by. Then when it comes down to crunch time, when it's finally the hearing time, we in a trial in front of a judge, in most cases, that's when they say, "Hey, what do I do to make this go away?" They'll come in with their cash and their certificate of insurance and all of this stuff....

SANFILLIPO: The only things we're collecting are the back fees? Correct?

BARRERA: And they're registering.

GREENE: And court costs

SANFILLIPO: And they're registering, I know, but the problem is we're not making them an example. If there is a \$10,000 fine or a \$50,000 fine along with your back fees, it will be sure to somebody's attention.

GREENE: It's not in the law, that's the problem.

SANFILLIPO: That's something we need to address with our legislators then. It's great to have all of this, but if there's no consequence for your action outside of paying back the 10 years fees or \$150, big deal.

SHERFIELD: We have even had shops where we have had their locks changed. They were padlocked shut.

GREENE: And they have had to pay the lock fee and some of them have had to pay court costs.

STERWERF: How hefty are these court costs?

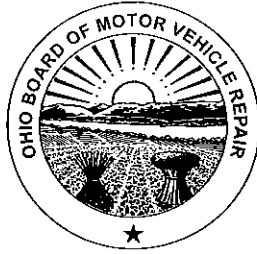
GREENE: I don't know.

BARRERA: A couple of hundred dollars. It depends on how extensive the case goes.

GREENE: The locksmith has been expensive on a couple of them that we've locked down. We had one that was in Jefferson County that had seven doors we had to have locks changed.

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SHERFIELD: Then they would have to come here (to Columbus) to get their keys.

GREENE: They would have to pay that and then get registered to get the new keys.

OGG: I was on the Election Commission for five years, they've got hallways full of fines, it's where different politicians were fined for this or that and they can't collect. They can have a \$25,000 fine this term and next year take out petition to run.

SANFILLIPO: Well, I guess, I look around the room and we haven't got a full house and we're still struggling to get a board member and we're all sitting here saying things that need to get done. There are no teeth in this thing to get anything done.

OGG: I think they're getting a lot done, but it takes to time through the law.

GREENE: You're not saying anything new. This has been said for the last nine years I've been here.

SANFILLIPO: I guess, as a committee, what can we do to get this changed. I mean, I enjoy coming to Columbus, yeah right, when I come here, I want to think that my time is worth something. I'm getting something accomplished. I'm here for a 15 minute board meeting and then I'm back in the car heading back to Cincinnati. Well, it's kind of useless. I'm not saying that you're not working hard. I'm just saying we're not getting the results....

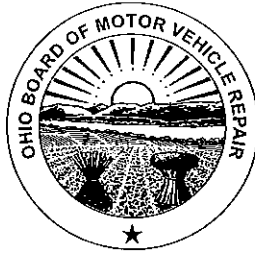
GREENE: We have results!

SANFILLIPO: We do, but we don't have any teeth in this thing. We don't have any deterrent to the guy next door doing that and I guess I don't know how to correct that.

GREENE: Just to give you an example, in 2006 when I became director, we had 1060 registrations. They were going to close us down because we didn't have enough money, there were \$38,000 left to get by from September to July 1st of that year. So we had no money, 1060 and we had about 600 illegal shops. Now, we have 1746 and we've collected \$38,000 in arrears and every year since then we've been up in revenue. That year we finished out, we didn't have the money to pay payroll until July 1st and we ended up with an overage of \$55,000 in the black. So, we are making progress. It's not a quick fix. I wish Dan can walk in "you've got a registration? No? Ok, we're locking your doors and you're going home until you get it." But we don't have the power.

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STERWERF: I'm surprised at how low the court costs are, because usually a lot of the situations I see, the attorney's fees are involved extra investigator fees. Is there any way that we can log time and pin that.....

GREENE: We tried with a previous AG filing for that. Dan, how many trips to Jefferson on that one? Remember we tried to file for mileage and we tried to file for his time.

GIBSON: It was detailed, it was hourly rate – it was thousands of dollars.....

GREENE: The AG that we had at that time submitted that to the court and the court said no way.

STERWERF: Was it just that particular court? Would we have had better luck locally? Now that it's here based....?

GREENE: Their ruling was it doesn't apply.

STERWERF: It's extraordinary.....

GREENE: But we're the State, it's different. If it was a private organization having to do it, it would be different. They are saying it's taxpayers money, you're doing your job we're not going to (award you that cost).

STERWERF: That's unfortunate.

GREENE: Yes.

OGG: One question for Dan, and I think you're doing a commendable job. If you go into a shop and criminal activity appears do you then get the patrol or sheriff's department or anybody local or do you just notify them of what you think is going on criminally?

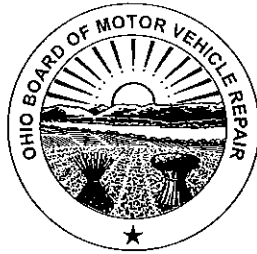
GIBSON: Yeah, I would.

OGG: You don't investigate anything criminal, do you?

GIBSON: No. But I have seen things that were suspicious in nature and I notified the law enforcement agency that has jurisdiction. Whether it a city or whether it a county sheriff. I have actually worked multi-agency search warrants but my jurisdiction is registration of the

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shop. We have turned over things that have turned into big felony convictions and at least owner is in prison. It stemmed from it not being a registered shop.

OGG: Your investigation.

GIBSON: I've met in person numerous, whether its police departments, zoning, fire departments to say "hey, you need to inspect this place for the lighting or they don't have the proper fire suppression. I can't do anything about it, but I'm bringing it to you attention." Like anything else, some say thanks a lot and do something, other ones don't do anything. Criminally, I would say that they all at least started an investigation or they are already aware of it. I bring them information that they say "yeah, we're already on to that." We've worked with some where we have to coordinate "hey don't go in there without contacting us so you won't mess up our investigation" that sort of thing.

STERWERF: If somehow the local public were to be empowered know about the existence of the board, if they took pictures and did any investigation, is any of that admissible or can you use any of that for future cases?

BARRERA: We would have an admissibility issue as far as submitting that to the court. I wouldn't be able to authenticate that unless they were somehow willing to be a witness, which I guess that would be a possibility.

GREENE: We would still have to send an investigator to go through the stages.

STERWERF: So to get evidence on that particular shop you would have, it would have to be pictures and data from the investigator, it can't be.....

GIBSON: We have gotten, for instance a complainant has faxed us or mailed us whatever part of the complaint is an estimate. We've gotten photos before things like that. It's in the case but I'm taking my own photos and things like that, too.

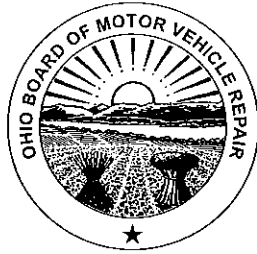
BARRERA: The investigator's investigation uncovers a lot.

STERWERF: You probably use it to pressure them, but not, but if you have to take it to court it would not be admissible?

BARRERA: If I took it to court it would really just be a "here's the basis through which the investigator then launched an investigation. These are the kinds of things that triggered it."

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STERWERF: I understand.

- B. Legislation Updates – (STERWERF) I don't know the numbers of the bills off the top of my head enough to state on the record.

GREENE: There is a hearing today on SB 232 the mechanical bill. I just sent out to you the HB 526 Anti- Steering Bill. I just got a copy of it last week. I think today is on several amendments on SB 232 for non-profit organizations to be exempt. If that hearing goes well today my estimate is they'll vote that out of committee today, I don't know, Chris do you know?

STERWERF: Not certain.

GREENE: They should vote it out of committee today and if they do it will go to the floor of the Senate probably next week for a vote and then it will go on to the House.

SANFILLIPO: So the chance of getting this done before recess is good?

GREENE: Well actually, yeah.

SANFILLIPO: Ok

GREENE: If it doesn't get held up somewhere by somebody we don't know about, yet.

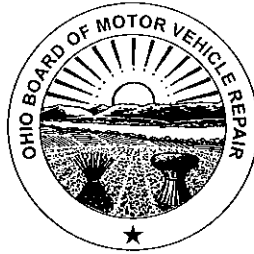
STERWERF: I have understood that it looks like it will move pretty quickly if all goes.....

SANFILLIPO: Ok, along those same lines let's open up another can of worms for more.....that's going to get us more income so we can hire more investigators, more of a burden on the Attorney General's Office to make an example out of somebody. Thanks.

STERWERF: I know with SB 232 attracting a lot of attention, would it make sense.....I know a long time ago we use to work real closely with the Bureau of Motor Vehicles where they would provide a list of body shops that also

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dealerships and tell how many cars they sold and we scrub that list against those that are registered to find out if they should be reclassified as or they fall underneath our jurisdiction.

GREENE: We just did that, here a while back and they pulled 22, it's funny because they're just getting around to some of them but they brought 22 dealerships in for administrative hearings and I'm pretty sure they pulled the license on all of them. The last I heard, the BMV is trying to get legislation or amendment to their law to put a minimum on the sales, like 10 cars every 2 years or whatever. Whatever their minimum is, to my understanding, they didn't have a minimum before we did this. We actually had to provide them with a list of dealers that had body shops or mechanical shops. They couldn't tell us.

OGG: Will those shops have to have dual memberships?

GREENE: They'll have to register if this bill passes but they won't have to pay.

C. Director's Report – Mike Greene (See Attached)

COMPLAINTS FORWARDED:

I do hear back from all of these agencies except for, I don't hear back from BWC anymore. They do assign it a case number and look into it but I never hear what the results are.

NICB – I always hear back from them.

Department of Insurance – I haven't heard back from them in 6 or 7 years.

OTHER NEWS: Agency Audit

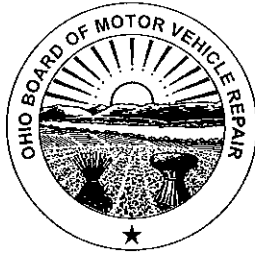
STERWERF: Is the audit mainly financial based or is it protocol based?
Procedural at all?

GREENE: It's everything.

STERWERF: Everything?

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GREENE: Yes, they make sure our policies and procedures are updated with DAS Directives or the Governor's Directives or anything new that comes out. Any new law that passes, if you remember when the confidential personal information law passed, we had to go back and make policy on that. We also had to update our rules, remember that was quite a lengthy process. We make sure all of that is up to date. They make sure all of your employees/staff have read the new policies and acknowledged them. They go over all of the payrolls, actually they randomly pick payrolls from that two year period – they audit those to make sure they are correct. All of the revenue, all of the e-Licensing when we do these renewals, they go through two years of that at one time rather than just 3 months. Payroll, expenditures, and revenue – I think that covers everything. Our check register – what comes in and goes out, deposits. They do just about everything.

From start to finish, it takes them about 6 months.

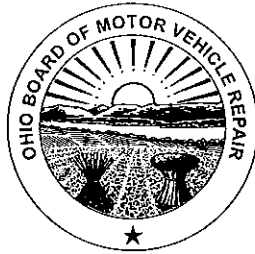
5. NEW BUSINESS:

- A. Chris Sterwerf – Backyard Competition Report – Two meetings ago I presented to the group some information about Backyard Competition about shops that are reporting income to the IRS and they report zero payroll. I presented the report without a whole lot of background information just for discussion. Mike had some questions and I went back and I do some more research to present to the group. The board under the direction of Mike has always made forward progress, we're doing great. I don't want it to be misconstrued as The Board's not doing its job, we're not being successful because as Mike just stated earlier, we've had some major wins and we've had forward progress and we really had drastic improvements since The Board has been in place. We're kind of limited by the teeth that The Board has but with what we have to work with, we have had forward progress.

In that report, it showed that Ohio, for every 1 legitimate body shop there are 2.67 shops that are operating and are reporting zero payroll. That either means they are a one man shop or they are paying people under the table and not reporting that payroll to the state. Of those shops, that adds up to \$127,000,000 in revenue and that is off of the 2011 statistics from the Census Bureau of Labor Statistics. This is income that they are reporting, this is Joe Repair at the end of the year determining how much of his income is being collected based on the SIC Code for body shops, for automotive repair. This is self-reporting so the reason why they are probably

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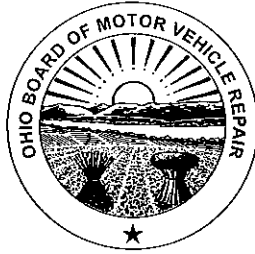
self-reporting is because they've been 1099 either from the insurance company or from a corporation. There's most likely a bunch of other receipts there that are under the table transactions that are not being reported. They are forced to report this income to the IRS because they have most likely been 1099. I doubt very much that it's been voluntary cash transactions that are being reported.

Ohio is about average, the average in the United States is 2.51. Kentucky has a 4.87 ratio for every 1 shop reporting payroll, there's 4.87 shops not reporting payroll. New Jersey happens to have a 0.96 ratio almost a 1 to 1 for every 1 shop reporting payroll, there's 1 shop with no payroll. New Jersey has had a collision repair type board in process for a long time. I actually know the owner that has helped get that law passed in their state. Apparently their law has a lot of teeth in it and it further classifies shops as far as size. You have to post the licenses on the outside of the shop so that it's very clear that that shop is licensed.

Some of the questions that Mike had were that the report fails to distinguish people who repaired their own vehicles. I would say he's correct. People who repair their own vehicles typically are not in the for-profit business of repairing vehicles. It would not be in this report. The report only takes into account revenue from businesses with no payroll that declare themselves as a repair to the IRS. The report also fails to distinguish people who took insurance money and repaired nothing. Again, he is correct the information gathered is not gathered by insurance companies. The information is gathered by quarterly income reported to the IRS from repairers that have no payroll. It fails to report insurance checks made out to shops exempt under 5. Inevitably yes, there is some revenue reported to IRS that may be from repairers that work on less than 5 vehicles a year who would not be under the auspices of The Board. It would be great if The Board had access, somehow, to the number of the 1099s that were issued to repairers but it's highly unlikely like we discussed. If a non-employer repairer received more than 5 1099s in a year, then it would be clear that they're not exempt and they would fall under The Board but I don't know if we can get that kind of information but it would be nice if we could. My guess is about of the 3064 shops that are saying that they have no payroll, how many of them are auto glass or airbag repairers or paintless dent repairers. If you get on the website, I have the directions on how to access the site to get to this information and it further breaks down the different repairers. The repairers with payroll totaled 1146 establishments primarily engaged in the repairing or customizing automotive vehicles such as passenger cars, trucks and vans. Under the NICS Code 811121 PDR interior and airbag repairs were not a significant a number to be split off from

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that classification, so they are lumped underneath that classification. Glass shops where significant enough to have their own NICS number. In 2012, glass replacement shops with payroll totaled 138 in Ohio making the ration of body shops to glass shop approximately 8.3 to 1. So, assuming that ratio holds true, the ration of body shops to glass shops with the 3064 repairers with no payroll that would make 2695 body repairers and 369 glass shops. However, I think that's unlikely because to maintain a glass shop, it requires an inventory and most likely multiple employees to maintain that. I don't think that that's a significant number the 3064.

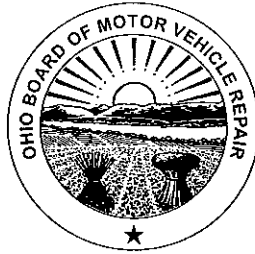
How many were mechanical repairs as result of a collision? Mechanical repairs as a result of a collision are usually repaired by shops in the 811121 classification and may be reported as income to the IRS by repairers who have no payroll. If you were to look at mechanical repairs under the NICS Code 81111, which are primarily mechanical shops with no payroll they were 5812 entities reporting \$235 mil in revenue in 2011. So there's a lot more mechanical shops out there that are reporting their payroll than they are in the..... According to this report there's 3000 body shops not reporting payroll when the mechanical side there's 5812 entities reporting no payroll. My guess, do all insurance companies issue 1099s on all jobs? Insurance companies are supposed to collect W-9s – Request For Taxpayer Identification from any repairer they issue a check to. It classifies the repairer as an individual, sole proprietor, C Corp, S Corp, Partnership, Trust or LLC. In Ohio, in 2011, 3000 repairers reported no payroll of \$127 mil in receipts. Of those 3000 repairers, 127 were corporations, 92 were partnerships, but 2865 of them were individual proprietors. 1099s are typically issued to any entity that is not a corporation, so 2800 of them most likely received 1099s from insurance companies if the insurance companies were properly doing their due diligence.

Insurance companies are the only entities issuing 1099s; most likely it could be a corporate entity. I know corporations, sometimes use a one-man band working out of his garage to service their vehicles and they would typically 1099 that person doing work for them. They would then, hence report that on a quarterly income statement, quarterly tax filing with the IRS and that is where all of these numbers are derived from.

Of those numbers, how many of those are dealerships with repair facilities? It is possible but unlikely that many, if any, would be dealerships with repair facilities. These entities would most likely have to have more than one employee to be a dealership. They would have a payroll and not be on this sheet, on this report. How

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many are salvage dealers? Salvage dealers have their own NICS Classification and its possible that most likely they would have more than one employee. It would be unlikely they would be a significant contributor to these figures. As I said, Mike asked about states like Florida, Texas and California they have similar figures, according to the report. I'm not familiar with the Florida laws, Texas laws or California's laws, there could be variations on the strength and scope of their law the time that the laws have been in place could be a reason for the variability as well. As I was saying before, New Jersey, they have had a long existing board, they have a 1 to 1 ratio, and their law has more teeth. I think that's why it drives the numbers down. I just suggest that these backyard repairers, the 2.6 backyard shops compared to 1 shop reporting payroll, when the insurance companies go and do their survey and figure out what the rates or going to be in that area. I would imagine, especially if their 1099 people are part of the survey it could be effecting rates in the state. For the safety of vehicles, they're working in their backyards; they probably don't have access to the top notch repair information from the OEMs. Are these vehicles being repaired safely? I don't see how they could do it.

I just want to make a motion that maybe, yearly, perhaps in the third quarter that we check reference these numbers each year. Just use this as a benchmark to see if we can continually just drive that number down. I think we're doing a good job, every business needs a good benchmark and I think that this just might be a good way to see if we're moving in the right direction. To see even if it's a valid number to follow over time and continually question the number.

GREENE: Can we run this report?

STERWERF: Yes.

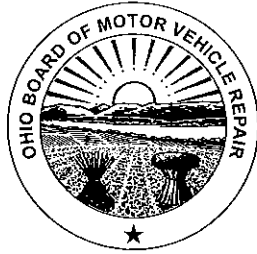
GREENE: Anytime we want?

STERWERF: The most current statistics are 2011 and then each year....like 2012 will be out shortly. So it could be run at any time on the website and I've got the directions on how.

GREENE: Yeah, you're going to have to let me know on that. Is that the Bureau of Labor Standards or the Bureau of Labor Statistics website? Is that where you get it?

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STERWERF: I can get it from two different places. It's essentially census.gov website and the Bureau of Labor Statistics is part of that. They're kind of co-mingled. I can walk through and check that every year.

GREENE: It's great.

**MOTION TO CHECK THE BACKYARD COMPETITION REPORT QUARTERLY:
STERWERF
SECOND: WAGNER
VOTE: CARRIED**

OGG: Will the insurance company issue a repair check to backyard outfit?

SANFILLIPO: Yes

OGG: You don't have to be registered with our organization in order to get a repair check? How did that come about?

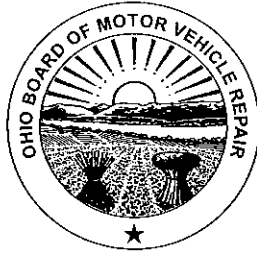
WAGNER: It's always been a problem, we've wondered how insurance companies legally issue a check to shop that they have been determined not to be legally registered. Figure out how that could be possible but it happens.

SANFILLIPO: Unfortunately, if you talk to the insurance companies and they tell you they don't do that but you can have a check issued to somebody's shop. I brought that to their attention on a local level several times but it's to no avail. On that same line, I'm not sure or we have money for some type of a customer awareness campaign. We could put something on PA announcement stating the fact that before you have your car repaired, go to the Ohio Collision Repair Board and see if that shop is registered, for your protection because people go to their computer today for everything.

GREENE: Right, we did that. A public awareness campaign, I don't remember what year that was. We sent those to the newspapers, the radio stations and everything and we've got it posted on our website. We can do it again, it's not a problem. But what I was thinking, what Bill was talking about, they could tack that on to HB 526, which may be something good. HB 526 is sponsored by Representative Lynch and Hagen. That would take a two liner to put in HB 526 because it's part of the same section 3937.381, the Unfair and Deceptive Act, it falls under that. There's no

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reason why if they're going to update, if we can get this passed, there's no reason why that couldn't be amended in there. That's exactly where it ought to be.

SANFILLIPO: You can take it one step further and make it a consumer awareness issue where everybody's for the consumer. You have to go to the website to see if they are registered before you can be issued a check. That would help boost our end on people wanting to be registered that aren't.

GREENE: And those public awareness announcements, I didn't put a date on them for a reason. I told the shops to reprint those and post them in the office where people can come in and get estimates.

SANFILLIPO: Is there some way we can re-initiate that campaign on a local level?

GREENE: Yes, I can send them back out. I'll send them out statewide.

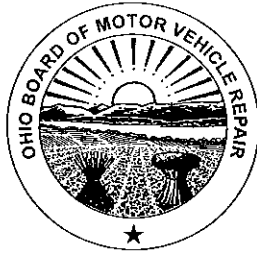
SANFILLIPO: Ok, can you provide The Board with who it's being sent to so if it's in our local area we can hammer them a little bit? Make sure these things are getting out?

STERWERF: I wonder if we can coordinate with local community groups, like if we have a problem shop in area too were we can get the local community groups and have them police their area. I'm trying to think of any way we can get the message out to the general public so we can get more people to investigate or police the

SANFILLIPO: I think if we hang our hat on the safety issue, you know the car may not be repaired properly, especially with the airbag thing we just had last year where all of the defective airbags that were brought in from China or Hungary, I'm not sure where they came from. Was your car repaired with one of these faulty airbags, you wouldn't know anything about it because you don't know about the manufactured airbags. Which is against the law in the State of Ohio (INAUDIBLE)? If we can kind of tag that in on the safety aspect and the consumer awareness thing then we're not looking like if you (INAUDIBLE) \$150 or whatever it is right now, we're actually looking for the safety of the consumer, I guess that is what it's really all about. We've all got a personal interest in this stuff and on the same hand; the bottom line is we want to get it, the industry upgraded where someone can get their car repaired in a safe manner.

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GREENE: I've got a statewide press release e-mail but I don't have a breakdown of all of the agencies that it goes to. It is statewide, the same one we send the injunctions press releases to if we get approval from the AG's office. The same one we send all of our press releases to. It actually came from the pressroom at the Statehouse.

SANFILLIPO: Will it go to local radio stations; TV stations that kind of stuff or is strictly news print.

GREENE: Well, I think it's both. I know it's both. At the Statehouse, when they put out a press release, when the Governor's signed a declaration it goes out to the same group. I'm not sure if all of them choose to print it, but it goes out.

SANFILLIPO: Ok, let's put it out and let's see what kind of response we get and if we don't get much we'll find another avenue to get it out.

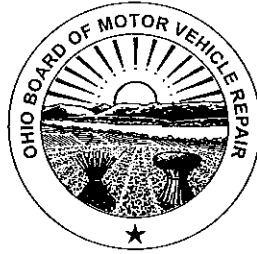
STERWERF: I know that there are some other state agencies, like the EPA and Southwest Ohio Regional Air Authority they have Twitter and Facebook pages where they put a lot of press releases on that. I know a lot of body shops, community groups tend to follow that and news stations tend to follow those kind of government feeds. When they're looking for news stories, they tend to hit those and push them out. I don't know if that would be worthwhile to discuss at the next meeting or how it would be possible. I know you can click a button and do it on Facebook and Twitter and do it all at once so you don't have to do them individually, become labor intensive. It would be a good way to pass on the information and there are some good videos from like Collision Hub and other industry information where they show safe vehicle repairs or vehicle repairs that have gone bad and we could kind of send that out, maybe on the Twitter feed. Just like a general, just make the general public aware. That might not be a bad idea to see any and all ways we can broadcast our message.

GREENE: I'm not positive the State will let us have a Facebook or Twitter, but I'll check. If they won't, I can still send it agencies that have one and they can put it out. That's not a problem

You said Southwest Regional or Ohio Regional Air Authority and the EPA has one, too?

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STERWERF: The State of Ohio EPA, they all have one.

GREENE: Well, they must be allowed to then. Ok, great! I'll check.

STERWERF: If I see any good safety related articles I can maybe forward to you guys and maybe you can post them out or tweet them out.

GIBSON: I don't know if you're aware but in the past, Mike has done programs with both public television and radio.

GREENE: Yeah, this was before you guys were here.

GIBSON: Of course, it's public because it's cost effective.

GREENE: They're still on our website. It was ComCast.

STERWERF: Marketing is all about keeping your name out there and doing it consistently and regularly and it's really hard to do. I know our company doesn't do it well enough yet. The more you keep your message out there...

SHERFIELD: What's the name of that report that you work with sometime? On channel 6?

GREENE: Tom Sussi and then there's a girl from The Cleveland Plain Dealer that I send a lot of stuff to.

SANFILLIPO: You might want to check the complaint department for the BBB on any of these companies that we're investigating or bringing to trial.

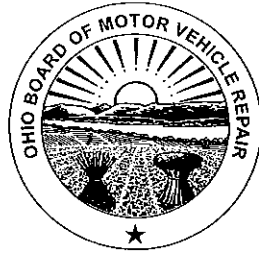
GREENE: The BBB has been very good about calling us.

SANFILLIPO: If it was a shoddy repair, we may be able to tie that in with not being registered; this is what could happen to you. I just think that if we get back to the safety of the vehicle is our primary concern.

On the same lines, the investigations you conduct on a monthly basis, are we current with them? Do we have a backlog that we've still haven't gotten to yet? The

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reason why question is that if the HB 292 passes, we'll have an influx of a whole lot more investigations, so where are we at in relation to what.....,,,

GREENE: We're on top of that. The turnaround from the time we get a complaint to the time either one of the investigators have an answer is usually a couple of days.

SANFILLIPO: Ok

Greene: I mean, the documentation part of the case is continuous, it's on going.

SANFILLIPO: It's not like we're two months behind

GIBSON: Top priority are the complaints and what's made it nice, we have two investigators now because for seven years the top priority was really the only thing I got done in most cases, keeping up with the complaints. Now with Robbie, having half the state, I actually am able to do some things that aren't complaints. I'm able to do follow-up that I needed to follow-up on the last seven years. An example, I have been able to find fairly recently four collision shops that have cancelled BMV permits. I have gone in and written them a Notice of Violation, they were aware that they're BMV permit was cancelled. The reason they got it in the first place was the loophole and they didn't figure we were going to catch it when they didn't renew it or was cancelled.

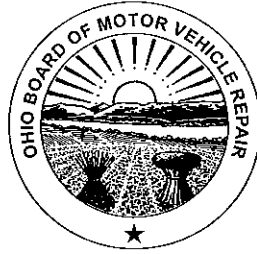
GREENE: It was taken away.

GIBSON: Little things like that and finding shops that are no longer in business, finding shops that have moved, little things like that are very time consuming but they are things that need to be done. Robbie and I are actually doing some things now that are not just complaint investigations, we're able to follow-up on these things that once where complaints, we're bird dogging them to where they are saying "Man, you guys aren't going to go away, are you? Ok, what do I need to do? I'm tired of the letters; I'm tired of you showing up here giving me Notices of Violations."

GREENE: Theresa is backing them up with letters on the 30-day, we're way ahead, now.

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SANFILLIPO: Does Theresa do comparisons like through the phonebook and different areas compared to whether they are registered or not?

GREENE: Plus she's got 3 different follow-ups where she every 30 days the shops that are still on one of those follow-up lists get a letter. Where before, when we could catch up to the point, when we can get to that point, we would run it and try to get some letters out. Now it's every 30 days they're getting a letter. They are hearing from us.

GIBSON: One of the nicest things from the investigators standpoint was getting the iPads because it used to be where all that stuff had to wait until I was in the office. I was just swamped every office day, just trying to get my reports done. Well now, I can do that when I need to do it in the car and what I mean is if somebody says "I'm not doing this, I'm not doing collision repair" I can start digging. I get Craigslist, Facebook, Yahoo on and on and on, do detective work which is time consuming, but when I go back and present to them "Why are you advertising on Facebook?" or "here's a picture of a before and after on Facebook" "Here's an advertisement on Craigslist" and they go "ok, you've got me" In a lot of cases, they're not going to register and then the sad part is you can get them registered for one year and then comes renewal time, they're not even in the same place they were the year before. They decided "hey, you know what, got a little bit too hot for me and I'm going to move to another place or take my sign down or whatever". The point I'm trying to make is that with Theresa and Robbie we actually have some time now to do more in-depth investigations and find these shops not as result of complaints, we're finding them on our own. That's the result of having two more employees than we've ever had before.

SANFILLIPO: Rico, if we get an injunction against someone, we're successful, they have to register, can we legally publish that person's name in area saying "hey, you know John Blow's Body shop was cited and found guilty by the Ohio Collision Motor Board and been fined accordingly" is that something we can do?

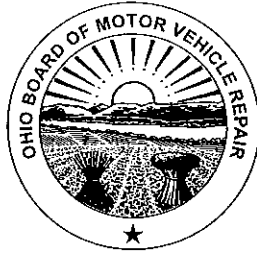
BARRERA: Court records are public records.

SANFILLIPO: Ok

GREENE: We've always put out press releases.

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SANFILLIPO: We'll I don't want to put out a press release because I don't know if that's going to do any good. If we can get a press release that's fantastic, but if we can't, I think we need to hit that area where that person convicted from. Make them aware "hey you know what, we caught Joe Blow. We've got him and you're next if you're on the list" That might be a little more of a deterrent to some of these people, at least it will help. I don't know. Maybe we can follow-up on that in the future when these things occur. Probably doesn't have to take a whole lot of funds to do that I wouldn't think.

GREENE: Put it out – you mean instead of the press, put it out how?

SANFILLIPO: Well I mean if we have to go to the newspaper and buy a section, we'll put it out publicly. We put a block in there, an ad.

SHERFIELD: One time it was announced on the radio where injunctions filed against shops and the actual shop owners called in and where like "there was an injunction filed against me?" and we said there was and they immediately got it taken care of.

STERWERF: What about trade publications, like Body Shop Business?

GREENE: They've always printed my press releases.

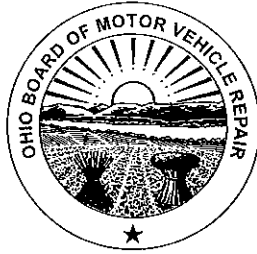
SANFILLIPO: We do that to them and especially like ASA we announce it them so that they aware if this they can make it at their meetings. The word gets send out that we're not just sitting here like a bump on the log, we're actually getting something done. If you're not registered, you better get registered because we will take action.

GIBSON: The case Kim is talking about was a local newspaper court reporter got the information from court and then it aired on newspaper but then a local radio station picked up on it. That's when we got the call, they knew they were in violation, they were upset because it was made public.

SANFILLIPO: Well, that's the thing, if we can get that information from you, Rico, when it happens so we can follow-up as a board to make sure that that gets out to that area, it doesn't have to go out statewide. If Joe Blow does mean anything in the state but he may mean something in the community he lives in.

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GIBSON: Those are on our website, too, aren't they Mike?

GREENE: Yes

OGG: The Treasurer, each year, sends notice to all counties of people who may have money. Might have been a deposit to get your water turned on or whatever it might be but it's still there. It's your money, if you want it you've got to apply for it. They do that in all 88 counties. I know that all 88 counties, then that the local treasurer or auditor can run a list of delinquent property taxes, put the name of the owner, the amount that's owed and they can do that without any problems. Would there be a problem to do that in each county for fines owed?

GREENE: I don't know if we can put the amounts for each one of them but the list of non-registered or illegal shops is public record. It's the same list that the legal ones come off of. It's on our website.

OGG: As long as they are illegal, they don't owe you any money, right?

GREENE: No, that's not true.

OGG: Ok, then there would be no need to list

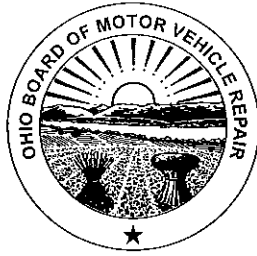
GREENE: They owe us money but the problem is that figure changes every day.

SANFILLIPO: We've got it on our website for these counties, maybe what we need to do is, again is if we just put their name in there saying that they are in violation of the registration law. These are shops in your area that are not legal shops. If the newspaper won't do it alone, maybe allocate some funds to that so we can get it done. There's more peer pressure on that type of thing then there is to saying "here, it is, here's who we have registered". I can't see drag this out six or seven years to get this thing resolved, but if your neighbors are telling you "hey, Mike you know what, I don't think I'm going to let you fix my car anymore because you're not an approved body shop, or you're not an approved glass tinters".

STERWERF: Also send it to insurance companies and independent agents throughout the state.

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SANFILLIPO: Yeah, we can drop it off to the insurance companies saying "hey, you know, are you aware these shops aren't legal." Whether they give a crap or not, at least we're moving in that direction, at least those of us that are legal can make you a copy of that say "hey you know what this guy is in your area"

SHERFIELD: The insurance industry is operating on a whole different plain. They don't care.

WAGNER: Yeah, we've talked about this, I can see their lobbyist, as soon as we talk about insurance companies not being able to issue checks to (INAUDIBLE) Then all of a sudden there's no rental car there's no supplement (INAUDIBLE)

STERWERF: If they had a lawsuit from a shop that fixed a car and the repair went badly and caused injuries and notified them that they were not a legal shop, not registered, that would be very harmful.

WAGNER: That goes back to the grassroots trying to get as much out there to the general public and let them do the outcry that may eventually at some point

SANFILLIPO: Maybe pressure from the public on this thing we're going to get more support in trying to get a law passed.

Can we get funding for that Mike? Can we create a fund for that?

GREENE: For advertisement time?

SANFILLIPO: Can we legally do that?

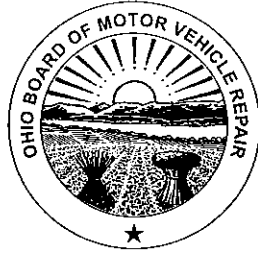
GREENE: We would have to put it in our allocation and ask for it, I don't see any reason why we couldn't. If I sent out a list of non-registered shops today; tomorrow the list is not going to be correct.

SANFILLIPO: Let's take the habitual offenders, you know the guy who's not registered. You notified him after six months and he still dragging his feet to me he's a violator. I don't care if he changes tomorrow. He was in violation when we printed the list.

GREENE: I guess if you put as of this date.

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OHIO BOARD OF MOTOR VEHICLE REPAIR BOARD MEETING MINUTES

STERFWERF: If you cover it with "as of this date."

SANFILLIPO: Yeah, as of this date, so and so is not registered. There again, if we can start an advertisement budget on this with some of the money we don't have to give back to the state when we have surplus.

WAGNER: Chris, with not getting to involved in it, just highlights, do you know what you talked about the New Jersey had a lot of teeth, do you know that teeth is?

STERWERF: I think they have significant fines. Instead of just court costs and back fee dues, I believe they have some substantial fines in there.

WAGNER: That might take care of a lot of these problems, if we ever got that.

STERWERF: It would take ASA

WAGNER: Well then we'll have to change the statute. That's going to be quite a job.

GIBSON: I have a question related to that; do you know if that's a licensing or is that a registration?

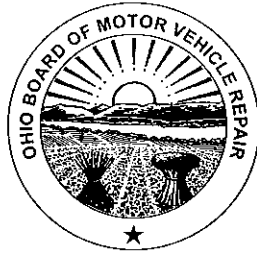
STERWERF: Licensing

GIBSON: Those tend to have much more teeth.

STERWERF: But if we can spin it where we need that, seeing how successful it is in New Jersey and try to push the legislation that way; I think that would be a good direction to go in. At least, it's something to look at.

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**OHIO BOARD OF MOTOR VEHICLE REPAIR
BOARD MEETING MINUTES**

**MOTION TO SET AN ADVERTISIMENT BUDGET: WAGNER
SECOND: OGG
VOTE: CARRIED**

7. ADJOURNMENT

**MOTION TO ADJOURN: EARL DOHNER
SECOND: STERWERF
VOTE: CARRIED**

**NEXT BOARD MTG. – AUGUST 20, 2014, LOCATION:
Vern Riffe Tower, 77 South High Street, 19th Floor, Room 1960, Columbus.**

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