



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

May 18, 2011 10:00 AM

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

1. **MEETING WAS CALLED TO ORDER AT 10:00.**

BOARD MEMBERS IN ATTENDANCE: Brian Seibert, Jr, Rick Finney, Russell Westfall, Jennifer Haley, William Ogg, Virginia Duncan, Janyce Katz (AAG), Mike Greene, Daniel Gibson, Kimberly Sherfield.

BOARD MEMBERS NOT IN ATTENDANCE: Ronald Nagy

GUESTS: Adam Lemke (ASA Ohio), Greg Barhorst (Ohio Auto Kolor), Dave Detrick (Jeff Waylson Collision), Dan Knasel (Helman Bros. Inc.), Dennis Sterwerf (Fairfield Auto & Truck)

2. **REVIEW OF FEBRUARY 9, 2011 MEETING MINUTES:**

MOTION TO ACCEPT: Virginia Duncan

SECOND: Rick Finney

VOTE: Accepted

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

A. Vote by Board on regular registrations pending from January 26, 2011 through May 2, 2011.

MOTION TO ACCEPT: Brian Seibert, Jr

SECOND: Virginia Duncan

VOTE: Accepted

4. **OTHER BUSINESS:**

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

Year to Date Totals as of May 12, 2011

Shop Visits	295
Renewals	8
NOV	77
New Shop App	35
Complaints inv	46
Prosecution	333
Shops OOB	16



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- B. Status Report on Injunctions (AAG Janyce Katz) I don't have a good strong status report on injunctions. I spoke with Ted Klecker, he advised he's following up on every pending injunctions. There is a pending lock down order in Belmont County Court on a shop we had a previous injunction on – that should be any day. Ted signed the order, waiting on the Judge to sign the order. This is one of the original filings in Belmont County over a year ago.
- C. Status Report on Legislation (ASA Adam Lemke) – The biggest issue is in regards to the budget. Director Greene has been testifying and the budget has passed in the house. We were able to protect the board and its funding was submitted. It wasn't easy but Mike helped out and had a lot of good information to support what the board does with the funding that the board has. Now it's off to the Senate and they will be voting on it in roughly two weeks. So right now we're going to try and keep our heads low and hopefully no one in the Senate raises any red flags and we can kind of just continue through. If they do raise anything, we've already done our homework on the House side and we'll have all of the answers they are looking for.

Senate Bill 114 (window tint) was introduced in the general assembly. Senator Seitz is working on that and at this point he is still interested in allowing the Board to have oversight in to the window tinters. We're still waiting on the actual draft of the bill. It might be placed in with the budget possibly. The interest in having the Board oversee the window tinters is in there and that is obviously a win for the Board because is expanding our oversight and our interest. So if we have to go one segment at a time, we can do it that way, too. One other part that we're hoping we can push in to with the window tint is having injunctions go through Franklin County. This would be very important to the Board being able to expedite injunctions in all areas of the state instead of having to go county by county. That is definitely something that we have been pushing for to get included and see where we can go with that. On the mechanical side; e-check is coming round again. The new Federal regulations of the air quality may actually expand into other counties other than where it is currently. That should be decided sometime around February when the Feds come out with the new guidelines. They are looking at possibly decentralizing the whole thing instead of having a central location that is ran by the state. They want to put that on to the shops; to do the inspections and the repairs. There are pros and cons to both sides of this issue, obviously it's an avenue for work and to push safety inspections, licensing and lots of other bigger picture items.



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The BMV and Director Greene have been working with The Department of Public Safety on corralling the collision shops that have no longer been registering with the Board and have been utilizing the used car dealer exemption. We are trying to work out a way of letting the dealers know that we're not going after them, the dealership, but that we're going after the collision shops that rightfully should be registered but are falling through that exemption. Director Greene will shed a little more light on this subject for you.

Director Greene: That is a work in progress. It ended up being a larger project than I every dreamed. We have to go through all of our files, approximately 1200 files, by hand and run them through our system and the BMV to see if their dealers licenses are still valid, and determine if they were originally a collision shop and obtained a dealership permit to avoid having to register with the Board. It's a slow process. A large part of them that were exempted in years past because of having a used dealers license or a salvage dealers license, are no longer valid through the BMV. So our next step is to take them into a separate area and find out if they are still in business and if they are still doing collision work and then go from there. Get them back into the system and get them registered. It's a huge undertaking going through the files in both systems and the BMV system is not as user friendly as ours. The list that I am turning over to DPS is the shops that obtained the used dealers license to avoid having to register with the Collision Repair Board.

Like Adam told you, there is a very good chance that the window tint legislation may be put in the budget bill, while it's in the Senate. We think that is probably going to happen. LSC sent us some of their views on how that is going to go about or how the window tint facilities will fall under the Collision Repair Board. It appears that they'll have to register just like a collision shop. Everything that is required now by the shops will be required by them, if it's a mobile unit, the same thing. Same penalties and everything will apply to them, just like in 2003 when the glass shops were added and the PBRs. I don't see that being any problem. The problem is going to be coming up with a list of window tint installers, and getting some kind of letter or notification out to them. We're already working on public service announcements. Maybe we can get something in the newspaper once this passes and we know the effective date.

There will/may be a name change for the Board. It's basically taking the words "collision" and "registration" out of our name, and preparing us for mechanical and licensing. This will broaden the scope. It will either be Motor Vehicle Repair Board or Ohio Motor Vehicle Repair Board something of that nature.



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WESTFALL: Did I hear you correctly that a salvage yard is exempt?

GREENE: Yes. Used, new, salvage, leased. Since our inception, the BMV has broadened their licensing. They have like 50 different ways of licensing dealers now.

STERWERF: A lot of collision shops are using or hiding under the exemption and address of their dealership.

JUSTICE-HALEY: Does our form cover the physical address?

GREENE: Yes

STERWERF: The BMV, the way I understand it, has two specific addresses.

GREENE: And Dan has found some of those. The number of dealers that we have registering is climbing everyday, through voluntary registrations. We have several in the system that have their collision shop listed at a different location than their dealer license. We have several that are registered that way. When I get this list together and I turn it over to DPS, I'm pretty sure from what they have told me in our meetings they are going to be pretty supportive in going out and uncovering exactly what's going on at each one of these places. I'm assuming that they are going to get back with me to say "these guys are ok" or "these guys aren't". I think that is what is probably going to end up happening.

STERWERF: So we're forming a relationship with them?

GREENE: We've met with them and they are telling me that we can set this up and have a good system. Hopefully, I'll be set up with a password to get into their system to dig a little bit deeper for more information. In addition the EPA is going to look at all of our dealers in our system. They've already done Cuyahoga County. The shops that we have in our system that are exempt dealers with a collision shop, EPA is going to look at all of them.

5. NEW BUSINESS:

- A. Enhancing our application to add the air pollution source and/or air permit numbers.

STERWERF: Since this board has been in existence, it has always been broad enough for changes. (INAUDIBLE) The ORC /OAC allows for us to put the pollution source, the air permit number or the De Minimis Rule on our registration form. And then also in our law it says you have to list the proper zoning, but we've never asked for that zoning to be a part of the registration form. It makes a big difference in what Mike was talking about with the dealer licenses. A lot of



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cities would like to get that dealer off that corner because it's not zoned to be a dealer, but yet he got there and they'll leave him there because it's too hard a battle for them to fight. Where they may be able to have a beauty shop or may be not, and we deal with pollution source permits. We don't want to be stuck with pollution sources in areas right next to a daycare center. A zoning safety net right there, I don't see where the State of Ohio has too many areas that's not zoned at all, you guys might know better, but I think that the State is pretty well cut up, all the way down to townships, in zoning areas. And if not (INAUDIBLE). I think that we need that information to be put on that form. It would be as hard of a fight. Section 4775.04 will allow us to add this.

HALEY: Do we have to present a motion to this? Yes

GREENE: Are the zoning the same statewide as far as codes go?

STERWERF: No

AAG KATZ: Every region has their own zoning code.

GREENE: If it's commercially zoned and let's say that it's a "Zone B", is that all the same statewide?

STERWERF: Not that I know of, I think it's different. Each county can have their own set of rules – each city can have their own set of rules that are pertinent to their own municipalities and townships.

GREENE: So on the application then, the application should not ask for that code because we would not know whether that is right or wrong or indifferent. If they are different for every township in the state, it's going to be impossible to check it. Should we put on the application asking if it's commercially, residentially or industrially zoned? It should be worded instead of code?

STERWERF: Put the question: Which zoning do you fall under? Where it gets complicated for the board is that we have to go back and do numerous checks to verify, don't we?

GREENE: That's what I'm saying, how are we going to do that?

DISCUSSION

GREENE: We're notifying zoning now of the non-compliance shops. But I never get much back except for the one that we had near Pataskala. We did get a lot of good information back from that zoning.



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DISCUSSION

GREENE: I don't have a problem putting it on the application. I just want to know #1, what can we do about it, and how we're going to do it with what we have now? I don't want to open up a can of worms where it's going to be tough to get an application through in a timely fashion while we're contacting the township, village, town or city and finding out what their zoning laws are.

STERWERF: Things have changed since I've been on the Board, I can't remember but I thought there was review or an internal audit that we had to perform. Where we had to go through so many registration forms to check

GREENE: That's true, but when I see a BWC number, I don't call BWC to verify that. I can't do that for all 2000 of them, I can't. That would be all that I get done.

OGG: Has any shop ever been denied an EPA permit?

GREENE: Air Permit? I don't know.

STERWERF: Yes. There have been restaurants and all that have been denied.

DISCUSSION

GREENE: We're going to have to update the application for all of the other things. Would you want it worded that way or do you want us to leave it blank and have them write it in?

STERWERF: I would just say leave it blank and have them write it in. Because all we're asking for is the address, the city and county

GREENE: So what would that be zoning code or zoning area?

WESTFALL: Zoning designation.

GREENE: We have something to vote on. Someone can bring up a motion.

MOTION TO EDIT THE APPLICATION: Russell Westfall

SECOND: Virginia Duncan

VOTE: Accepted



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DISCUSSION - KIM LEAVES TO GET EVERYONE COPIES OF THE REGISTRATION APPLICATION.

GREENE: I received an e-mail from Mitchell International and they would like to send a representative to attend a meeting. Of course the meetings are open to the public and that's not a problem. They want to get a better perspective of the shops paint (INAUDIBLE) and they want to deliver a better customer service by providing information that the customer may not be aware of. They also want information on any industry groups and/or clubs that involve collision repair. On, that note, I don't have a problem with that, the meetings are open to the public but having them doing a presentation or something of that nature may be a conflict.

DISCUSSION

DISCUSSION OF ARTICLE IN APRIL/MAY 2011 ISSUE OF HEAVY DUTY AFTERMARKET JOURNAL: *"NEW FEDERAL SAFETY PROGRAM A GAME-CHANGER FOR AFTERMARKET SERVICE SHOPS"*

DISCUSSION RESUMES REGARDING THE EDITING OF THE REGISTRATION APPLICATION

BOARD MEMBER DUNCAN RAISES DISCUSSION REGARDING EPA REGULATIONS.

ROLL CALL VOTE FOR APPLICATION CHANGE

MOTION TO MOVE FORWARD WITH THE APPLICATION CHANGE: Virginia Duncan

SECOND: Rick Finney

VOTE: Accepted

6. PUBLIC COMMENT:

QUESTION: The EPA is looking at your list of registered shops?

GREENE: Yes.

QUESTION: Does the shops that are registered know that the EPA is looking at that list?

GREENE: I don't know. The EPA has filed a Public Records Request back in, I want to say December. We get Public Records Requests all of the time.



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QUESTION: When the applicants fill out a registration form, do they know that that information can be released?

GREENE: I don't know. It is in the Public Records Rules that we have that the information could be released. It's in our Administrative Section. But I don't know if they go through the rules and read them. The only things that we redact on our application are the federal and state tax ID numbers. Everything else is public record. I don't release ownership information unless it's specifically requested.

QUESTION: Why are dealerships exempt?

STERWERF: They are already licensed and they have a way bigger lobbying group than what we have. They are more EPA compliant and manufactures are there to help them get in compliance.

7. **ADJOURNMENT: Brian Seibert**
MOTION TO ADJOURN:
SECOND: Russell Westfall

NEXT BOARD MTG. – AUGUST 10, 2011, LOCATION:
Vern Riffe Tower, 77 South High Street, 19th Floor, Room 1932, Columbus.