



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

May 19, 2010 10:00 AM

**Vern Riffe Tower
77 South High Street, 19th Floor, Rm. 1918
Columbus, Ohio 43215**

1. Meeting was called to order at 10 a.m. Chairman Duncan welcomed new Board Member William Ogg of Wheelersburg, Ohio.

Board Members and Guests Present: Paul Duncan, Jennifer Haley, Ronald Nagy, Rick Finney, Brian Seibert, Michael R. Greene (CRB Executive Director), Daniel Gibson (CRB Investigator), Kimberly Sherfield (CRB AA2), Howard McGill (In for Ted Klecker, CRB AAG), Adam Lemke (ASA Ohio), Ajay Finney, Denise Caspersen, Dennis Sterwerf, Bruce Helman, David Reed, Mike Durand, Peter Kern, Billy Hanlin, Greg Barhorst,

2. **REVIEW OF FEBRUARY 17, 2010 MEETING MINUTES: CORRECTION TO MINUTES UNDER ITEM #7 (WORDING): "MOTION TO GO BACK INTO REGULAR SESSION" (JENNIFER HALEY)**

MOTION TO ACCEPT: Ronald Nagy
SECOND: Jennifer Haley
VOTE: *Accepted*

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

A. Vote by Board on regular registrations pending from January 26, 2010 through May 3, 2010.

MOTION TO ACCEPT: Ronald Nagy
SECOND: Brian Seibert
VOTE: *Accepted*

4. **OTHER BUSINESS:**

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

Shop Visits	331
Renewals	3
NOV	85
New Shop Apps	37
Complaints Investigated	68 (involving 68 shops)
Prosecution Action Pending	333
Shops Located Out of Business	28



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

B. Status Report on Injunctions (AAG Ted Klecker) – May 18, 2010 –

Jefferson County - Kevin Roberson and Rick Fair – The trial is set for July 15, 2010.

Belmont County – Service is complete on Caz Krupiniski and Josh Price as of March 29, 2010. AAG Klecker called the court and they indicated that they would schedule the cases for a status conference. Neither shop has registered.

Columbiana County – Service of complainants were completed on all shops as of March 30, 2010. Hugh Johnston, William Stewart and Randal Smith have all registered. Bill Shinton is the only one that has not registered

C. Status Report on Legislation (ASA Adam Lemke) One big topic/issue that ASA has been monitoring is HB264. That bill right now has language in it that could make it potentially illegal for independent and franchise dealers to purchase O. E. M. products.

5. **NEW BUSINESS:**

A. 5 Year Rule Review Discussion – Director Greene sent out a copy of the proposals and rule changes to all of the board members. CRB's 5 year rule review is coming up in December. He wanted to give everyone a chance to review them before our next board meeting in August. There are numerous changes in the draft that the Director would like to go over during the August board meeting which will call for the Board's approval. The changes/rules must be filed electronically with JCARR. Please keep in mind that we can't put anything in the administrative code that we don't already have the authority over in the Ohio Revised Code. We took the Revised Code, step by step, reviewed it and just added and changed items that we are allowed to change. Some of it is just the wording, they did away with all of the "he" "his" and made it "he/she" "him/her". Change the word from "facility" to "business" because all of the businesses we register are not facilities. We've added the auto glass repair, paintless dent repair, airbag repair/replacement, we've adding some wording that goes back to the 2003 ruling where the resolution was made to add that into the definition, when the rules where changed in 2005, they were never put in there. The last 8 or 9 pages are all new and that is due to the law passing of the confidential private information act 1347 ORC. Those are the additions that all board or commissions are required to make, there's no debating. These changes have to be done according to law 1347. We've pretty much eliminated all of the confidential personal information. To Board Members - plan on being here a while at the August meeting to review the laws/rules.



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

The financial disclosure statements are due by April 15 of each year. We put out the information and we let everyone know, the agency has agreed in the past to pay the filing fees for each of the board members at \$40 a piece. To our knowledge, if there are late fees, fines or penalties that have incurred because of a board member not filing on time, it is the board members responsibility. Up to the board – Should the board member be held financially responsible for the late fees, fines or penalties for not filing their financial disclosure statement on time?

There was a discussion by the board and it was the board's decision for the board member to pay the \$250 late fee. It was suggested that the board come up with a policy for the future if such situation should arise again.

**MOTION FOR THE POLICY TO STAY
AS IT WAS BEEN WRITTEN: RONALD NAGY**

**MOTION TO SECOND: JENNIFER HALEY
VOTE: Accepted**

B. CONTROLLING BOARD – Director Greene went before the Controlling Board to request funding for money that OBM had taken out of our first quarter payroll for the cost savings days (state employees are required to take 80 hours leave without pay) they have decided to take it 3.5 hours per pay period per employee – they took it one lump sum from our first quarter payroll. In a sense it is like an extra payroll period for which we did not budget, leaving us with a deficit for the first pay period. They remedied that by taking money out of the fourth quarter and putting it in the first quarter and now we're short for the fourth quarter. Director Greene went to the Controlling Board and got the money back and asked for additional funding for the upcoming \$12,000 audit.

The Auditor of State's Office has decided to start billing agencies for their biennial audits. We were able to get that money (\$12,000 for the audit and \$20,000, the money left over for DAS Services) encumbered into fiscal year 2011. In keeping Board informed, we were able to take \$32,000 of the money that we didn't use from the Controlling Board and we can use that for Fiscal Year 2011. With that being said, they sent out a report yesterday that said we were \$38,000 short in our fourth quarter payroll, after all of that, what we're doing now is we're moving some of the money back, from the PO into the fourth quarter payroll and until they get his Cost Savings Day worked out, we're not sure how to figure payroll. Because we went by benefits being 33% of each salary and now it's up to 43% and the numbers just don't seem to add up – we just wanted to give the board a "heads-up" on that situation. The audit has not yet taken place. We probably will not be billed for it in Fiscal Year 2010, so that money will still be there when the audit takes place. Money for the audit and general services have been put back or set aside in Fiscal Year 2011.



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

QUESTION: Can Director Greene appeal the audit? We're working on that because we have an independent auditor estimate on a three person agency with a budget of \$300,000 and how long would it take to do an audit. It was told to us that it would take at least 3 or 4 days - \$1500 to 1800. What threw us off was we saw how much other agencies were being charged and it just didn't lineup. There is a nine person agency down the hall that was charged \$5000 and they have a budget of \$500,000 or \$600,000.

QUESTION: Who oversees the audits, the Controlling Board? No, the Auditor of State's Office.

QUESTION: How much was or last audit? Nothing, because the Auditor's Office budget was cut, the auditor decided to charge each agency a fee for their audits to recoup the cost.

QUESTION: Are there any legal actions that we need to take? I don't know that we can, yet. There are some groups working on it and I'm keeping a close eye on it. It's not a done deal. There are a lot of boards and commissions that are in a lot worse shape.

FLOOR OPENED FOR DISCUSSION

QUESTION: In reference to the Rule Review: What are the possibilities of changing the law from 5 cars a year to 2 in reference to the EPA? - It has to be changed in the ORC. Which to our understanding, you've got to have someone that will sponsor and introduce the bill, a sponsor to push it. Director Greene stated that the changes that were made lined up with the ORC. Back in the day, we (the board) established it at 5 because we were adhering to the BMV rules regarding used car sales and 2 because we were adhering to the US EPA rules. If we ever get that, we would need to sit down with someone from the US EPA bring them in to our board meetings show them step by step what we need to fix. We also need to fix the prosecution end of it so that we can go to all 88 counties. We didn't put anything in that was not allowed. We can make changes in the rules, but JCARR would have to approve them and there would be public hearings.



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

Years ago we used to file a hazardous waste number, is that back in there?

Yes, it's still in there. In fact, the CESQG exemption is part of a longer number or code. It's just abbreviated. Yes it's still in there. And if you remember a couple of years ago, we've made some changes to the application and I can't find anywhere where we can't do that as long as we don't get off the "beaten path", we can't go too far one way or the other without making changes in the law. Looking at it, I can't find where we can't make some changes and just recently with this new private information act, confidential, personal information we need to make some changes to the application. We're running out of room on the application and we're not sure how we're going to do that.

Has there been any questions regarding insurance companies and noncompliance shops? There are a lot more insurance companies and agents are calling into our office and/or referencing our website and office. The Depart There was a suggestion made that DOI and their legal team, attend a CRB Board Meeting.

Director Greene agreed to try and get Susan Reel (DOI) to attend one of our Board Meetings.

6. EXECUTIVE SESSION: NOT NEEDED

A. Personnel Matters

7. PUBLIC COMMENT: For our new consumer Board Member – has there been any arrangements to train him on the workings of the Board?

Question from Ogg: Does the bill that establish the board – does it say that or is the insurance company addressed anywhere in the bill? No. (1351) not sure they will let us put that in there. That's a good point to get an amendment or something like that.

Banking Industry and Unregistered/illegally Operating Shops: This is a form of laundering – the problem is they want us to notify them – the list is quite lengthy. Putting together a form letter from the Board to all the banks and sending them out in a mass mailing with approval from the Board – Certified Mail (appx. 8 or 9 hundred) is a one time big cost – but worth the shot. We will need to run this past Ted.

MOTION TO SEND OUT LETTER: JENNIFER HALEY

SECOND: RICK FINNEY

VOTE: Accepted



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

8. ADJOURNMENT:

MOTION TO ADJOURN: RON NAGY

SECOND: BRIAN SIERBERT

VOTE: ADJOURN.

NEXT BOARD MTG. – AUGUST 11, 2010, LOCATION:

Vern Riffe Tower, 77 South High Street, 19th Floor, Rm. 1918, Columbus.