

OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION
BOARD MEETING MINUTES

February 8, 2006 10:00 AM
Ohio Department of Public Safety
Shiple Building, Room T3 11-12
1970 W. Broad St
Columbus, Ohio 43223

1. **CALL TO ORDER. INTRODUCTION OF MEMBERS PRESENT.** 10:04 a.m.

Board Members Present: Ralph Emus, Ben Williams, Rick Finney, Dave Weber, Dean DeRolph, and Dennis Sterwerf

Attendees Present: Robert Cassidy, Mike Greene, Diane Hoenig, Rick Jones, Bob Anderson, Bob Como, Nick Lahni, Lisa Clark, Kim Nowell, Charles Walsh, Lee Burkleca, Rick Carleski, Mark Mowery

2. **GUEST SPEAKER - State Representative Michael Skindell
RESCHEDULED TO APRIL MEETING**

3. **GUEST SPEAKERS – RICK CARLESKI, OHIO EPA, “PERMIT BY RULE” AND
LEE BURKLECA ENVIRONMENTAL SPECIALIST 3, “E-CHECK PROGRAM.”**

RICK CARLESKI Handouts: Permit by rule for air pollution sources

Background: Effort a three year process, worked with ASA to develop rule

Intent: smaller shops, many shops will qualify, planned outreach to shops in Ohio but none now.

Records for 5 years, notification of electing permit by rule submitted, Can switch to permit by rule, malfunction or emissions must be reported to EPA, Qualifications (G)

Questions

1. *How to inform the EPA of offenders?* Contact the local EPA office, directory with district contact information
2. *Mechanism to notify shops that need to comply?* The EPA is working with trade organizations to notify businesses as well as informing consultants and manufacturers.
3. *How do you verify compliance?* A facility ID Number is issued after application completion. A 10 digit registration number is issued that stays with the location of the business. Verification can be obtained from the EPA website: WWW.EPA.STATE.OH.US/DAPC/PERMITBYRULE.

On the EPA website individuals can obtain information from THE ANSWER PLACE. View different questions posed to the EPA and view the responses. Submit your email address and when answers are changed/modified/updated to a question you viewed, an email will be sent with the updated answer(s). Permit WIZARD: WWW.EPA.STATE.OH.US has an icon on their main web page. Please call (614) 728-1742 with any further questions.

LEE BURKLECA Handouts: ORC 3745-21-18

Background: replacement strategy for loss of e-check program will be instituted statewide possibly by end of year. Applies to all vehicles, trailers, etc. (anything “if it can be drug down the road”). Def in Chapter 21, rule 01 ozone season is May 1st to December 30th each year.

1. Contact your local office to notify of complaints or violations of code (s)
2. Documented “properly trained” training documents submitted to the local EPA office- written notification needed, no definition on “properly trained”. Cover letter attached with copy of certificate of training
3. There is a drop down box at www.epa.state.oh.us/dapc website to look at issues and answers
4. Past indication of NOV (notice of violation) is given in writing *before* fining occurs.

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4. REVIEW OF DECEMBER 14, 2005 MEETING MINUTES.

MOTION TO ACCEPT: DEAN DEROLPH

2ND: BENJAMIN WILLIAMS

Motion passed

5. BOARD REVIEW AND DETERMINATION RE PAINTERS LANE, LLC

Motion to table pending further information: Dave Weber

2nd: Dean DeRolph

Motion Passed

Investigator to visit to obtain further information, request owner at April meeting

6. BOARD REVIEW AND DETERMINATION RE PENDING REGISTRATION APPLICATIONS.

A. Vote by Board on regular registrations pending from December 2, 2005 to January 30, 2006.

MOTION TO ACCEPT: DAVE WEBER

2ND: DENNIS STERWERF

Motion passed

7. OTHER BUSINESS.

A. Investigator's Report:

<i>2005 year end totals</i>		Out of Business	14
Total Complaints Received	105	Prosecution pending	116
Notices of Violation Issued	185	<i>2006 totals</i>	
New Shop Applications Issued	137	Total Visits	130
Renewal Reminders Issued	83	Renewals	3
Prosecution Proceedings Started	35	Notice of Violation Issued	53
Total Shops Visited	991	New Shop Applications Issued	14
Registered	45	Complaints	14
Registration Pending	6	Prosecution Proceedings Started	96
Obtained Dealer License	4		

B. Status Report on Injunctions (Rick Jones)

Mr. Jones anticipates filing a couple in the next couple of months – hoping to have other Assistant Attorney General in the other jurisdictions help us. Hire outside counsel for court appearances he recommends, he can do paperwork until court. Recommended using public notices (newspaper, shops, and public notice press release) shops that refuse to register or fail to comply with ORC 4775. Additionally for the board to advise insurance companies.

C. Legislative Update

HB 198 glass tech 4/14/05 no hearings to date, none scheduled

HB 370 introduced 10/5/05 no hearings to date, none scheduled

HB 208 introduced 4/20/05, interested party meeting today, gathering knowledge, should have hearings in March

D. Meeting with Director of the Department of Insurance

Agenda needed attendees scheduled: Mr. Weber, Mr. DeRolph, Mr. Sterwerf and Director Cassidy. Ideas of issues to address:

1. Steering Concerns consumers are not informed (direct repair)

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2. Information providers sell the shops one form of estimating numbers and the insurance company has a different set of estimating numbers
3. Shops not registered with this board are Direct Repair Program (DRP) participants – why are they allowed to participate? If it's an illegal repair, why are they a part of the shop list of options they are or can be sent to? Are the consumer's public rights being violated?
4. Are rights to receive an estimate? Are consumers giving authorization for repair? Or authorizing supplemental? The consierge programs model to be observed.
5. Fuel surcharges should be reimbursable.

E. Consolidation into Department of Commerce Update

Working group report to the Governor's office by 12/31/05. SB 222 is not having active hearings and possible no movement, consolidation looks imminent.

F. Status of search for new Board members

Paul Duncan and Nick Lahni, David Payne will give the recommendations to the chief of staff and give to Governor on February 13th for signature. Mr. Payne is to contact Mr. Cassidy when the Governor signs.

G. Special Presentations

Mr. Robert Anderson presented Mr. DeRolph and Mr. Sterwerf plaques of appreciation for their dedicated service on the board.

8. EXECUTIVE SESSION.

A. Personnel matters.

MOTION: BENJAMIN WILLIAMS

2ND: DAVE WEBER

TIME: 1:10 PM

MOTION TO RETURN: DAVE WEBER

2ND: DEAN DEROLPH

TIME: 1:19 PM

MOTION TO APPROVE THE OUT OF STATE TRAVEL REQUEST AND EXPENSES:

DEAN DEROLPH

2ND: DENNIS STERWERF

MOTION PASSED

9. PUBLIC COMMENT.

Mr. Robert Anderson asked the attorney generals office to work towards doing everything they can to help the board with successful compliance.

10. ADJOURNMENT.

MOTION TO ADJOURN: DEAN DEROLPH

2ND: DENNIS STERWERF

Motion passed 1:15 PM