



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

August 11, 2010 10:00 AM

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

1. **CALL TO ORDER. INTRODUCTION OF MEMBERS & GUESTS PRESENT:**
2. **MEMBERS & GUESTS PRESENT:** PAUL DUNCAN, JENNIFER JUSTICE HALEY, RICK FINNEY, RUSSELL WESTFALL, RONALD NAGY, WILLIAM OGG, BRIAN SEIBERT, PETE KERN, DAWN HILTY, JOE SANFILLIPO, MICHAEL R. GREENE, DANIEL GIBSON, KIMBERLY SHERFIELD, TED KLECKER, ADAM LEMKE, DENNIS STERWERF, DAVE WEBER, LLOYD JUSTICE.

Introduction and welcome of the new Assistant Attorney General for CRB: Hilary Damaser. Ms Damaser is a Senior Assistant Attorney General and is an expert in 119 law. She is also the administrative law "guru" in her office.

3. **REVIEW OF MAY 19, 2010 MEETING MINUTES:**
MOTION TO ACCEPT: JENNIFER HALEY
SECOND: RONALD NAGY
VOTE: ACCEPTED
4. **BOARD REVIEW AND DETERMINATION RE: PENDING REGISTRATION APPLICATIONS:**
 - A. Vote by Board on regular registrations pending from May 3, 2010 through July 26, 2010.

MOTION TO ACCEPT: BRIAN K. SEIBERT
SECOND: RONALD NAGY
VOTE: ACCEPTED



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5. OTHER BUSINESS:

A. Investigator's Report (Inv. Dan Gibson) (August 02-05, 2010)

<i>Shop Visits</i>	493
<i>Renewals</i>	5
<i>NOV</i>	124
<i>New Shop Apps</i>	60
<i>Complaints Investigated</i>	104 (involving 104 shops)
<i>Prosecution Action Pending</i>	333
<i>Shops Located Out of Business</i>	37

Question (Finney): What is the status of Gary's Body Shop in Cadiz?

Answer (Greene): They are listed as *Active In Renewal – Incomplete* which means they are paid up but they are lacking an updated certificate of insurance. They will not receive a registration certificate until we receive their certificate of liability insurance.

Question (Westfall): How long do they have to get that paperwork in?

Answer (Greene): After 30 days they will receive another letter, a Notice of Violation. Then the whole process will start over and in 60 days they will receive another letter and will be put into a "Not Registered" status and then after that when we go to file in Harrison County Court again they will be on that list of they haven't updated by that time. They will never be "valid" until they have completely finished the application process. They have, however, paid up the back fees and current fees but there's a little more to it than that, they're still incomplete.

Question (Duncan): How long did it take the Board to get them to register?

Answer (Greene): They have been registered from time to time, at different times and then they paid about a year ago \$600 in back fees and they have recently gotten all of their fees caught up. They were valid at one point and then they let it lapse. There are several shops in the system where we'll get checks and renewal applications from them and not have an updated certificate of insurance. A letter from me will go out to them and they will be put into an incomplete status and the process starts. The majority of the time we get the certificate of insurance when they receive that letter.

DISCUSSION REGARDING PAINT BOOTHS AND GARAGEKEEPERS LIABILITY INSURANCE. (FIRE ALARM SOUNDED – INAUDIBLE DISCUSSION)

They have had liability insurance in the past and there are shops getting written insurance everyday that don't have a paint booth. We had a shop on Westerville Road here in Columbus and the EPA allows them to paint outside and they have Garagekeepers Liability insurance and that makes absolutely no sense at all but we can't do anything about it if they



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pay their fee and they have a Certificate of Liability Insurance and they meet all the other standards. We have sent EPA and Franklin County Zoning Department there several times and how this guy got insurance, we have no idea.

Question (Westfall): If a particular shop doesn't have insurance, is there any way you can send that information to the AG's Consumer Protection Division of the Department of Insurance because isn't that a consumer protection issue?

Answer (Greene): Well, it's against the law.

Question (Finney): Is there anything that we can possibly do to make the consumers aware of that?

Answer (Greene): Well, we have notified everyone on all of these shops (The OEPA, Taxation, BBB, Department of Insurance) and it's posted on our website. I don't know what else we can do. Yes there is a process and once they get all the letters that we are required by law to send (the steps we go through) it will be turned over to the Attorney General's office and when we file in Harrison County, they will be on the list.

Question (Duncan): Do you have a time frame on when we're going to start going back to Harrison County?

Answer (Greene) No, but Ted can tell you for him to drive back to Harrison County to file on one shop that is not even behind on fees, when I have 75 shops in Cuyahoga county that haven't paid fees in 10 years, it's not really worth the trip. You get a lot more "bang for your buck" if you go to Cuyahoga County and file on 75 shops that are 10 years behind then you do going to Harrison County filing on one shop that doesn't owe us any money.

There are shops that have been in collections at the AG's office for many years. Also, there's only so much an AG can do and I find that to be about 3 counties. Targeting certain areas with a higher population of shops in violation makes more sense. The number of registered shops have gone up in the past few years.

B. Status Report on Injunctions (AAG Ted Klecker) – Three injunctions pending – Jefferson – hearing on July 15, Rick Fair was there, we worked toward a settlement with Mr. Fair. He paid and registered in full, his renewal date was sometime in August and we requested a continuance until the September 28th to allow time for the application information to be reviewed and verified. Hearing was Thursday – Mr. Robinson came to court on Friday – Mr. Robinson registered on Tuesday.

Belmont County – Got service on both gentlemen, Josh Price and Caz Krupinski. A hearing has not been set.



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Columbiana County – Since filing, William Stewart (FrameWorx) and Randall Smith (D&R Auto) have registered. Hugh Johnston is listed as Active in Renewal - Incomplete, he still have to complete his paperwork. Bill Shinton has not done anything towards registering. We have a pretrial hearing schedule for Sept. 20th at 9a.

- C. **Status Report on Legislation (ASA Adam Lemke)** Senate Bill 204 – The language was taken out on OEM parts being sold to independent shops. Obviously a big victory for our industry. Board Member Bill Ogg campaigned a lot in the Riffe Building which was greatly appreciated. Thanks Bill!

There is another bill that we are monitoring and that is HB 527 – Anti-steering bill Introduced by Representative Pryor (Chillicothe) getting steering out of the claims process. We are monitoring it right now just to see where it might go.

Question (Greene): What’s the possibility of getting added to that bill, something on the same lines as insurance companies illegally using unregistered shops?

Answer (Lemke): Well that side of it didn’t necessarily come up. It’s pretty straight forward and short. He did discuss avenues that this bill could possibly go and how they could play out.

Question (Greene): The enforcement of this bill, if it passes, is through DOI?

Answer (Lemke): I don’t know. I don’t even know if it was discussed in the actual bill.

Question (Greene): Is this an amendment for an ORC?

Answer (Lemke): This is a bill that is about three paragraphs long. It’s quick and straight to the point. So that’s where the thought process of it’s being on it’s own it’s probably not going to go anywhere. And, also, I think that enforcement would one of those things that would obviously have to come up before it could do much. That’s where a lot of the concerns of it moving when there’s not a lot behind it. We are going to continue monitoring it to see where it could possibly go.

ASA will be hosting Mike Greene around the state.



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D. FY10 Annual Report (Director Greene) – I just did the FY2010 Annual Report, it will be coming out in late fall for the public to view. I am going to give you a snapshot of some of the things have occurred. Our final registration numbers in FY 2009 where 1369. On July 1, 2010 our numbers where 1462. So we are getting more businesses legal. Our revenue was down a little. You can only attribute that to the year before we collected a lot more in back fees than we did this year even though we had a good year for that. Our revenue was \$347, 212, which is down about \$45,000 from FY2009. Our FY 2010 expenses were \$299,337, down about \$1000 from FY2009. The final numbers as far as a breakdown in the revenue: We had 68 new registrations in FY2010, which generated \$15,300. We had 25 shops that paid arrears amounting to \$23,887. And we had renewals that amounted \$308,025. We've collected almost \$24,000 in back fees for FY 2010, and as bad as the economy seems, we had 68 new shops open. You can see from Dan's report that the number of shops located out of business so far in the calendar year have gone down to 37. If you remember a couple of years ago, the ratio of shops closing was 2 to 1 compared to ones opening. Now we're getting more shops that are opening, registering and becoming legal than we have shops that are closing down. We currently have 36 dealerships that have register voluntarily. To have that many volunteer registrations, where as in the past dealerships registering were few and far between. Most of them were getting dealership licenses to prevent from registering. Now we're getting dealers that are insisting on registering.

6. PUBLIC COMMENT: NO COMMENTS

**MOTION FOR A 10 MINUTE BREAK: PAUL DUNCAN
SECOND: JENNIFER HALEY**

7. NEW BUSINESS:

A. 5 Year Rule Review Discussion - Copies of proposed rule changes were reviewed by the board.

**MOTION TO ACCEPT RULE CHANGES: RONALD NAGY
SECOND: RUSSELL WESTFALL
VOTE: ACCEPTED**

8. ADJOURNMENT:

**MOTION TO ADJOURN: JENNIFER HALEY
SECOND: BRIAN K. SEIBERT**



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NEXT BOARD MTG. – NOVEMBER 10, 2010, LOCATION:

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