

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

**AUGUST 20, 2014 10:00 AM**

**Vern Riffe Tower  
77 South High Street  
19<sup>th</sup> Floor, Rm. 1960  
Columbus, Ohio 43215**

- 1. CALL TO ORDER: INTRODUCTION OF MEMBERS & GUESTS IN ATTENDANCE:**  
Joseph Sanfillipo, William Ogg, Earl Dohner, Christopher Sterwerf, Jeff Wagner, CJ Paterniti, Rico Barrera, Michael Greene, Daniel Gibson, Theresa Peppers, Kimberly Sherfield

**BOARD MEMBERS/EMPLOYEES NOT IN ATTENDANCE: Craig Robinson**

- 2. REVIEW OF MAY 14, 2014 MEETING MINUTES:**

SHERFIELD: I did make a change to the last board meeting minutes, it was brought to my attention by Mr. Dohner. On the third page it says he is with B & E's Garage, it should read E & E's Garage. It's in Brookville not Brookfield.

**MOTION TO ACCEPT MINUTES AS CORRECTED: STERWERF  
SECOND: OGG  
MOTION: CARRIED**

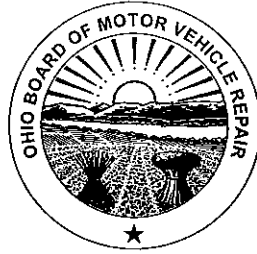
- 3. BOARD REVIEW AND DETERMINATION RE: PENDING REGISTRATION APPLICATIONS:**

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

**MOTION TO ACCEPT: OGG  
SECOND: STERWERF  
MOTION: CARRIED**

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## OHIO BOARD OF MOTOR VEHICLE REPAIR BOARD MEETING MINUTES

### 4. OTHER BUSINESS:

Investigator's Reports – Invests. Dan Gibson / Craig Robinson / Theresa Peppers

#### YEAR TO DATE TOTALS

August 15, 2014

Investigator Daniel Gibson

Shop Visits	444
Renewals	21
NOV	121
New Shop Applications	48
Complaints Investigated	28 (Involving 28 Shops)
Shops Located "Out of Business"	45

GIBSON: So far this year, I have been in 42 counties.

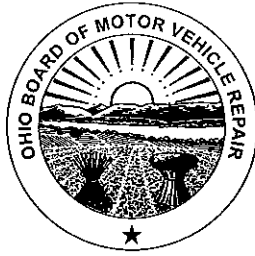
#### YEAR TO DATE TOTALS

Investigator Craig Robinson

Shop Visits	845
Renewals	87
NOV	242
New Shop Applications	163
Complaints Investigated	58 (Involving 58 Shops)
Shops Located "Out of Business"	41

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WAGNER: Dan, Is there a common denominator in all of the complaints? Do they tend to be more one-sided with the complaints? More of one thing than another?

GIBSON: The main complaint is a non-registered business.

WAGNER: Just someone turning them in?

GIBSON: Right.

SANFILLIPO: Have we been turning those things over to the Attorney General's, Mike?

GREENE: Well, we have been, yes.

SANFILLIPO: Ok

GREENE: We'll update you with some of that.

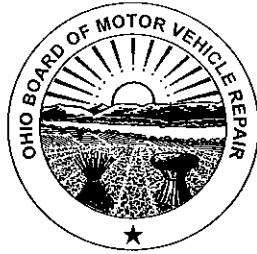
### B. Attorney General's Report – AAG Rico Barrera

BARRERA: The updates that I have as far as my end; we had 3 outstanding injunctions. One of them we have achieved service on and I'm in the process of working with opposing counsel to bring that shop into compliance. That's positive news. We also were granted a summary judgment for one of those 3 outstanding cases, and that individual failed to come into compliance. Last Friday, we had a hearing to hold him in contempt of court for that issue and it went well. I expect a decision in our favor relatively soon, and we'll follow through on that, and work on getting him into compliance as well.

And then we have the one remaining shop; We filed a motion for summary judgment and we talked to the staff attorney for that judge, and I believe that we'll get a ruling in our favor on that one as well. So, for the three outstanding ones, I believe that we'll conclude our legal action against them on a positive note.

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On the two outstanding shops with legal action, we'll have to continue to follow through in the court to bring about enforcement. It will take a few weeks, or few months, but we've had decisions in our favor and things are going well.

SANFILLIPO: Ok, great. That's good news.

STERWERF: What's the size of those entities, roughly? Do you have any idea of the scope of their business?

BARERRA: I'm not positive. Maybe Dan or Mike might be able to give you a sense of their scope.

I get the sense that SHOP #1 is a larger operation than the other two.

GIBSON: Actually SHOP #1 and SHOP #1A have the same owner. I would be guessing maybe a half dozen employees. SHOP #2 is a one person operation. SHOP #3 used to be a bigger place but now I'm just not quite sure. He may have a few employees. They are all small. Those three are all small business owners.

SANFILLIPO: In your discussions with them, is there a reason why they didn't register?

GIBSON: Actually, when we get to this point, it's interesting how the personalities are very similar. They're anti-regulation, I guess to summarize. It's not just us.

BARRERA: Generally, they have problems with other agencies and boards as well. It's a consistent thing.

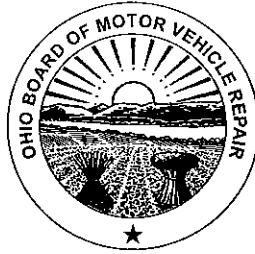
GREENE: If I can add one thing on Rico's report, we have turned over that recap of non-compliant shops; 316, is that correct?.....

BARRERA: Yes, and that's in the process of being reviewed.

GREENE: .....to the Attorney General's office on Friday, and Rico's waiting on his higher ups to get back with him on that.

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BARRERA: The objective being to send a letter....

GREENE: Direct from the A.G.'s Office.

BARRERA: Right, in addition to the letters that the board sends. One from the Attorney General's Office, and I told Mike that we'll see if the result of it does something, but I'll have to get approval from our end, and that is in the process of being reviewed right now.

GREENE: The good news about this is that the list is knocked down by about 150 over the last 12 months. It was about 460, wasn't it about a year ago? Down to 316, and it falls by the day.

SANFILLIPO: Could you give us some indications what that letter will entail when it goes out to them?

BARRERA: It would be something to the effect of, "We understand that your company is not in compliance with ORC Chapter 4775. The board is authorized injunctive relief as part of those statues, and if you don't come into compliance then you may face legal action." Something along those lines.

SANFILLIPO: No real teeth, just a warning of what's happening.

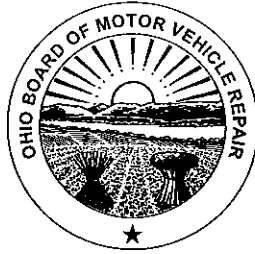
BARRERA: Correct, yes.

### C. Legislation Updates – ASA Ohio Rep. Matt Dougher

LEGISLATIVE ACTIVITY: They've been on break and they will be on break through the election. Things have been moving a little bit slow. The mechanical repair facility registration is still SB 232, it's still active right now. No action will be taken on it until they get back after November. Our biggest issue with that has been the tire dealers. They are opposed to this thing, tooth and nail. Even to the point where we have said we would exempt them, they still are opposed to the bill. We think what it is that the gentlemen in the Cincinnati area, is it Bob Sumerel?

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WAGNER: Grismer.

DOUGHER: I'm sorry Grismer, has really got an issue with some people, some vendetta or something because nothing makes sense to this thing. So, we do know that we have been in close contact with Senator Uecker, who is the sponsor of the bill, and he's not happy with them. So, we're going to have to wait and see when they come back after the elections in November; and see if we can push it through the lame duck session, which will happen at the end of the year. Any questions about SB 232?

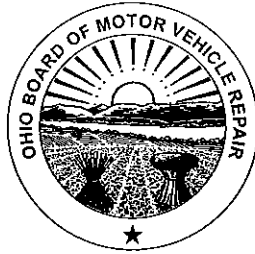
STERWERF: May I make a comment? In regards to the tire dealers, I went to NAS this year, The National Auto Body Convention Expo hosted by ASA in Detroit and one of the big comments was, and I spoke about this in prior meetings about how cars are becoming more technologically advanced, and sensors and the proper tools that calibrate the sensors are coming into play.

Well one of the problems that I have had some conversations with people who sell tires in the area and do a lot of alignments, one of the big issues is the steering angel sensor. There are two steering angel sensors in most cars now. If they have a steering angel sensor, there are two of them because they're redundant for safety but more and more cars now have to have a factory scan tool to calibrate those. So after a vehicle's been in an alignment, if they center the steering wheel, they don't recalibrate the steering angel sensor for accident avoidance, maintaining leans or parking situations, self-assisted parking and that vehicle may not perform as intended if that safety steering angel sensor is not properly calibrated. Many mechanical shops, body shops and tire dealers don't know about this yet. Vehicles are not being recalibrated so the vehicle may not act properly should it have a collision or when it goes to park. We're going to start seeing a rash of problems with vehicles and accidents or situations happening because these issues aren't being taken care of. Another reason why I think they need to be part of ...

DOUGHER: There has also have been a couple of stories up in the Cleveland area. We've had one shop that was just cited by the EPA for dumping not only tires but chemicals. It was a mechanical shop, it was all over Cleveland.com and the news stations. The other thing is up in Cleveland, earlier in the year, they caught people running drugs out of a repair shop; another reason why we need to professionalize the repair shops and require licenses.

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**UNCLAIMED VEHICLES AND TOWING:** As you know, there's a towing bill that's going through the chambers right now. The one good thing that GPG got through for ASA members is that; the Bureau was not processing unclaimed motor vehicles. But we did get a rule change and come September 1<sup>st</sup>, there's going to be a new form for the Bureau of Motor Vehicles so we can deduct expenses incurred by the shop to get to that \$2500 threshold. That was very good for our members because they were starting to pile up on the yards. Now, the towing companies don't have that, so they're a little upset about that. The other thing that we are working on is getting that threshold from \$2500 to \$5000 because obviously vehicle prices have changed and the values of them have changed drastically since that has been put into place. It's not done yet, but through this towing bill that's going through, we're trying to get that threshold changed to \$5000. The funny thing about this bill is that a towing company, I think in the Dayton, Cincinnati area towed a legislator's car and it didn't turn out well for that towing company so they're kind of after the towing guys about predatory towing. That's how this bill came about, they've got a fight on their hands. My guess is that something is going to go through and hopefully we'll get that \$5000 changed.

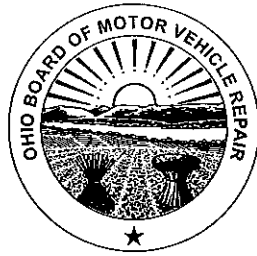
You probably saw last week that the Governor announced that more money is coming back to the businesses from the Bureau of Worker's Compensation. The average is going to be about \$4100 per business, it's close to a billion dollars, so that's good news for our businesses. I'm sure they would like more of it back but that's just what it is right now, so you'll probably see those sometime, to my understanding, in October, those checks.

We've discussed the EPA rule where we've got the GVW of light duty trucks changed to 10,000 lbs. so that our body shop members can work on those vehicles with the proper permits, on suburban's, F-250's and so forth so we don't have to worry about that as much. That's something that Sterwerf has worked very hard on.

Elections are coming in November and looking ahead, you look at that lame duck session and a lot of legislators are going to try push through their bills through that time period as you all know. It will get a little hectic and GPG will earn some of their money and hopefully we will get some of this stuff processed with 232 and the towing. That's what I have on legislative.

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Two other things I wanted to talk about, there's a couple of meetings that are going to come up across the state that ASA Ohio is going to sponsor and host, hopefully with some vendor participation. The Cleveland area just went up on the website, I'm still working some details out for Cincinnati and Columbus. On September 24<sup>th</sup> we're going to hold the, "Nuts & Bolts of Hiring & Firing." We're going to have a seminar for our members to help them with the laws and regulations in effect for the hiring and firing of employees, which is always a good reminder to bring up. We're also going to hold those in Columbus and Cincinnati, that particular one, and we're going to do that, I think October 7<sup>th</sup> and 8<sup>th</sup>. Right now it's tentative. We're also going to be holding a seminar about the Ohio Consumer Sales Practice Act, which our members (mostly auto repair shops) that need to comply with certain disclosures that they need to make to customers. I've kind of been in and out of shops and I don't know if everyone is doing that properly. So, we're going to put on a seminar on that and that's going to be October 15<sup>th</sup>. I've got the Cleveland one squared away, and our tentative dates for November are the 11<sup>th</sup> for Columbus, and November 12<sup>th</sup> for Cincinnati. I just have a couple of details about speakers, lining up the proper speakers.

Lastly, Chris mentioned the ASA National Convention which was in Detroit this year, NAS and CARS. From where it was last year to where it was this year was night and day. It was a great convention, a lot of great speakers. The exhibit area doubled in size from a year ago. They made money on it, which they hadn't in the past few years, which was good. There is a gentleman who is now in charge of ASA nationally named Dan Grisley and he's done an awesome job in a short amount of time for that association. It will be in Detroit again next year, it's going to be July 23<sup>rd</sup> through the 25<sup>th</sup>, and I was on a conference call yesterday about that. With all of the negativity about Detroit in the past years, I thought they did a pretty good job. There were still some issues there but it's better than it was, and they really did a pretty nice job.

D. Director's Report – Mike Greene SEE ATTACHED

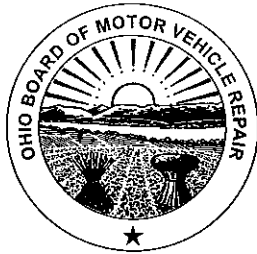
### PUBLIC SERVICE ANNOUNCEMENTS (follow-up from 05/15/2014 Board Meeting)

If the Board approves that (Public Service Announcement) we'll do like we did last time, we'll put this out to newspapers and the media that we have contact with, and also we'll put it on our website again for the shops. They can actually print it off the website and issue them out with estimates, or reproduce them as much as want.

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But I have to have the Board's approval on that. We talked about it at the last meeting, it was one of the suggestions. That's something that probably needs a vote; it's not much different than the one we did before. One of the changes, of course, our name has changed since the last one, our seal has changed. I'm not sure what the other changes are, I put on there that the notice can be reproduced right off our website. If you remember last time, and it's been probably a couple of years ago when I put it out the last time; I put it out also on our e-mailing system that goes to about 3000 shops, attached it and told them to reproduce it and give it out with their estimates. So with that, probably, we'll need a vote.

"VACATING THE CHAIR" (follow-up from 05/15/2014 Board Meeting)

I researched the "Vacating the Chair" in Robert's Rules, which was requested at the last meeting. I emailed those results to the Board on the 15<sup>th</sup>. What it does, it goes into Robert's Rules and it talks about the difference in small boards like ours, and large boards like Ohio State University's board or something of that nature. It says in a small board that the chairperson does not have to vacate the chair; the chairperson is allowed to vote; and the chairperson is allowed to present items/motions up for vote. So, we're good there.

### FY16-17 BIENNIUM BUDGET PLANNING

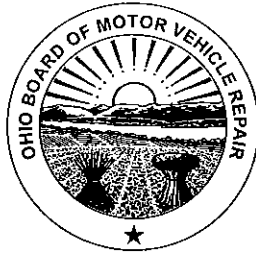
Technically, it began August 1<sup>st</sup>. The Boards and Commissions budgets are due to the Office of Budget and Management by September 17<sup>th</sup> and it's about 55-60 pages long. All of the forms that have to be filled out and it have to be uploaded into the system. Our budget is done, I've got all of the forms uploaded, and I've got everything finished. The only thing that I have to do is make copies for the Office of Budget and Management and Central Services Agency. I have to wait on a couple of recaps that have to be run in their system to get totals; I can't run those until they upload our numbers. Once they do that, our budget will be finished so we don't have to worry about the deadline.

SANFILLIPO: Do we have any changes to the budget?

GREENE: No, they will not allow us to ask for any more money at this point. They restrict us to whatever the last fiscal year or biennium budget was minus the extra amount they gave us to pay for the audit. The audit which was done yesterday was \$9000 and they had given us or allowed us \$12000 in Fiscal Year 2013 for the audit.

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They won't give me that again. We get to request the amount that we had last year for Fiscal Year 2014, which is fine, up and to the point of if this legislation passes. Then I can always do what we did, if you remember last time, I amended our budget and we added enough money to hire Theresa and to hire Craig, and to get the car, extra equipment, and that kind of thing; and they had no problem approving that before. So, if that bill passes in November or before the lame duck session is up, I'll just turn around and amend the budget again; go and ask for more money, and hire more people. We're in good shape

SANFILLIPO: Ok, we had talked about advertising budget at the last meeting?

GREENE: Right. And the only thing they could tell me on that, is I have to find the money out of what I've got. They don't have a problem with me budgeting advertising money, but I have to find it in the money that's already approved.

OGG: I've got the answer to increase money. Add two more investigators. These two did wonderful! We have an extra \$100,000! That's really a tribute to Dan and how much there was out there to be done and one guy could not do it.

GREENE: They won't let me hire without a legislative change right now and they won't give me any money to hire without another change. If you remember correctly, I told you back when we went for more money, it's going to take a few years to make it up and it is. We were in the red for the first time ever this year and our expenses were more than what we brought in, we brought in record numbers, \$442,000 but that's not as much money as we spent. So they're not going to let me ask for more.

WAGNER: So how much in the red are we?

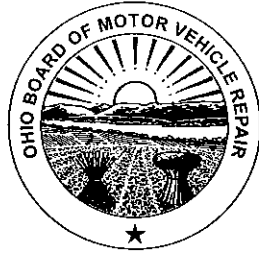
GREENE: About \$12,000. When I testified at the Controlling Board, they asked "How long is it going to take you to recoup this?" I told them then it will take two or three years. At the rate we're going, we'll be fine this year, that doesn't mean they're to give me anymore.

SANFILLIPO: I guess this goes back to the advertising, do we have anything in the budget we can hold towards that for the notification of people that are in violation.

GREENE: Well, I'm going to have to figure that out. Once I get through this budget cycle of getting it submitted, testifying in The House and The Senate, we get it

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approved. They don't cut us anywhere between now and June, several years ago if you remember they cut us 15% from the time I submitted it in September until the time they approved it in June. So if they don't cut us anything there, I think I'll be able to squeeze out some because we don't need any equipment now. We've got new cars, we've got new computers, and we've got iPads, that's why last year it cost us so much because we had Craig and Theresa coming in. We had to get a lot of new of equipment we never had more than three employees since 1997. That's why there was such a big expense for last year. But I don't have that this year. I don't have to buy new equipment. I don't have to buy new computers, and I don't have to do that so I should be able to squeeze some out of there.

STERWERF: I'd just like to congratulate you and the team on the audit and on the previous audits. Good Job!

SANFILLIPO: We do need to vote on the Public Awareness Notice. So all of those In favor of Mike sending that out to all the registered ....

GREENE: I think you need a motion to accept it first.

WAGNER: I have a question first. I'm not sure when this came out or how long ....

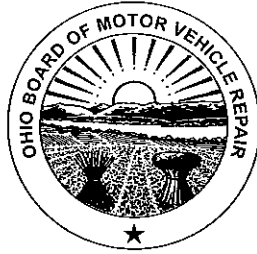
STERWERF: I don't recall seeing it either.

WAGNER: But, point #2, that I need more than one estimate. I guess that's ok, I'm speaking for our shop, the first thing I ask a person when they come in is who is their insurance company and if you know it's somebody that...they can get three estimates and they're not even going to look at them. They're just going to throw them away because you have to take the estimate from that insurance company. That's what the shop has to start with. I don't know if they're a little bit confused, telling them to find a facility and have them write their estimate. I guess I'm a little torn here between that and .....

GREENE: Let me explain where that came from. That's actually in the Revised Code. You wreck your car in the old days, you call your insurance agent and they say "Ok, go and get three estimates." The law says I don't have to get three estimates. I want Joe to do it, so I'm going to get an estimate from Joe, and there it is. That's where that comes from. If it's confusing, if you guys think it needs to be taken out of there then we'll take it out.

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SANFILLIPO: Well, it's the law.

GREENE: It is the law.

SANFILLIPO: We had a discussion last time we put this thing out.

WAGNER: The fact that you select a facility you're comfortable with and take the insurance estimate to that.....that's what it ends up being, is the body shop has to start off that estimate.

GREENE: I understand, if I bring my car to Kumler's and say I want you guys to do it. Then I don't have to go this other shop and get an estimate. That's what it's telling the consumer. I call my insurance agent and say "I want Kumler's to repair my car," "Well, did you get any other estimates? Maybe you ought to check with this other shop." The consumer needs to know they have a right to get their car done at Kumler's. That's between their policy and whatever is in the fine print, but they do have the right to not get three estimates. That's why that was there.

STERWERF: You don't have to go off the insurance company's estimate, it makes things easier.

GREENE: You're talking the shop has to go off the insurance company's estimate, but the consumer can or don't have to.

SANFILLIPO: Well I think that that's the role of the Board is to make sure that the consumer is aware of their rights.

STERWERF: Exactly.

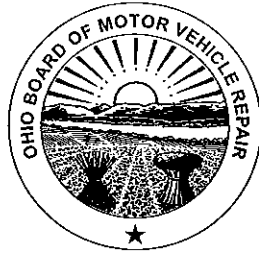
SANFILLIPO: And that's all this is doing, is making the public aware.

STERWERF: I have some ideas to add on to this. I don't know if I should discuss them now.

GREENE: Yes, now is the time.

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STERWERF: The body shop should be able to show you some of the OEM information on how to properly repair the vehicle. Let the customer know that they are going back to get the information from OEM on how to properly repair that vehicle. A good shop should be able to show you OEM information on how to repair some portions of that vehicle. I don't know how to word that for this just yet.

GREENE: Well, I can figure out how to word it, I think.

SANFILLIPO: We've got to be careful on that thing. The only reason why I'm saying that, maybe our recommendation is a body shop owner, this is not the law. If we're going to put this thing out for the public's awareness, then we can put addendums if we want or attach our own sheet to it "USA Collision recommends (so on and so forth) along with this here, but I think this has to stand on its own as a public awareness statement from The Board of Motor Vehicle Repair.

STERWERF: I've only seen it since the packet went out to us, so I haven't had time to think of the wording yet.

GREENE: It leaves it kind of open to the consumer where it indicates that the shop is current with the latest repair techniques and they are serious about maintaining a positive reputation. Know your shop is guaranteed. But it's up to you, that's why I wanted you guys to .....

SANFILLIPO: Do you want to table this until next month – the next meeting? We review it in the meantime and make any suggestions at that point or is this something that you want to move forward with at this time?

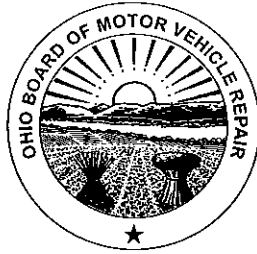
GREENE: Yes, we have time if you want to write up some things or suggestions and bring them back.

PATERNITI: Do we have any liability against this? It doesn't say anything about warranty on parts or warranty by the manufacture. If we're putting something out, are we opening up a door for .....

GREENE: No, these are strictly the consumer rights that are in the law. I'm just reprinting what's there.

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PATERNITI: Because it says in here that if the shop guaranteeing the work then who is warranting the product? You see what I'm saying?

GREENE: Yes, I see what you're saying.

PATERNITI: If the State's putting this out and we're standing behind it, if I'm going to hand this to my customer, I understand the liability. It's no different than what Matt was saying with the consumer sales practices act.

DOUGHER: The Consumer Sales Practices Act, which is providing proper notices, by law, to consumers.

GREENE: It says most shops guarantee their repairs to some degree. Is that what you're talking about?

PATERNITI: That, but I mean the parts that we're putting on them, obviously that's not the manufacture.

STERWERF: I think we need just a little bit more time to look at this and kind of figure out the pitfalls.

GREENE: Ok, that's fine.

STERWERF: I want to get this out as soon as possible.

PATERNITI: Does the AG have to authorize us to or motioned us to approve this?

BARRERA: Do you mean you need the AG's authority to publish this?

PATERNITI: Yes.

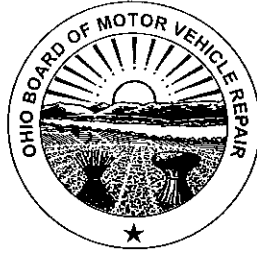
BARRERA: Not necessarily, that's the Board's decision.

PATERNITI: Ok, I just don't want to expose ourselves to something.

GREENE: We've got Ted Klecker's at the time we put it out before.

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## OHIO BOARD OF MOTOR VEHICLE REPAIR BOARD MEETING MINUTES

PATERNITI: Because consumers are getting crazier and crazier now. They're saying that their seatbelt was buckled and they were restrained up against the seat, therefore they were wearing their seatbelt. So you're getting named in a law suit as the shop that repaired that. I'm saying how are we exposing ourselves, what's the degree of exposure?

GREENE: I think it's better to be upfront with the public, tell them what their rights are.

PATERNITI: Oh yeah, I would like to review it.

GREENE: Go ahead, that's fine.

SANFILLIPO: Ok, we'll table it until the next meeting. But I would like to get that handled at the next meeting, like I said, this is generally a reprinting of what is in the law. Just a caution, I don't want to add things to this thing that are not in the law. When you review this, make sure you are not putting your own feelings in this. This is strictly a public awareness campaign.

DOUGHER: Do you guys want to get stuff to him prior to the next meeting, then?

WAGNER: Absolutely.

DOUGHTER: So we can move forward with this?

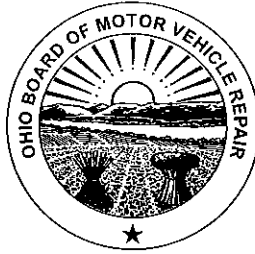
GREENE: Yeah, that will be fine. I'll send it out for review prior to the next meeting if you guys get me stuff in and then we'll bring the finished product to the meeting.

SANFILLIPO: Why don't we send it out maybe today, again, so that everybody's got it and mark it for review. Let's put a timetable on when we want it back by so that we'll have to review this more and make a decision.

PATERNITI: Can you link it to where it's in the law? Because I know I find the website where you put section code 45671, etc. Can you link it? Is this copied and pasted right from the law?

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## OHIO BOARD OF MOTOR VEHICLE REPAIR BOARD MEETING MINUTES

GREENE: Yes, pretty much. I mean, it was back then. I can look them up and get the section numbers for you if that's what you want. I didn't want to put them on here and confuse the issue.

PATERNITI: Yeah, if we finalize it ....

DOUGHER: Mike, if we're concerned about – it sounds like you guys are concerned about liability giving this information to consumers. Is there someone that – and I don't know the answer to this that's why I'm asking you this, is there someone that looks at this from the Board's perspective like an attorney that says this is good, this is bad .....

GREENE: That's our AG.

SANFILLIPO: Rico!

DOUGHER: Ok

BARRERA: If that's something the Board wants me to do, they can absolutely send something to me and I can take a look at it.

SANFILLIPO: Just to be on the safe side, take a look at it and let us know whether we're.....

DOUGHER: That's more for my information, I didn't know that.

BARRERA: I would be happy to look at it if people have specific concerns like you brought up the possibility liability aspect of it. If you could, maybe articulate your specific concerns so that I can address it directly rather than just, "Ok, you're concerned about liability, let me think of things that might." If you can show me really what you're getting after, I would be happy to look at and make a comment on.

DOUGHER: I think you guys would feel more comfortable that way.

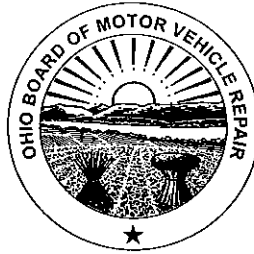
GREENE: A lot of this came from the Attorney General's office.

BARRERA: I'm assuming that if Ted looked it over, it's good stuff, but I would be happy to look over it again.

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## OHIO BOARD OF MOTOR VEHICLE REPAIR BOARD MEETING MINUTES

GREENE: A lot of it came from the Department of Insurance some of it came from the AG's office, some of it came from just the consumer rights thing. I'll get it to you, that's not a problem.

SANFILLIPO: I guess the kind of angle we want to go at, at this point when we're going after the violators is the consumer's right aspect. The safety issues with the vehicles repairs and so forth, you know, if they're not registered with the Board then we can't determine whether they are performing legal operations or not.

### **PUBLIC AWARENESS HANDOUT TABLED FOR FURTHER DISCUSSION AND REVIEW.**

#### **5. OLD BUSINESS:**

STERWERF: I guess one question I have is now that we understand the EPA rules a little bit clearer as far as the De Minimis Permit, the Permit By Rule and the Permit to Operate, like shops with more than two paint booths have fallen under the Permit to Operate. Is that something that we can start, I know we can't enforce those laws because we're not the EPA but as far as looking at the complaints, we have 5 forwarded complaints to the EPA in 2012, 2 in 2013 and 2 this year. Knowing what we know now, when we go into a shop is there a way we can audit shops and just ask simple questions as far as how many spray booths do they have and then forward that to the EPA for further review?

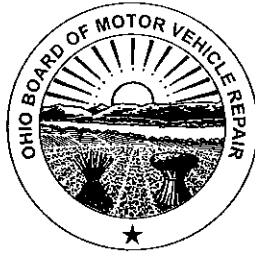
GREENE: How many spray booths do they have?

STERWERF: Like if they have more than 2 spray booths, do they have to have a Permit to Operate? There are multiple shops in Hamilton County and Butler County area that I know for a fact that have 3, 4 and 5 paint booths and yet there's only a hand full of people on the permit to operate list.

GREENE: I don't have any problem with that, with asking how many and looking to how many they have, that shouldn't be a problem what so ever. Can we report that automatically without knowing whether or not they're legal? If I send the EPA to every shop that we find with two spray booths....

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STERWERF: More than two

GREENE: More than two spray booths, what if they come back and tell me after they've been there "well this guy is legal, he's got the permits."

SANFILLIPO: Well, we can by county and check the permit registration.

GREENE: Can you check them online?

SANFILLIPO: Yeah. That's something that's available that so if you go in and you find that than all you've got to do is go into that county.

GREENE: Is that EPA's website?

SANFILLIPO: Yes, EPA's website by county. You county, you look up that shop and it will tell you if they've got a permit, a De Minimis Permit or a Permit to Operate. That's available to us.

GREENE: So then if Dan comes back and tells me that he finds a shop with 3 spray booths, then we should be able to look that up and know whether or not it's ok or not ok, then send that to the EPA?

STERWERF: And another simple check would be if they've got a big tractor trailer semi in there that's obviously over 10,000 lbs., then that's also and instant trigger to have PTO Permit.

SANFILLIPO: Is Dan allowed to take pictures of a shop when he goes in there n inspections. So there again, maybe when you walk in, you take a picture of them.

GREENE: If they let us!

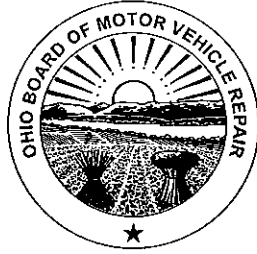
BARRERA: Some of the shops are not so happy when the camera comes out.

GIBSON: It's depends on whether or not you want to get into a physical confrontation.

SANFILLIPO: I wasn't sure if we were allowed to do it, if we're allowed to do it.....

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GIBSON: Or get the camera ripped out of your hands and slammed on the floor.

GREENE: If it comes down to a challenge....

GIBSON: I can talk my way through most, but there's some....

SANFILLIPO: That's ok, we don't want to put you in jeopardy. But if there is an opportunity to do that so we can ship that information off to EPA, or whomever (INAUDIBLE) "this is what's going on" giving more credibility to our investigation.

WAGNER: That would be more for something it's something over 10,000 lbs. A paint booth is not going to be easily disposed of, so that's going to be something that will be easy for them to check on.

SANFILLIPO: Well, you can look outside to see how many stacks are sticking out of the roof, too, which is a good indication of how many paint booths you got.

STERWERF: I was getting ready to say, Google Maps is a good way how.

GREENE: On the 10,000 lbs., is that gross vehicle weight rating, or vehicle weight?

STERWERF: Gross vehicle weight rating.

SANFILLIPO: Yeah, you can do the Google Map on a lot of locations which you're probably familiar with. It shows a picture, a pretty current picture anymore, and you can count – if they've got five booths by the number of stacks coming through the roof.

PATERNITI: Most booths have two stacks, right?

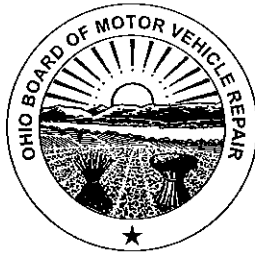
WAGNER: Well, you might have an air make up and then an exhaust.

PATERNITI: I've got two per, that's what it's there for, the air make up. So you've got to make sure.

SANFILLIPO: They're right next to each other it's pretty close, they're the same booth. They're 30 ft. apart, then there's another booth.

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WAGNER: So then what you're saying is you count four stacks it could still only be two booths?

STERWERF: Those are two easy items that you can pretty much substantiate. If there's something wrong there, more that needs to be looked into.

SANFILLIPO: Also, going back to our discussion last month with Rico; we had talked about once the injunctions were filed, or granted to us are we allowed to publish that information at that point? How many shops do we have in question now? Once the ruling goes in our favor, is there something we can publish in their local newspaper saying, "Such and such shop has been found in violation of ...."

BARRERA: The ruling itself is a public record, there's not an issue with that. That comes down to the Board's decision, whether or not the Board would want to go forward with something like that.

SANFILLIPO: I think that, again, going at the consumer awareness issues we've talked about; I think that it's something that is probably to our benefit to do that once we've gotten those injunctions, we've got the win. We publish this to let the other shops know that we did do something, and this is the result of it, and so and so is either in compliance now or they're facing additional charges. I don't know where the areas are, the three in? The three we've got right now, are they in Franklin County?

BARRERA: One's Hamilton, one's Bucyrus

GIBSON: Crawford

BARRERA: The third one is Franklin

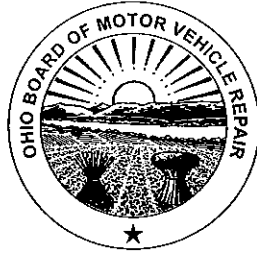
GIBSON: Yeah, Grove City.

SANFILLIPO: Can we make some sort of public service announcement with those, and get them to somewhere in that area that can maybe distribute them to a local press or some sort.

GREENE: We have a press release that we send out, sometimes in conjunction with the AG's office. That's not a problem at all.

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SANFILLIPO: Ok, I would like to see a follow-up on that then.

### 6. NEW BUSINESS:

DOHNER: On your awareness thing, here, have you given any thought to changing your e-mail address, because it says Collision Board and this also can be used in a mechanical shop with all of the extended warranty programs that are coming out. That's an insurance job that we have to deal with every day.

GREENE: I can ask. I'm not sure what's involved in changing that, it's our website, not our e-mail.

DOHNER: It's going to be a problem, I know!

SANFILLIPO: What you can do is create another one with the Ohio Board of Motor Vehicle Repair and they can link together. If anyone goes to the other one, it will still link to the new version.

GREENE: But I have to get the State's approval. So I'll have to check with OIT for that.

### 7. ADJOURNMENT: MOTION TO ADJOURN: WAGNER SECOND: OGG MOTION: CARRIED

**NEXT BOARD MTG. – NOVEMBER 12, 2014, LOCATION:**  
Vern Riffe Tower, 77 South High Street, 19<sup>th</sup> Floor, Room 1932, Columbus.

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