



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

November 10, 2010 10:00 AM

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

1. **THE MEETING WAS CALLED TO ORDER AT 10:00AM**
2. **INTRODUCTION OF MEMBERS & GUESTS PRESENT:** Jennifer Justice-Haley, Brian Seibert, Rick Finney, Russell Westfall, William Ogg, Greg Barhorst, Dave Detrick, Adam Lemke (ASA-Ohio), Virginia Duncan, Dennis Sterwerf, Hilary Damaser (Attorney General), Michael Greene (CRB Director), Daniel Gibson (CRB Investigator) Kimberly Sherfield (CRB Administrative Assistant). Members not in attendance: Ronald Nagy
3. **REVIEW OF AUGUST 11, 2010 MEETING MINUTES:** Corrections to credentials of Associate Assistant Attorney General Hilary Damaser and the correct spelling of Adam Lemke's (ASA) last name.

**MOTION TO ACCEPT: RICK FINNEY**  
**SECOND: RUSSELL WESTFALL**  
**VOTE: ACCEPTED**

4. **BOARD REVIEW AND DETERMINATION RE: PENDING REGISTRATION APPLICATIONS:**
  - A. Vote by Board on regular registrations pending from July 27, 2010 through October 25, 2010.

Chairperson Justice Haley abstained from voting (has a shop in the pending registration applications).

**MOTION TO ACCEPT: BRIAN SEIBERT**  
**SECOND: RICK FINNEY**  
**VOTE: ACCEPTED**



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

### 5. OTHER BUSINESS:

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

<i>Shop Visits</i>	683
<i>Renewals - Reminders</i>	10
<i>NOV</i>	176
<i>New Shop Appls.</i>	91
<i>Complaints Investigated</i>	157 (involving 157 shops)
<i>Prosecution Action Pending</i>	333
<i>Shops Located Out of Business</i>	43

#### B. Status Report on Injunctions (AAG Hilary Damaser) – No new actions.

**Columbiana County:** All shops registered and cases dismissed.

**Jefferson County:** All shops registered and cases dismissed.

**Belmont County:** There is a status conference set for December 13<sup>th</sup>. Josh Price is out of business and Caz Krupinski has not registered. We intend to file a motion for summary judgment against Mr. Krupinski.

#### C. Status Report on Legislation (ASA Adam Lemke) – Want to start by recapping the meetings we conducted around the state with Mike (Director Greene) speaking. Over all, I think we accomplished what we were hoping to do. We had pretty good attendance at the different meetings. The people that were in attendance, overall, were pleased with the amount of work that this board is doing but still want that extra push, that extra responsibility. Licensing did come up at all of the meetings which is what we kind of anticipated would happen but there wasn't a major push back to that. The shop owners that were there felt to really make an impact in the industry that licensing is what is going to be needed. I think that from ASA's stand point it was also helpful for Mike (Director Greene) to get out there and meet some of the folks, and like I said a lot of them had some positive things to say about the board as is. Right now ASA is working the other associations in the State of Ohio to kind of continue that movement with the help of our lobbying firm and the help of the other associations and obviously the help of this board, make that movement and start to move forward and make some progress there.

NCOIL is having their next meeting, I believe it's next week down in Texas. That's one that ASA Nationals is continuing to monitor along with ASA Ohio. There are a lot of good conversations going on, I think that we're going to be able to, hopefully, not necessarily in this meeting but I think that things are starting to turn around where that after market parts issue is going to, we're hopefully going to make that go away. Which is obviously something that we've been hoping for a



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

while now and I think that we're getting close on that. So, I know that Mike forwarded out an e-mail that Joe Sanfillipo sent him with access to the legislators to write to that are on that from Ohio, so if you didn't get that and you would like that again, let me know and I will get that to you. That is definitely important to do.

Since the last time we met the elections were held (last week). Pretty sweeping changes here in the State of Ohio. Still not a 100% sure what that's going to mean for us, we obviously know that there's going to be reviews coming forward on all the different boards. Everyone's going to under the microscope again that we were under last year. We have had positive feed back from Victor Hipsley and his group. There are enough positive things about this board and I think that I've got enough bullets in the chamber that are going to help protect this board. We're confident with that right now and that is why the mission is "let them worry about that" and let us push forward with making this board even stronger.

### 6. **NEW BUSINESS:**

A. 5 Year Rule Review Discussion (Greene): The 5 year rule review hearing is this afternoon, as most of you know, starting at 1p.m. Really not a lot of discussion on that. There were some last minute updates that JCARR asked me to do. There were very minor changes in sections that gave us the authority to promulgate the rules and what ORC Sections the rules affected. I made those changes and they want me to go back after the hearing and make a few more changes in the non-change rules on the part that describes the affect the rule has on the public and which sections. I will do those changes after the hearing today. All of those were minor, none involved changes to the bodies of the rules. JCARR will have someone here today at the hearing. It will be in this room (CR 1932). No major changes to bring along. All of those rules and all those forms that were filed (about 180-190 pages) there is a link to those on our website if anyone would like to view them. Once we have the hearing today on the amended rules, we will have a very brief board meeting right after the hearing to discuss any opposing testimony on the rules and if JCARR had any comments. Once we're out of that, I think there is a 30 day waiting period before we do the final file. And then the no-change rules we'll do the final file on them after the February Meeting.

**QUESTION (DAMASER):** Have you heard from any people that might be attending?

**ANSWER (GREENE):** The only comments or phone calls I have gotten were from Like Kind Quality (LKQ) from Fort Lauderdale and I think they have someone that monitors rule updates in all of the states. I think that is was probably a routine call.



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

**QUESTION (DAMASER):** (in audible)

**ANSWER (GREENE):** Well the original phone call was they were planning on testifying, and I explained to him where the link was, and I sent him the link. I told him to look at the changes and that the changes have absolutely nothing to do with parts. The majority of it is just house-cleaning issues and things that needed to be fixed. And, of course, the confidential personal information rules that we are required to do from the new law. I think that once they looked at it, well I didn't get any other phone calls from them. I got one e-mail back from them that said "Thanks". I don't anticipate them coming up here for that.

### **B. Proposed 2011 Board Meeting Dates**

**DISCUSSION:** Change May board meeting from May 11<sup>th</sup> to the 18<sup>th</sup>

**MOTION TO ACCEPT: BRIAN SEIBERT**

**SECOND: RUSSELL WESTFALL**

**VOTE: ACCEPT**

**C. Budget – For Fiscal Year 2010-2013 -** That Budget Request was due the Office of Budget and Management November 1, 2010. We had our budget done and downloaded hard copy done in perfect order. It's about 54 pages long. OBM has read our budget, I've got an e-mail from them yesterday that said that everything looks good and that we had everything that was required. I brought a copy today. It's just a rough copy and if anyone wants to take a look at it, I can pass it around. The budget won't be posted on the website until the house bill is introduced. That probably won't be done until January or February. There's no place you can go, that I'm aware of, to look at those budgets right now. So if anyone would like to look at it, it is public record, it's not an approved budget, it's a request. Two years ago when we did the FY10-11 you all know that faced many, many cuts from the original request that we put in. Nothing else has come down as far as changes.

**QUESTION (Justice-Haley):** If they don't like that, they may want you to make further cuts, they will?

**ANSWER (Greene):** Yes, they can make across the board cuts. It's unlike the private sector. It's hard to explain, our registration fees supports the board 100%. We've been in the black every year since 2002 or 2001. That money/revenue that comes in is really not what we're allowed to spend. We're only allowed what is appropriated for us and it doesn't matter if you take in more than what you spend, it matters only if you can't operate on what they give you.



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

**DAMASER:** Unless you designate the fees for a specific use, then they go into a *(inaudible)* fund.

**GREENE:** They go into a Boards and Commissions Fund which is the 4K90 fund. But that money is divided between thirty-something boards. Everybody's money (Boards and Commissions, the Regulatory Boards) goes into that fund unless they have a separate fund. The money that is left over from that normally goes into the general revenue fund, then they divvy out the money that we operate on.

**DAMASER:** And the other factor in that is exactly what Mike was talking about, in order for you to spend the budget, you have to get approval from the Controlling Board and OBM. And if you have the money, you have to pass the *(inaudible)* session which will start January 2 (maybe?). The Governor and elected officials start January 10<sup>th</sup>, the legislature start January 3<sup>rd</sup>. The Governor has to propose the budget and the House introduces it and all of that will take awhile.

**GREENE:** There will be a lot of changes ... on our part of that there will be a lot of changes, most likely. There were some changes made in the last budget request.

**QUESTION (Ogg):** Right now, we're like a regular tax statement?

**ANSWER (Damaser):** Yes

**QUESTION (Ogg):** We get back less than what our registration fees put into the Boards and Commissions. So, it goes in to fund other boards?

**ANSWER (Greene):** Well it all goes into the 4K90 and what they're doing with the 4K90 is taking 30 million off the top of that money which is actually revenue from those 30 some-odd boards, which is revenue above their expenditures. They then, leave a little bit in that funds the boards that may have low revenue (which is sometimes once a year or once every two years). The boards that have money coming in all the time cover those that don't. Then when they generate their renewals, maybe only one time a year or maybe one time every two years they'll bring in money that will build that fund back up, which will keep everybody afloat. When the budget period is over with, the money that is *(inaudible)* is scraped off the top.

In the private sector and you look at it if you're in the black, you're good. Here if you're in the black, that doesn't necessarily mean you're going to gain anything which is the best way to put it. Anyway, that is the one we've submitted, it is 54 pages. It's being passed around so everyone can look at it. Like I said before there may be some changes before it's over with.



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

**CHAIRPERSON HALEY:** I just want to recognize Virginia (Widow of Chairman Paul Duncan) because she is here, and what we all thought of Paul. How he really lived and, I've gotten through it so far, so. Just how much we appreciated Paul. You know that you've been holding down the fort at the shop all of this time and that's how he was able to get out and do everything that he was able to do. But, I look forward to seeing you step up and do some things and get involved.

**VIRGINIA:** I'll do it if you'll have me. I'm going to carry on where he left off because this is what he was really into. He was into the fight of whatever made this right all the way back to the beginning when OBCR started. I'm sure that as long as I can, I will continue. I have 3 computers, if you guys have ever seen Paul; I have three computers full of ASA and CRB stuff from all the way back to 1999. Two file cabinets full of stuff. If you'll have me, then in February, somewhere between now and then I will get everything that I can and get it to the parties necessary and make copies. I'll do whatever you guys want. I will continue to be a part of it, do it for him anyway (Paul).

**CHAIRPERSON HALEY:** I think we would love it, in my personal opinion.

**DIRECTOR GREENE:** We'd appreciate it.

**CHAIRPERSON HALEY:** Just get with Mike on the application process.

**DIRECTOR GREENE:** Actually, I meant to bring an application and it totally, with everything that has been going on, it slipped my mind. I apologize for that, I will get that information to you.

**CHAIRPERSON HALEY:** To say Paul was awesome is an understatement. There's a whole lot more to him, I know. I've only gotten to know you guys, I've only gotten to know you just within the past couple of years because you were always busy at the shop.

**VIRGINIA:** Yeah, I was always the one "Yeah, here ya go! Bye, bye!" I tried to enable him to do as much as he could outside of the shop. The last couple of years, his health really wasn't enabling him to be at the shop that much. So, Paul became the "politician" as we called him. It was what I could do for him. He truly believed in everything and you guys heard it when he didn't. I'm positive of that.

**STERWERF:** And here all these years, we thought that Paul had it all under control, when really it was you on the backside.

**VIRGINIA:** I was definitely back there making sure that he could continue to do what he wanted to do and keep the shop running.



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

**GREENE:** We appreciate it.

**VIRGINIA:** Thank you. And we appreciate you guys.

**8. PUBLIC COMMENT:**

**(DISCUSSION PROMPTED BY MR. DENNIS STERWERF REGARDING  
AFTERMARKET PARTS AND AIRBAG ISSUES)**

**9. ADJOURNMENT:**

**MOTION TO ADJOURN: RUSSELL WESTFALL  
SECOND: BRIAN SEIBERT  
VOTE: ACCEPTED**

**NEXT BOARD MTG. – FEBRUARY 9, 2011, LOCATION:  
Vern Riffe Tower, 77 South High Street, 19<sup>th</sup> Floor, Rm. TBA, Columbus.**