



OHIO BOARD OF MOTOR VEHICLE REPAIR BOARD MEETING MINUTES

NOVEMBER 18, 2015 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:

BOARD MEMBERS IN ATTENDANCE: Jeff Wagner, Matt Penney, Earl Dohner, Chris Sterwerf, Andrew Huffman (ASA Ohio), Don Rife, Matt Dougher, Michael Greene, Daniel Gibson, Craig Robinson, Theresa Peppers.

2. REVIEW OF AUGUST 19, 2015 MEETING MINUTES:

MOTION TO ACCEPT: CHRIS STERWERF
SECOND: EARL DOHNER
VOTE: MOTION CARRIED

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

A. Vote by Board on regular registrations pending from August 1, 2015 through October 31, 2015.

MOTION TO ACCEPT: EARL DOHNER
SECOND: MATT PENNEY
VOTE: MOTION CARRIED

4. OTHER BUSINESS:

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

<u>Dan Gibson</u>	
Shop Visits	628
Renewals	20
NOV	103
New Shop Applications	99
Complaints Investigated	52 (Involving 52 Shops)
Shops Located "Out of Business"	70

So far this year, I have been in 45 out of 88 counties.

Craig Robinson

Shop Visits	856
Renewals	144
NOV	347
New Shop Applications	83
Complaints Investigated	76 (Involving 76 Shops)
Shops Located "Out of Business"	38

May 2015/Lake County: Attacked by shop dog during visit. Treated & released from local hospital.

Continued work with NICB & Richland County Sheriff's Department on joint investigation of an illegal shop in Mansfield, Ohio.

Dir. Greene - Investigator Dan Gibson will be retiring January 7, 2016 from state service.

B. Attorney General's Report – AAG Rico Barrera

**MOTION TO GO INTO EXECUTIVE SESSION: CHRIS STERWERF
SECOND: EARL DOHNER
VOTE: MOTION CARRIED**

C. Legislation Updates – ASA Ohio Rep. Matt Dougher

Andrew Huffman: The main thing that we talked about at the last board meeting was the Sunset Review Committee. This is the committee that's designed to review all of the boards and commissions in Ohio. In the past, the Motor Vehicle Repair Board was not a subject of the Sunset Review Committee's review. I think the last meeting it said they reviewed the boards and commissions every five years; it's actually every six years. This was the last thing I worked on when I was in the Senate, so apparently I'm a year older than I thought I was. This is going to be a challenge, I think, for the Board and a lot of repair shops that rely on the Board, because there was a push in the state budget to eliminate the Board. Fortunately, that language was removed from the budget but at the end of the day the budget said "ok, we're not going to remove you, we're going to put the Board under the scrutiny of the Sunset Review Committee.

The Review Committee started in October and has been holding hearings about every week, or every other week. They have a really nice website, actually, and it has a list of every single board and commission that's going to be reviewed. They're going to be reviewing hundreds and hundreds of boards. The last time, six years ago, they eliminated 84 boards and commissions. This isn't just something to show the public that they review boards; they actually do take a lot of action. So the Board will be under a lot of scrutiny. The Chairman, he's the Vice Chairman now, next year will be the Chairman is Chris Jordan. He is the one that carried the amendment in the Senate. He's the one that's probably the most critical of the Motor Vehicle Repair Board. I think we just need to get through to him that The Board does serve a purpose, it's not wasting tax payers dollars. It's a board that's run off of fees by those in the industry. We need probably some old timers to go and say "hey, back in the 90's the collision repair industry was rough. The Board has helped clean that image and has really made an impact. It has helped my business out; it has helped new business get into the industry and has addressed some of the concerns that are out

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there." That is probably going to be the main thing that the Board is going to have to address. Mike, you'll have to testify again, it's kind of like the budget.

The committee members are Senator Jordan, like I said, Senator Chris Widener from Springfield, Representative Amstutz, Representative Brown from the Toledo area, Representative Celebrezze from the Akron area and Senator Cafaro is also on there from Toledo. There are also two governor's appointments on there. I think there were supposed to be 3 but I think he's waiting to make the third one. Megan Fitzmartin, she's the one that controls all of the boards and commissions in Ohio. She works in the Governor's Office; so anytime there's an appointment to the Motor Vehicle Repair Board it ultimately goes through her; she knows the Board fairly well and then Brian Carrara, he currently works for Ohio State but he used to work for the Ohio Senate for a number of years; he should be familiar with the Board as well. Following the Motor Vehicle Repair Boards review; the Sunset Review Committee will issue a report for all the boards but the budget said is the Sunset Review Committee you're going to get your own special report. That report is due June 1st of next year, 2016. So we're going to get this special report; the report will go to the House and Senate and then legislation will come from that. (INAUDIBLE) So that's going to be probably the main concern the Board is going to have to face, ASA Ohio is going to have to face. There are also the two mechanical registration bills that would actually expand the Board's jurisdiction. Surprisingly enough the same time the budget process was going through, we were talking about eliminating the Board there's two bills out there that would actually expand the Board's jurisdiction to mechanical repair shops. One of those bills is Senate Bill 37 has received 4 hearings in the Senate. A bunch of repair shops have come in and testified; submitted letters. No one has testified in opposition and it was ready to be reported out of committee. The Legislators got into a caucus meeting and some mentioned "hey, isn't the Board going to be eliminated or isn't it subject to review? Why don't we wait until that review process happens before we move forward on this bill?" So despite all the support that we've had for the mechanical and repair registration bills; despite the lack of opposition, they're probably going to hold back on passing that until the Sunset Review Committee announce its review. The Sunset Review Committee is probably going to be the main legislative issue that we probably need to address.

DOUGHER: And it's going to take a lot of communication from the body shops to make sure that they understand the importance of the Board and why we need it. We've been lining people up to get ready for this thing; I think after the first of the year we'll probably really go hard at communicating it to the members of what we will do because it's not just people that are going to testify, we need letters sent, we need phone calls made, we need e-mails sent from body shops so that they'll understand the importance of keeping this board. We worked hard for it back in the 90s and I think it's very important to obviously keep it for our industry to make us more professional. It's going to be all hands on deck so if I call on you, please take my call.

WAGNER: Those letters don't necessarily have to go direct to these people; you just contact your own local

HUFFMAN: Eventually this is going to have to be passed by the entire General Assembly. So what the Sunset Review Committee do, they issue a report and it's essentially just a list of every single board and commission that was reviewed and you get if you guys should "stay" or "no" – it's pretty much how the legislation goes. It's a really long bill because they strike out all of the language with some of the Revised Codes and that's pretty much it.

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DOUGHER: Matt, it wasn't too long ago I called you and said "Listen, can you contact this guy and see whose part of it." It takes a little bit time but it's well worth it to make those calls.

HUFFMAN: And there is an opportunity for public testimony; it's a little bit different than a typical committee hearing. When the Board's up, which isn't going to be this year according to their website, it will probably be next year. You get one day, Mike will testify and often times the executive director is the only one that testifies. Since this is a unique situation; we've been under a microscope I would suggest that if the industry really does feel passionate about the Board it sends public members, those that are in the profession. If you're following up on a complaint or working on a complaint or helping a consumer out and if they would like to testify or submit a letter that would key because this isn't just for the industry, it's not just for the profession, it's for the consumer as well. To make sure their car is being repaired by a legitimate operator and someone's not going to "pick up shop" and leave after doing a poor repair on their vehicle. So any consumers that you work with are sure that they know that the board might not be around to help. In fact, I think the Board just got a complaint from Senator Oelslager about a mechanical issue and you can't do anything about it. We need to make sure that the Board's there to help the consumer; we could do something if we had jurisdiction over the mechanical repair industry. It is going to be like Matt said kind of an all hands on deck kind of situation.

DOUGHER: We've also been doing a number of legislator shop visits. I don't know if you've seen some of my e-mails come out about those. I just did one with Ron Nagy a couple of weeks ago with Senator Amstutz and it went well. We're doing one with Nan Baker on Monday up in Cleveland at (INAUDIBLE) CarStar in Strongsville. We've done them in Cincinnati; we've done them in Columbus. If ever comes a time you open your shop up to someone, we would be happy to line that up. I will go out there and Andrew, if he can make it, he'll go. We'll go to the shop and we'll explain why this board is important to us.

GREENE: You might want to talk to, if you haven't already, Dave Weber, West Alexandria, because he's got the ear of a couple of lawmakers over in his area. He would probably do a shop visit with them.

WAGNER: He's also a past board member.

GREENE: Right, he's a former board member, also.

HUFFMAN: I think it's another thing that folks that have served on the board; current members obviously, but then past members they can provide a lot of insight that we can't even provide. I think that in getting them, we contact legislators and getting them to testify that would be key.

GREENE: Bob Anderson would be another good contact.

HUFFMAN: And the nice thing about this website; typically with committee hearings you have less than a week's notice; this website really lays out whose going to testify and when so we'll get a couple of weeks' notice (INAUDIBLE). Because I know it's a big commitment to pick up come to Columbus and testify. When you're trying to run a business, I understand it's difficult to do, so the more notice that we can get the better it is to get to line folks to testify up.

WAGNER: We need to get out ahead of this as fast as possible because if I understand right; we've talked to Senators Schaffer and Balderson and they didn't know anything about

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it. Of course it's not in front of them yet, it's not out of committee until it's up in front them that's the only time they're going to know anything about it, so the sooner we can let them know what's coming down the pike the more time they've got to react.

HUFFMAN: The thing that's most concerning is once the committee issue its report, that's typically is amended through the process. We had a great example with SB 37 and HB 199 both Mechanical Repair Registration bills. Those go through changes through the committee process. This report, once it's written, it doesn't really change too much. So, we need to work and insure that the report maintains the board as is and doesn't necessarily (INAUDIBLE).

And if I can transition to SB 37 and 199, it has received a number of hearings; 4 in the Senate and HB 199 received 1 hearing in the House. The insurance industry brought up a concern with some of the rule making language in the bill. It gets the board some additional authority to help draft the Administrative Rules. One of those helps create a single standard (UNAUDIBLE) estimates. I'm not sure where this language came from; I've been working on this issue for 6 years now and it's always kind of been in our draft. I think it would make sense just as an outsider that every shop it would be nice to have one standard estimate, one standard invoice form that you would have to complete. It would insure everything legally that you would have to have on there and any unnecessary stuff isn't on there. The insurance industry has some concerns with that; we've met with them, we've met with legislators as far as we know we haven't heard too many concerns from those in the industry of removing this language. It wouldn't make any change from how we operate today. So I didn't know if that, Mike, you and I have had some conversations about this. Is this an issue that is really important to the board? Is there any background information that you can offer or is this something that can be removed from the bill without any problems?

DOUGHER: They've never acted upon this language.

HUFFMAN: No, no.

DOUGHER: It's just in there just in case they want it.

HUFFMAN: Yes, it wouldn't make any changes to how we operate today.

PENNEY: Would it be something to think about getting some of the industry heads like Mike Anderson from Collision Advice or Mark Claypool to testify or write a letter?

HUFFMAN: It just depends on if we want it or not. In the big scheme of things, this is.....

DOUGHER: Are you talking about from the Sunset Review Committee or are you talking from this language?

PENNEY: For the Sunset Review.

HUFFMAN: Oh, yeah, absolutely!

DOUGHER: I think that might be good!

HUFFMAN: The more people we can have come in the better.

DOUGHER: Chris, is there anyone else that you can think of?

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HUFFMAN: Probably just on the collision side.

GREENE: What about your dad?

STERWERF: Mark Olson from Verifax, Larry Montinose, PNL Consultants

HUFFMAN: The more folks we can get to actually advocate for the board's existence, the better. I would be surprised if there would be a big push to eliminate the board as far as just outsiders coming in saying the board is a waste of state resources or something. I don't see that happening. The more proponents you can get the better.

STERWERF: Getting back to the Sunset Review Committee; what would be the most efficient and effective way for letter writing to get a campaign going? Would it be to do it individually and carbon copy ASA; or write a letter and send it to ASA and then.....

HUFFMAN: I would say as your standalone business, on your letterhead.

STERWERF: I didn't know if

DOUGHER: Just let us know that you sent it would be important.

STERWERF: Okay.

GREENE: Don't forget to include the benefits to the consumer. You go over and talk to these guys and that's what they are going to want to know "How is it helping the consumer?" "What are we doing for the voter?" That's what they'll want to know.

GREENE: What about the caption in the Sunset Review Committee's law that said they do not have jurisdiction over a board that has Common Pleas Court review?

HUFFMAN: That's why we weren't subject in the past to the Sunset Review Committee's process. Since the budget language specifically stated The Motor Vehicle Repair Board is going to be reviewed by the Sunset Review Committee, apparently that trumps that language or at least that's how it was described to me.

RIFE: Is there anything good that comes out of that Sunset Review? In other words, if you pass obviously, they're going to leave you alone for a certain period of time?

HUFFMAN: For six years.

RIFE: Well, I mean even beyond that potentially?

HUFFMAN: Beyond that, I'm pretty sure this budget language has input what is called "temporary law". So it would essentially go away and would be enacted 6 years down the road. So as long as we don't have another hiccup like this, 6 years down the road, we won't be subject to the Sunset Review Committee's review process.

What good can come out of the Sunset Review Committee? There are a lot of boards and commissions out there that haven't met. They have been formed, they've issued let's say, a study committee or something like that. It's doesn't need to be around. Boards that haven't met in 4 or 5 years yet they're still technically operational. So those are the boards they are trying to get rid of. You will be surprised at how many there are. This would be kind of a

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unique circumstance where they just strike a board that is serving a purpose. There are a couple of other proposals out there to merge the Barbers Board and the Cosmetology. So we're not the only one in review that is receiving special scrutiny but we are one of them.

STERWERF: We can look at it as an opportunity to re-educate the State of Ohio and get out name out in front of them and maybe even get someone fired up to push for even stronger legislation for us. Give you guys an opportunity to educate.

HUFFMAN: Especially as cars getting more and more technical, these back alley shops the consumer in more and more danger. The more computers that are added to these vehicles the more skilled you have to be.

DOUGHER: Well just the different materials now. I was listening to Ron when he went through it, there was some equipment guys are using on welding and so forth that they shouldn't be using and it's an investment and they're not making it. It's amazing the different types of materials that cars are made of today and what you need to do.

DISCUSSION CONTINUED

D. Director's Report – Mike Greene (PLEASE SEE ATTACHED)

Investigator Dan Gibson's Retirement – January 7, 2016

6. NEW BUSINESS:

A. 2016 Board Meeting Dates

MOTION TO ACCEPT MEETING DATES: CHRIS STERWERF
SECOND: DON RIFE, JR.
VOTE: MOTION CARRIED

- B. Dir. Greene/Rules Review – I sent out the rules with the proposed changes on them for you back in September, and to give you a lot of time to look at them ahead of filing. I have not really heard anything negative or positive, or anything. The one thing I've told you when I put it out there is that we have to stay in line with Senate Bill 114 which was passed in March of 2013. We have to stay in line with the Revised Code. If something changes in the Revised Code then the Administrative Rules need to change. We're up for a 5 year review on those; they have to be done one way or another. If it wasn't for the tint being added, the name being changed, the prosecution going to Franklin County we'd probably would have 28 no change rules because we haven't had any legislative changes at all. Is there any particular rule that you saw that needed something else done, or tweaked, or mistake or anything like that? It's a process that if we don't get these rules filed by November 30th we'll have to wait until after the first of the year and there are timelines that you have to go through and reviews you have to go through with the Common Sense Initiative Agency that has to review every rule to see if there's anything that effect small business. JCARR has to review everything to see if there's any kind of a monetary affect to small business; that type of thing. We still have to go through all of that plus the public hearings. So, if we have something that you want in there or you don't want in there, you think we have the authority to put in there or something – now is really a good time to do it.

Is there any discussion on the rules; do you want to vote to accept them as I sent them out? I'm not sure they'll fly because they haven't been reviewed yet – that's a draft.

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WAGNER: Is this the next step to....

GREENE: Yes, I don't want to change anything even if it's in the ORC without the Board agreeing on it and approving it. Like I said, most of the changes as you can see revolve around taking the word "collision" out, the word "registration" out and adding "tinting". So the major changes start out in the definitions because the word "collision" is in there everywhere and there may be a place in there where I missed it. It's a real easy thing to do when you're reading 28 rules to miss a word. I did add a couple of things but they were already in the ORC; it didn't really change anything it just kind of defined it a little bit. Does anybody have anything on these?

MOTION TO ACCEPT THE DRAFTED RULES: EARL DOHNER
SECOND: MATT PENNEY
VOTE: MOTION CARRIED

8. **ADJOURNMENT: NEXT BOARD MTG. – FEBRUARY 17, 2016, LOCATION:**
Vern Riffe Tower, 77 South High Street, 19th Floor, Room TBA, Columbus, 43215.

MOTION TO ADJOURN: CHRIS STERWERF
SECOND: EARL DOHNER
VOTE: MOTION CARRIED

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