



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

**February 17, 2010 10:00 AM**

**Vern Riffe Tower  
77 South High Street  
19<sup>th</sup> Floor, Rm. 1924  
Columbus, Ohio 43215**

**1. THE MEETING WAS CALLED TO ORDER AT 10:04.**

**MEMBERS & GUESTS PRESENT:** PAUL DUNCAN, JENNIFER JUSTICE HALEY, RICK FINNEY, RUSSELL WESTFALL, MICHAEL R. GREENE, DANIEL GIBSON, KIMBERLY SHERFIELD, TED KLECKER, ADAM LEMEKE, BRUCE HELMAN, GREG BARHORSE, BOB JONES, WILLIAM HANLIN, DANIEL KNASEL, DENNIS STERWERF.

**2. REVIEW OF NOVEMBER 18, 2009 MEETING MINUTES:**

**MOTION TO ACCEPT: JENNIFER HALEY**

**SECOND: RICK FINNEY**

**VOTE: ACCEPTED**

**4. BOARD REVIEW AND DETERMINATION RE: PENDING REGISTRATION APPLICATIONS:**

A. Vote by Board on regular registrations pending from October 31, 2009 through January 25, 2010.

**MOTION TO ACCEPT: RICK FINNEY**

**SECOND: RUSSELL WESTFALL**

**VOTE: ACCEPTED**

**5. OTHER BUSINESS:**

A. Investigator's Report (Inv. Dan Gibson) (**Totals as of February 11, 2010**)

<i>Shop Visits</i>	90
<i>Renewals</i>	1
<i>NOV</i>	29
<i>New Shop Apps</i>	9
<i>Complaints Investigated</i>	26 (involving 26 shops)
<i>Prosecution Action Pending</i>	333
<i>Shops Located Out of Business</i>	1



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B. Status Report on Injunctions (AAG Ted Klecker) - *There are two different cases pending that we are requesting injunctions. One is in Jefferson County against two collision repair shops, Kevin Robinson dba Robinson's Collision and Rick Fair dba Rick and Di's Auto Body. Both of these shops received notice of this via certified mail in December. We are waiting on court to set a status conference or pre trial. Nothing has happen on the court's side; we are waiting for the court to act. The other injunction is in Belmont County. Again, against two collision shops. One is Caz Krupinski dba Martin's Auto Service, 25 Liston Avenue in Lansing and the other is Josh Price dba Price's Auto Body and Collision, 101 Center St., in Martins Ferry. What has happen is there was service on Caz Krupinski, however service was returned via certified mail on Josh Price. Because the service was returned via certified, I requested that it would be sent out on Personal Service where the sheriff will personally serve him with copies of the complaint. I got back on January 26<sup>th</sup> a letter from the court saying they attempted personal service on Josh Price for Price's Auto Body and failed. It stated that the sheriff went to the shop and the shop was closed. I will need to follow-up and see where we go with that next, whether they were really closed, out to lunch, taking a break or on vacation.*

**QUESTION:** *Can we serve them?*

**ANSWER:** *I don't think we can. You can't have a party representative serve the other. Another choice that we might have is the court appoints a special process server. You have the option of a sheriff or a special process server.*

**QUESTION TO INVESTIGATOR GIBSON:** *The next time you're in that area, can you stop in and verify that they are still open?*

**ANSWER:** *Yes.*

*We have a couple of other counties that we will be focusing on in the next few weeks.*

C. Status Report on Legislation (ASA Adam Lemke) –

*Right now as far as the licensing goes, we're pretty much same as last time. The governmental policy group is still looking at any opportunity to put that in there. Obviously, our main focus is still protecting what we have here right now.*

*The drafting of legislation ruling against installing refabricated / refurbished airbags after a collision. A new airbag must replace an airbag that was deployed during a crash.*



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### 6. NEW BUSINESS:

A. Board Member Re-Appointments (Haley & Nagy) – Reappointed for December 2012 – No one appointed for the consumer position.

B. Election of 2010 Officers

*Nomination of Jennifer Justice Haley for Chairperson: Rick Finney*

*Second: Russell Westfall*

*Nomination of Paul Duncan for Chairperson: Jennifer Justice Haley*

*Second: Rick Finney*

### **PUBLIC COMMENT**

*Dennis Sterwerf: The Collision Repair Board needs to be very careful about its political sitting with the push to shut down the Board and with the lawsuits, being the Chair can be very treacherous. The Chair shares a lot of power.*

*Vote for Chair Person: Paul Duncan elected to another term*

*Nomination of Jennifer Justice Haley for Vice-Chairperson: Paul Duncan*

*Second: Rick Finney*

*Vote for Vice-Chair: Jennifer Justice Haley elected to another term*

C. Resolution on Appt. of Authority – *A few months back, the Attorney General's office had us send out the document changing the Director's authority to accept resignations. What they did was, they originally put in the job descriptions, and that stems from a lawsuit that the state lost where an employee resigned and the executive director accepted their resignation and later, the employee changes his mind. The executive director told him no because he accepted his resignation and it couldn't change. He decided to sue the state and wanted 3 years back pay by the time it went to court. The reason they lost was because the board had not given the director the authority to accept resignations. The director was given the authority to hire, terminate and everything else in between but accept resignations. It was requested by the Attorney General's Office that each State Board pass a resolution for delegation of authority to the board's executive director to accept employee's resignations. Have the board vote on it and then have the Chair, Vice-Chair and Director sign, date and stamp it and put it on file.*

**MOTION TO ADOPT THE RESOLUTION: RICK FINNEY**

**SECOND: PAUL DUNCAN**

**VOTE: ACCEPTED**



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- D. Attorney General's Suit against Mid-Ohio Collision – *Mid-Ohio Collision is a shop that we started a case on, investigation wise, due to a complaint from a year or so ago. We ended up taking the complaint to the Attorney General's Office Consumer Protection because we realized that it wasn't something that we had authority over. That complaint generated their investigation. A couple of pending court cases consumers had against this particular shop resulted in them bringing Director Greene in to testify. The Attorney General's office ended up filing a suit against this shop for false advertisement, fraud and using the consumer no call list to contact consumers recently involved in car crashes. This shop was not legally registered. They got registered when they realized they were in trouble. By that time, our investigation had already been turned over to the Attorney General's Office. They continued their underhanded practices so the Attorney General's Office sued them for \$25,000 per count and there are hundreds of counts. I brought this up because even if a shop was legally registered, this may give us cause to suspend their registration administratively. I was unclear on how it worked; I wanted to present this to the Board and Asst. Atty. General Klecker. As it stands now, they are not registered legally and they will probably pop up again somewhere else, if they close, under a different name.*
- E. Federal Court ruling against Ohio EPA – *Ruling that Ohio EPA could not operate Permit by Rule the way they have been operating it since April, 2003. Where the Ohio EPA was accepting the shops word as far as their air permit limits, so they were ruling the shops De Minimis without even checking them or their records. This is how the Ohio EPA interpreted the Federal EPA Guidelines – the problem is the – January 2011 – Clean Source Rule – The Ohio EPA wants to do the same thing with that, it doesn't want to go by the Federal EPA guidelines and this lawsuit could have an impact on hundreds of shops listed as De Minimis. It was proposed that five division managers from EPA attend the May 2010 board meeting.*

### 7. EXECUTIVE SESSION:

**Motion to go into executive session: Rick Finney**

**Second: Russell Westfall**

**VOTE: ACCEPTED**

A. Personnel Matters – Michael Greene's Performance Evaluation

**Motion to go back into regular session: Jennifer Haley**

**Second: Rick Finney**

**VOTE: ACCEPTED**



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### 8. PUBLIC COMMENT:

*A public discussion ensued regarding insurance agency steering (Cadiz Insurance Agency) and the origin and the purpose of the Collision Repair Board.*

*There was also a discussion regarding banks and unregistered shops. There are many illegal repair facilities that are banking with local financial institutions on a daily basis. It was suggested that banks completing transactions with illegal shops would be in violation of the laws covering money laundering. It was discussed that Director Greene send out correspondence to the Department of Commerce regarding the issue and how to get this information out to banking institutions.*

### 9. ADJOURNMENT:

**MOTION TO ADJOURN: PAUL DUNCAN**  
**SECOND: RUSSELL WESTFALL**  
**VOTE: ACCEPTED**

**NEXT BOARD MTG. – MAY 19, 2010, LOCATION:**  
Vern Riffe Tower, 77 South High Street, 19<sup>th</sup> Floor, Rm. 1918, Columbus