

AUTO COLLISION REPAIR LICENSING ADVISORY BOARD

MEETING MINUTES FOR JULY 29, 2009

Members present: *Dave Reynolds, Chairman
*Richard Berstein, Legal Counsel – DBR
*Gerald Galleshaw, Public Member
*Dave Doucet, Rhode Island State Police
Dennis Gamba, Cranston Collision
*Larry Alan

Members absent: Charles Nystedt, Metropolitan Insurance Company
Dan Coleman, Fournier & Coleman, Auto Glass Industry
Paul Kiernan, of Paul Masse Dealership

Others present: *Kim Precious, Implementation Aide, DBR
*Randy Botelho, Reliable Auto
*Tom Broderick

MEETING CALLED TO ORDER AT 10:34 A.M.

NEW BUSINESS

MINUTES

DR: Approval of previous meeting. All in favor
Evaluation of old application, KP, RB & DR. reviewing application.
KP: Trying to make it easier to read and add more questions so we have more ?'s about each shop.

DR: specifics on some equipment so TB can go in shops and check equipment.
RB: Tech certification coming up for 2012 renewal thinks it would be prudent to put in application not applicable until 2012 renewal tech certification under area 4 of 10 where ask for name and address of employees for 2011 renewal need to show tech certification.
DR: not incorporated on form yet.
RB: would be in middle where ask list of employees and have a warning. It needs to be done would give 3 year notice.
KP: will send letter not approved yet out when they get wall license for 2009 renewal.
DR: Tom you will enforcing. Asked tom comments.
TB has not had time to review.
LA: on the affidavits you are making a sworn statement there should be a cite of the statute.
RB: It just is not done. I do have a question on first page. I do have a question if it is applicable fire chief approval in city/town.
Rbot: evidence for fire safety check.
Richard. Got it. Good
Randy: there is a request if they are approved for spraying.
It says paint system. Compliant with state local fire laws is a separate issue.
Dave: the fire marshal will look at how it is hoisted. This is a uniform code. Very stringent code.
Randy: These are two different issues. One is actual paint the goes on car, the system applies chemicals, the second compliance to spray is fire aspect.
Richard must be amended?
Randy: in each of the affidavits must be broken up.
They got merged into one.
Dave: Compliance with shop doing business with paint wholesaler that he is buying paint from he does not need entire system in shop.
Randy: Correct. Because we put in the regulation access to system.

DAVE: buying paint from dist do not need to have entire system in shop. Would be compliance if have sales receipt.
Tom: are you saying they do not need to mix.
Dave: They can do away with very costly part of fire safety check if they did not want that system on premises.
TB: unlicensed bought the paint. That is first I heard of that.
Dave: it is not really practical in this day an age because colors could not match.
Tom: This guy is only going to work on trailer.
Randy: perfect for non-system shop. That is why we put access to mixing system.
He can purchase paint in quantity for job.
Dave: Lot fo
Kim: Should we change that?.
Richard: I have a suggestion, page 6 number 5. could you say a paint system utilized in a spray-booth or room which is comp with.
Randy: no.
Richard:; why
Randy: Paint system is one thing.
Richzrd but when you are saying the paint system utilized in a spray booth or room.
a paint.
Kim : I would say get rid of spray booth or room compliant with state out of that sentence.
The wording is there that is on the reg except I added in compliance with state and local fire laws.
That is the reg.
Randy: That is perfect for a paint system.
Kim should we define what access means.
Randy: No. not neccesary
Richard: so you want to take out spray booth or room. Compliance with state local fire laws. Any place in this app that attests to that. Where are you looking for in
Kim: In instructions. I didn't I will put in application. Have you submitted fire safety compliance and attach. One sentence to check. Attaché copy..
Raihcard/ 5 would be painting system. New 6
Kim > not an affidavit on application signing application. To .
Dave: tom any questions on paint. Randy or any
Tom I plan on going out to one of those shops. Checklsit.
Dave: take a rode with you.

Notaries

Larry: questioned raised seal?
Dave asked kim to reflect on app raised notary seal.
Larry notaries required to keep a log.
Criminal history check? Licenseing sattue atlkds about not only owners and managers. Can you revise clarity on terms of statues.
Dave: managers are filing out application
Parameters speficaly outlined violatrons.
Insurance fraud.
Richard: is this on line
Kim
Richard:
Kim we do not go through on line.
Richard if we get better system.
What you can aske If they answer yes to felonly question application would shut doen and have to contact equation.
Larry dave's point is what we want to ask do you anticipate if anybody in shop has been convicted.
Richard. On line what you can do if they answer ues tjeu can't continued they have to call dbr.
Same thing with tax affi. Online app can not be completed.

Dave: if persons working withing body shop were working on cars. Goes against the grain. ACI training people to work in industry and then you are turning around a saying you can't work in body shop.

Larry: I think they are talking about a manager or something make clearer to intend the terms of the statue. Wouldn't having manager with felony be a violation.

Dave: myself personally I don't have anyone.

Richard: they are talking about someone in authority

Dave: body shop industry not as stringent as sales.

Dave R. I think we are making a big leap.

Dve; I don't mean to renew annually. I mean to list annually.

Dave R: We have to list all out employees

Dave D: on new hires:

Richard: you have an obligation during three years you have to report to DLT.

Randy: I think it is more important with people making sales and in a body shop we don't have people handling money. Anyother thing I noticed on front page of instructions tax payers status affidavit where to get it should e listed on the front page rather that were it is now on the last page.

Richard: question on criminal history.

Randy also sales tax permit numbers should be on application and information how to get it.

Kim took off because tax affidavit was sufficient.

Randy: the front of the instructions the tax permit permit to do business in state is different from tax affidavit.

Richard: I will work with you on language. ? Criminal History question is this is a RI BCI what about national BCI. People roving from one state to another ripping people off.

DAVE: That is a data base maintained by FBI. Limited access for State Police.

Richard **amend application to ask applicant if they have been convicted in any other state.** Circumstances are regulated. Feds have to allow. Has concern about illicit operators.

KIM: Second question. Askes. Add question similar to this for applicant.

Dave Reynolds: A criminal will not care how they answer.

Doucet: Once every 18mths they will audit State Police BCI records.

Richard: have you every been subject to disciplinary action.

Reynolds: Diciplinary action can mean anything.

Doucet: Federal records Keep RI information. Realize what you are looking at. This is body shop. Not banking laws. How deep can the crime be.

Richard. A condition of licensing you can't have a criminal record. The statue talks about this. What if you are a shop has a practice of hiring from other states.

Doucet: I don't think this would be practical to do what you are asking because only. You can ask it but as far as purgury goes is just a deterint effect. Guys lost licenses if they lie on app.

Kim: The question to list the employees I can put on the application.

Richard: That would be a regulatory question and a hearing would be required. Sufficient authority to issue a bulletin. Note rather than listing every three years notify DBR of turnover.

KIM: once the tech certification starts this question would be required to keep a ratio.

Richard; if we put this in the app would it be a big issue.

Reynolds: What happens with illegal aliens.

Richard: E-verify.

Reynolds. My employees are fixtures.

Randy: yes. Payroll company does it.

Galleshaw: Can't this be done semi-annually.

Doucet: Look at the big dealerships.

Richard: end of anniversary have a listing.

Reynodl: When does it become intrusive?

Doucet: Does the DBR have an interest in tracking.

Kim: upon Certi fo tech

Richard: Refers to complaint and employee had license revocation.

Reynodls: normal citizens move from body shop to shop.

ACLU got actively involved with regulation that wanted to know more criminal history about citizens.
Ricard: If we require the listing it is reasonable to ask and I think it will hold up in court and I think we won't have any problem with the ACLU.
Kim: what if they different equipment.
Randy:; I think we have bigger fish to fry instead of confirming the turnover in help.
Reynolds: Made a motion for everyone to go over application and e-mail to KP. Everyone's input would be appreciated.
Chap: plead nolo contendere regardless if sentence was imposed. Many lawyers will argue until the cows come home.
Reynolds: In situation were an action is overwhelming would lead someone to take suspended sentence. We are asking about felony convictions.
Doucet: What the law is asking is different from what a felony is.
Chap: Question asked to lawyers to define our application.
Richard: Corporation question ask if they are incorporated out of state.
Reynolds: we are making this more complicated then we want.
Richrd: For any other issues. We are seeing more and more licenses not having the financial backing and run out. Fincial statement. Line of credit. \$50K.
Minimum value on equipment. Square footage.
Randy: own real Estate or 3 year lease. Second 50K line of credit to buy parts. To not start of in bad way..
Reynolds: With the present economic situation prevent small business owner from doing business in RI. Remember where we came from. Is far
Richard: Example Licensee go out of business and be a problem to public danger.
Reynolds: scenario different put off to future discussion. Credit line a burdensome question in today's economy.
Randy: This would take a change in regulation.
Doucet: on first application is there an inspection done.
Reynolds: yes

Appendix A

Dave: are we talking about work completion forms.
Randy: yes.
Richard: This is very poorly written and again this would require regulatory change but it is causing a lot of problems.
Reynolds: referring to corresponse of March 20th, 1995 signed by Barry Hittner relating to this particular issue meeting review of statutory language found in 5-38-28 and regulation 10 was conducted licensee were correct in there contention nearly calls for a form that certifies the repairs that were made. This was revisited on several occasions and never was amended. I have some other correspondence. There was another meeting held on this particular issue and I will provide correspondence. Didn't we put this to special committee on next meeting.
Richard: We must re-visit.
Reynolds: Can you take the helm on reformation of subcommittee on this.
Chap: The spirt of this regulation came from the task force to determine if the car was repaired o rnot repaired to ensure the car does not get repaired twice for the same thing.
Reynolds: we just have the customer sign, we take the customer out of the loop hole. We send those forms now.
Nystedt: A number of shops just give it to the customer because it is just a headache.
Rancy: We stamp the form and hand them back to the customer.
Reynolds: repair order. The actual work that has been completed on the vehicle and sometimes it doesn't necessarily reflect the estimate. The customer is approaching the insurance company to be ndeminified for a loss he is actually asking for the monetary amount for the preeaccident value of the that vehicle at that stage fo the game he can decide to not have the work done and that is what that form is for. Pre-existing damage.
Richad: This subcommittee should re-invent the form so it reflect the intent.
Reynods: Motion to move to revist this form.

Chap: Will give my personal address and to Richard.
Reynolds Motion to move over to subcommittee motion approved.
Replacements for board member Tom Broderick rep DBR and Insurance ?. Wait until get nod from governors office.

Senate Bill 450 House Bill 5893

Body shops must perform repairs indoors is now law in RI. 7/16/2009.
Other than glass and painless dent repair - dings and dents. Mobile means is illegal with the exception
Randy notified Craigs list is aware of it.
Richard: for tom to investigate if he get reports of mobile body repair.
Illicit autobody repairs they travel and take off fenders.
Randy: I did on behalf of autobod
Richard: Craigs list had othe rproblems so this might not be high on the todem pol.

Reg 3

Richard: Status of reg 3 new business a refilling has been made. There will be another public hearing 8/25/2009.

Chap: clarification more than one document attached to notice the actual doc subject to hearing the one with new address

Richard the haring office was tryin gto give the cron travel

Chap: page 13.

Richer: make sure comment on correct version.

Kim: it is 22 pages.

Letter of appreciation

Renolds: letter recognizing chap thanking personally for time wisdom and to board and future happiness in endeavors on behalf of board.

Chap: Brought sense of devotion nad dedication to this industry and has been a great experience.

New Business

Kim: DEM looking for a list of auto body shops for paint stripping.

Reynolds: This is to reduce hazardous air particles.

Kim this is federal

Reynolds: Federal EPA

Randy: in review this another thought self certification form EPA sends out.

Reynolds: If you don't fill out first ones they are goin to

Richard: are we going to put on app.

Randy: **have you self certified from DEM.**

Richard: Is it a painting checklist.

Randy: oh yeah. Liquid contaminantes

Reynolds: Make a motion to adjourn: 11:45

Richard refilling has been made another public hearing on or before 8/25/2009.

Nystedt: there is more than one document subject to hearing the one with the new address what the

Richard: what the hearing office is trying to do is give a chronological point of view. Just make sure you differentiate the point of view.

Chaps: ? clarification there is more than one doc attached to notice subject of hearing. One with new addresses ?Application – Painting

BCI – look at someone In authority RB? RB National BCI Interstate BCI is FBI has limits for some reasons not obvious to. Have you been convicted in any other state? Illicit operators
Disciplinary

Taxpayer status – explanation of per RB obligations – language

Sales tax permit numbers.

Purgery is a deterint effect. Can charge with filing false doc. Misdemeanor . DBR lie on app generally you are done. Change in employee status. That would be a regulatory measure.

TB: KP that was with alarms too. RB: Sufficient authority to issue a Bulletin highlight changes.

Update turnover easier to track. DD: KP: once tech certi in effect. 5-30 ask for any information. RB: is this a resource issue. DR: what happens about aliens. RB question use of e-verify. His employees are fixtures. DD: we use e-verify. RB I-9's GG: Semi annually report.

RB: All in favor. Meeting adjourned a.m.