

AUTO COLLISION REPAIR LICENSING ADVISORY BOARD

MEETING MINUTES FOR SEPTEMBER 24, 2008

Members present: Dave Reynolds, Auto Body Chairman
Gerry Galleshaw, Represent the People
Richard Berstein, Executive Counsel, DBR
Charles Nystedt, MetLife Auto & Home
Dennis Gamba, Cranston Collision
Kim Precious, DBR

Others Present: Tom Broderick, DBR
Charles Rockwell, AAA Auto glass
Brent Golden, AAA Auto Glass
John Cordeiro, Pilking, N.A.
Dan Turcotte, Patriot Auto Glass
Jim Dias, Dias Auto Glass
John Wisniewski, Payless Auto Glass
Lloyd Albert
Ed Jadnowski, Payless Auto Glass
Randy Bottella, ABARI
Rep. Bruce Long
Steve Zubiago, Nixon Peabody
Jodi Nourse Bourque, Nixon Peabody
Bruce Nash, ColorAll

MEETING CALLED TO ORDER AT: 10:40

Richard Berstein motioned to Approve September 3, 2008 minutes. Seconded -Dave Reynolds

Motion to pass minutes by Dave Reynolds. All in favor "I". Minutes past.

Glass Standards Update

Randy: The Board has been working on a proposal to implement glass standards for the glass industry in Rhode Island. From a statutory perspective, although glass was excluded from auto body board regulation, in subsequent legislation, the auto body board provisions were amended specifically to include glass installation representation, without repeal of the old restriction. We now have a glass representative on the board, although he has not been to a board meeting in almost a year.

The Board suggests the glass industry find a substitute person that would be more diligent in attending, and contact Chris Di Filippo, who is in charge of all appointments to Boards and Bureaus on behalf of the Governor's Office. She will need a resume of the person who would like to replace the existing glass representative.

RB: The glass standards have not been formally approved. Board recommends holding off on glass standards until there is representation of the glass industry at the table. If anyone from the glass industry has an interest in serving on the board then you need to make your name known. It should probably go through Chairman Dave, and then to Chris Di Filippo. As a courtesy let the absent member know you would like to have him replaced.

Dave Reynolds: E-mail requests to ncautobody@aol.com

UPDATE ON REGULATIONS

RB: The storage regulations are done. We are working with all due speed on code of conduct regulation and hope to get that finished ASAP. Then there will be a public hearing. Also, we continue to wait for the Chairman to get formal recommendation over to the Director on the Certification of Technicians.

New Business

DR: Asked if there is any new business before we move on?

OLD BUSINESS

DR: The board was e-mailed application from Color-All. Have all members of this board had time to review that application. It is important that the Board is diligent and downloads the entire application, so we understand what we are dealing with. We are going to try and be as quick as we can. Everyone has to read it; everyone has to go over it very thoroughly.

RB: So, procedurally, Mr. Chairman I understand that we are discussing under old business the Color-All issue generally, but we will formally for the next meeting put the new application on as a separate agenda item because in the next month, board members will have had the opportunity to thoroughly review and ask questions.

DG: For the sake of time would it be in the best interest of Color-All if we had a contact person. If one of the Board members had a question rather than wait another thirty days to get that question answered.

SZ: I would be very glad to receive questions.

DG: Is this package complete as it stands today?

SZ: If you have the packet dated September 5th. Do you have a cover letter September 5th?

DR: Yes.

SZ: September 5th Electronic, First Class Mail to Kim is absolutely complete. It is all in.

RB: And that is considered a new application.

SZ: Just to be clear and so that everybody remembers. We had an application in that this Board denied. It went to the Director for his decision. The Director did not accept your recommendation; issued a letter that gave suggestions for how to review this to give suggestions to both Color-All the applicant and the Board.

RB: If I may mention, the Director's letter was a denial, but encouraged you to re-file a new application.

SZ: You are right. This is a new application.

RB: At next month's meeting on October 29th, after a formal presentation and after the review by this entire Board this Board will then take a vote to decide whether or not the Color-All new application is going to go the Director with a 1) Recommendation to approve, 2) Recommendation to reject or 3) Recommendation to modify. As such, we will have to write to the Director as Chair indicating that on October 29th, after due consideration by the Board, the Board made a finding on the Application. Then, the Director will take the Board's recommendation under advisement

and then issue a ruling as to whether he agrees with the Board's recommendation, disagrees or wants to modify it, and then we are done.

SZ: I think it is a very reasonable request that the Board considers the matter at the next meeting and I would like you to vote. I said I would make myself available in the interim to answer any questions. Mr. Nash can speak for himself. His company has made an investment here in the state and would like to have the opportunity to know whether he can or cannot do business.

Randy: People who are not members of the board. Is it possible for them to view the application that has been submitted so that they can be prepared to discuss anything at the next meeting?

DR: Is there any problem with that?

JNB: It is a public document as far as I know, it has been submitted to DBR as a public document, as an application for a special use license.

Mr. Nash: So is it likely that there could be more information required that even the Director didn't ask for?

Dave Reynolds: Well sometimes in a discovery process it leads to more questions. There are several lab reports that I can't read. Although I can read those lab reports to a certain extent, there is some information that I would have to defer to a more appropriate agency to give me some clarified answers that I am looking for.

JNB: Obviously, we will be able to provide you with the answers to any questions you have. He's currently operating in 37 states. One of which he operated in Southern California that is arguably the most regulated environmental area in the whole United States.

RB: Does the applicant operate in Connecticut or Massachusetts?

Mr. Nash: Massachusetts. Not in Connecticut.

DR: On your web site, one of the places that were advertised was Rhode Island.

Mr. Nash: We did at one time. Yes.

Randy: You did what.

Mr. Nash: Operate.

Randy: In the beginning?

Mr. Nash: Not since the first application.

DR: So basically. You were operating at one time without a license?

Mr. Nash: We didn't think we needed it. I think it was though the franchisee in Boston.

DR: I commend your honesty.

Mr. Nash: He found it to difficult to manage so he relinquished the rights to Rhode Island. This was maybe three years ago. Then we took on a new Franchisee and then we realized we needed a license of some description. That particular franchisee never operated and we had to give him his money back about four months ago.

Dennis Gamba: How much does a franchise cost?

Mr. Nash: \$75,000.

Richard Berstein: So if Fed-Ex had a dented truck say in Cranston. You could obviously fix it in Attleboro if you had a facility there.

Mr. Nash: We could.

Dave Reynolds: Would it be acceptable that if I had a question for Mr. Nash that I copied everyone on the board.

JNB: Yes

DG: Mentioned we need to get Dent Wizard and Dent Pro and all those companies back on the agenda to discuss. Dent Wizard, Dent-Pro, and Paint-Bull are basically doing the same work out there that Mr. Nash's company is seeking to do. I actually found them when looking at a Sunday Ad in the Journal and then going to ProJo.Com. I think we should send these people out letters telling them that they need to come to this Board with an application probably for a limited license and get on the agenda like this gentlemen.

RB: And if they fail to appear, send them a cease and desist order, and begin formal administrative proceedings. What I suggest you do Dennis is as an investigator on behalf of the Board; send something formal to Dave as Chairman of the Board, saying that the Board asked you to investigate whether or not there is unlicensed activity going on. Then from there you can order them to come in.

Dave Reynolds: Made a motion to adjourn. Seconded, CN and RB. Motion accepted, meeting adjourned at 11:50 AM