

**Commonwealth of Virginia
Board of Towing and Recovery Operators
August 4, 2011 10:00 am
Bass Pro Shop
11550 N. Lakeridge Parkway
Ashland, Virginia 23005**

MEETING MINUTES

Members Present

Lt. Curtis Hardison - Chairman
Roy Boswell
Adan Rangel, Jr.
Scott Wyatt
Randy Seibert
Woody Herring
Gary Teter
Dale Bennett
Richard Metz

Mark Sawyers
John Beall, Jr.
Capt. Raymond Gill
Lynwood Butner – Designee for the Commissioner
of the Department of Motor Vehicles
Andres Alvarez - Designee for the Commissioner of
the Virginia Department of Agriculture and
Consumer Services

Members Absent:

Capt. Steve Chumley
Tony Trolio
Charlie Brown
Kenneth Mitchell

Staff Present:

Barbara Drudge
Sharon Childers

Board Counsel:

Janet Westbrook

Call to Order:

The meeting was called to order at 10:03 am.

Public Comments:

Lee Bowman of Bowman's Towing of Harrisonburg discussed his concerns regarding the free Driver Authorization Document process. Barbara Drudge discussed the Board's procedures when the Board issued licenses were staggered in 2010, that there was no relationship in the licensing system maintained by the Board for tow operators and tow drivers, and that operators and/or drivers may submit applications together if the driver authorization document and the operator license expire at separate times. She referred to the application that states that in order for a Driver Authorization to be considered free, it must be attached to the Operator's application.

Andres Alvarez made a motion to refund Mr. Bowman \$50.00 for his Driver Authorization Document fee, if Board Counsel concludes it is legal to do so. Lynwood Butner seconded the motion, and it passed unanimously.

Scott Wyatt recommended addressing the application's language, and Roy Boswell recommended eliminating the free Driver Authorization Document and reducing the Operator license fee by \$50.00, if possible.

Acceptance of Meeting Minutes:

Dale Bennett made a motion to accept the draft minutes as presented from the April 29, 2011 meeting. Woody Herring seconded the motion, and it passed unanimously.

Committee Reports

Administrative Affairs Committee – Woody Herring, Chairman

Mr. Herring stated the last meeting was held on June 28, 2011, that there were no public comments, the previous meeting minutes were accepted, and the Committee went into Executives Session. Upon reconvening, a motion was made and passed unanimously to accept the resignation of J. Marc Copeland.

Application Work Group – Scott Wyatt, Chairman

Mr. Wyatt stated that the last meeting was held on July 20, 2011, that the Committee meets approximately every three weeks to review applications and the criminal histories, including misdemeanors within three years of application and felonies with ten years of application. The next scheduled meeting is August 10, 2011. Mr. Wyatt provided the following meeting statistics:

- July 20, 2011 – 14 reviewed and 14 approved.
- June 22, 201 - Eight reviewed, three approved, and four required additional information
- June 1, 2011 – Eight reviewed, three approved, and five required additional information.
- May 11, 2011 – Ten reviewed, eight approved, one required additional information, and one denied.
- April 20, 2011 – Eight reviewed, seven approved, and one required additional information

By Laws Committee – Randy Seibert, Chairman

Randy Seibert stated that the last meeting was held on July 27, 2011, and that at the request of the Chairman, the Committee discussed several options regarding educational resources and training opportunities for the licensed community. The Committee decided the best course of action was to help link businesses to educational and training programs through the Board's website, along with a disclaimer stating the Board is not endorsing the entities, but providing for resource purposes. Mr. Seibert also reported that the Committee would screen companies interested in being on the Board's website to verify legitimacy. He also noted the continued efforts of Barbara Drudge to gain the support within the law enforcement community and various levels of cooperation she has received from the Supreme Court, Commonwealth Attorney's, and law enforcement. He further noted that the Committee created a summary of the Board's laws and regulations for ease of use by the Board's regulators.

Mr. Bennett made a motion to post educational links on the Board's website, and John Beall seconded the motion. The motion passed unanimously.

Compliance and Consumer Affairs Committee – Mark Sawyer, Chairman

Mark Sawyer stated the last meeting was held on August 4, 2011, and the Committee addressed several compliance issues regarding timely reporting of convictions. Mr. Sawyer asked staff to

create a policy to exhaust all efforts to bring licensees into compliance before bringing to the Committee for further action. Once submitted, the Committee will bring to the Full Board for approval.

At the July 27, 2011 meeting, the Committee reviewed the appeal by Mr. Richard Gardiner, attorney of record, on behalf of Carroll Payne and Payne's Body Shop. Mr. Gardiner appealed to the Committee to reduce fines from \$500 to \$250 per license without suspension or revocation. He also indicated that further information was provided to the Committee not previously available to it that the Committee took into consideration.

Mr. Bennett made a motion to rescind the original recommendation of the Board as to Payne's Body Shop, LLC, and Carroll Payne. Mr. Beall seconded the motion, and it passed unanimously.

Mr. Sawyer made a motion to accept Mr. Gardiner's proposal. Mr. Wyatt seconded the motion and it passed unanimously.

Licensing and Regulatory Affairs Committee – Gary Teter, Chairman

Gary Teter reported that the last meeting was held on June 9, 2011, and that the Committee reviewed and discussed a working draft of the issuance of Temporary Driver Authorization Document's and potential obstacles and requirements of criminal background checks for initial and renewal applicants.

Board Counsel, Janet Westbrook, indicated her initial review of the matter related to State background checks for Temporary Driver Authorization Documents, however, it appears that Section 46.2-2814, Paragraph 3, does not make a distinction between a new and renewal applicant, and therefore, her interpretation is that a national criminal history check may be required annually of all applicants.

Executive Session:

Mr. Beall made a motion to go into executive session for discussion, consideration, appointment, promotion, performance, demotion, salaries, discipline, or registration of specific public officers, appointees, or employees of any public body, etc., pursuant to the exemption granted under Section 2.2-3711.A.1. of the Code of Virginia. Mr. Bennett seconded the motion and it passed unanimously. The Board entered into executive session at 11:30 am.

The meeting reconvened in open session at 12:32 pm. Richard Metz made a motion stating that only matters exempt under Virginia Code Section 2.2-3711.A.1. relating to the discussion and consideration of prospective candidates for employment were held during the closed meeting. Roll call by the Board to accept the above statement was unanimous.

Additional Public Comments:

There were no public comments

Other Business:

Mr. Bennett made a motion to accept Mr. Copeland's resignation and to appoint Russell Cox as Interim Executive Director, effective August 8, 2011. Mr. Beall seconded the motion and it passed unanimously.

Next Meeting:

No meeting was scheduled

Adjournment:

Mr. Wyatt made a motion for adjournment. Mr. Bennett seconded the motion and it passed unanimously. The meeting adjourned at 12:37 pm.