

**Commonwealth of Virginia
Board of Towing and Recovery Operators**

Meeting Location
Department of Game and Inland Fisheries
4000 W. Broad Street
Richmond, Virginia 23230

September 7, 2011 10:00 am

MEETING MINUTES

Members Present

Captain Steve Chumley- Chairman
Roy Boswell
Kenneth Mitchell
Adan Rangel, Jr.
Randy Seibert
Woody Herring
Gary Teter
Dale Bennett

Mark Sawyers
John Beall, Jr.
Lt. Raymond W. Gill, IV
Lynwood Butner – Designee – Department of
the Department of Motor Vehicles
Andres Alvarez - Designee for the Department of
Agriculture and Consumer Services
Richard Metz

Members Absent

Charlie Brown

Scott Wyatt

Staff Present:

Barbara Drudge
Sharon Childers

Board Counsel:

Janet Westbrook

Call to Order:

The meeting was called to order at 10:05 am.

Public Comments:

There were no public comments.

Acceptance of Meeting Minutes:

Kenneth Mitchell noted a correction to previous minutes that he was absent. Lynwood Butner made a motion to accept the draft minutes from the August 4, 2011 meeting with the noted amendment. Woody Herring seconded the motion, and it passed unanimously.

Committee Reports

Administrative Affairs Committee – Woody Herring, Chairman

Woody Herring reported there have been no meetings held since the last Board meeting.

Application Work Group – John J. Beall, Jr. Chairman

John Beall reported there have been two meetings held as noted.

- August 31, 2011 – Twelve applications were reviewed, nine initial applicants were approved, two renewal applicants reporting additional information were approved, and one was deferred to obtain additional information.
- August 10, 2011 – Six applications were reviewed, five were approved, and one required additional information

By Laws Committee – Randy Seibert, Chairman

Randy Seibert reported on the Committee's September 1, 2011 meeting, and noted that discussions were held to address legislative affairs, including the following options: (1) create a new standing committee, (2) have the Executive Advisory Committee take over the responsibility, and (3) amend the By Laws Committee to include this responsibility. The Committee voted to create a new standing committee.

Mr. Seibert made a motion to adopt the new standing committee to address legislative affairs, and Dale Bennett seconded the motion. The motion passed unanimously.

Compliance and Consumer Affairs Committee – Mark Sawyers, Chairman

Mark Sawyers reported there have been no meetings held since the last Board meeting.

Licensing and Regulatory Affairs Committee – Gary Teter, Chairman

Gary Teter reported the last meeting was held on August 9, 2011. The Board's Counsel, Janet Westbrook, affirmed the Code of Virginia's lack of distinction between initial and renewal applications, and stated that the Board would be in violation of the law if fingerprint cards were not collected with every Driver Authorization Document application.

Mr. Teter reported that the next meeting would be held immediately after this Board meeting to discuss the House Bill 1956.

Mr. Seibert made a motion to discuss fingerprint card requirements in Executive Session, Roy Boswell seconded the motion, and it passed unanimously.

Executive Session:

Mr. Seibert 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.

Mark Sawyer and Roy Boswell seconded the motion and it passed unanimously. The Board entered into executive session at 10:46 am.

The meeting reconvened in open session at 12:01 pm. Kenneth Mitchell 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.

Discussions/Other Board Action:

Chairman Chumley stated that the Board has to follow the advice of the Board's Counsel, and therefore, effective October 1, 2011, fingerprint cards must be submitted with both initial and renewal Driver Authorization Document applications, and that a letter will be mailed with renewal notices.

Mr. Beall made a motion to authorize and direct staff to send a letter to applicants with a fingerprint card requirement as of October 1, 2011. Mark Sawyer seconded the motion and it passed unanimously.

Other Business:

Mr. Teter made a motion to appoint Barbara Drudge as Interim Executive Director, effective immediately. Tony Troilo seconded the motion and it passed unanimously.

Mr. Beall made a motion to hire a part time compliance officer to take on duties. Roy Boswell seconded the motion and it passed unanimously.

Mr. Beall made a motion to amend the Code of Virginia at the direction of the Board's Counsel and that it be assigned to the newly created Legislative Affairs Committee. Lynwood Butner seconded the motion and it passed unanimously.

Mr. Boswell made a motion to appoint Mark Sawyer as Chairman of the Legislative Affairs Committee. Mr. Herring seconded the motion and it passed unanimously.

Mr. Seibert, Mr. Butner, Mr. Bennett, Mr. Herring, and Mr. Beall volunteered to serve on the Legislative Affairs Committee.

Randy Seibert made a motion to appoint members to the Legislative Affairs Committee, Raymond Gill seconded the motion, and it passed unanimously.

Mr. Bennett appealed to the public for their assistance in explaining the new fingerprint card requirement and that the Board is working expeditiously to have the Code of Virginia amended to make a distinction between an initial and renewal applicant. Chairman Chumley emphasized the Board's obligation to follow the law, and asks for patience as this issue is resolved.

Additional Public Comments:

Raymond Drumheller expressed his concerns and the impact this will have on those that are required to submit a fingerprint card, but offered his assistance to the Board.

Ralph Wilcher asked for clarification of the effective date.

Barbara Drudge explained that once a completed fingerprint card is received that it takes approximately 2-4 weeks to obtain the results.

Mr. Bennett and Mr. Seibert asked for any suggestions and support from the community to expedite the correction of the Code.

Next Meeting:

No meeting was scheduled

Adjournment:

Chairman Chumley made a motion for adjournment. Mr. Boswell seconded the motion and it passed unanimously. The meeting adjourned at 12:31 pm.