

**Board of Towing and Recovery Operators
Full Board Meeting
January 7, 2011, 10:00 am
Williamsburg Library Theatre
515 Scotland St.
Williamsburg, VA**

Members Present:

Cpt. Steve Chumley – Chairman
Mark Sawyers
Randy Seibert
P. Dale Bennett
John J. Beall, Jr.
Andres Alvarez – Designee for the Commissioner of the Virginia Department of Agriculture and Consumer Services
Richard Lampman – Designee for the Commissioner of the Department of Motor Vehicles

Gary Teter
Woody Herring
Kenneth Mitchell
Cpt. Raymond W. Gill, IV
Adan Rangel, Jr.
Richard Metz
Tony Troilo
Scott Wyatt
Charlie Brown

Members Absent:

Roy Boswell

Staff Present:

Marc Copeland
Barbara Drudge
Kara Corso

Board Counsel:

Jeff Spencer – Senior Assistant Attorney General

Meeting Called to Order:

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

Public Comments:

George Mahone, of Skimino Enterprises, Inc. and the Professional Towers Group of Virginia, expressed his concerns about the proposed legislation developed by BTRO that would exempt BTRO from standard notification requirements for those licensees whose credentials are being revoked (i) for failure to pay fees required by the Board and (ii) in instances where the Board determines that the operator or driver is a public safety risk. He mentioned difficulties that have arisen as a result of states bordering Virginia not accepting the tow truck license plates when towers try to pass through. Mr. Mahone went on to suggest that Virginia require vehicle owner's hold more than liability insurance to protect the towers and that they be refused vehicle registration if their tow bill is not satisfied. He feels "quick-clear" needs to be acknowledged and supported by the Board and commented on the unfairness of having to submit payment to BTRO for two decals for one tow vehicle (one for the 30-day tags and one for the hard tags).

Eric Fly, of the Professional Towers Group of Virginia, mentioned complaints that he has received from folks that are unsatisfied with the Board. He is concerned about the lack of enforcement of the towing laws, and he encourages the Board to take some of the money from credentialing to pay for law enforcement and to get rid of the duplication of efforts.

Acceptance of Meeting Minutes:

Chairman Chumley requested a motion to accept the meeting minutes from the October 14, 2010, meeting. Mr. Mitchell moved to accept the minutes as presented. Mr. Troilo seconded the motion and it passed unanimously.

Chairman's Report:

Chairman Chumley reported on Governor McDonnell's Commission on Government Reform and Restructuring recommendation to eliminate the Board, and pointed out that the Board is not the only agency on that list. He stated that the new compliance specialists will help with monitoring the industry, and suggested that the Board develop an Educational Committee to help towers.

Executive Director's Report: Updates on Efforts with Virginia Interactive

Mr. Copeland clarified that the discrepancy with issuing two decals for one tow truck has been addressed by BTRO and if a tow truck has been registered and the license plate number is provided on the temporary registration, BTRO will issue only one decal for that truck.

He reviewed the issues that BTRO is having with the credentialing system as well as the fees for maintenance and licensure on the current system. Karen Runner and Deanna Boehm of Virginia Interactive were introduced and presented a solution to BTRO for a customized licensing system with online credentialing, hosting and telephonic application and renewal processing.

Mr. Beall moved to have the Administrative Affairs Committee review the proposal presented by Virginia Interactive and to present their recommendations to the full Board at the next meeting. Mr. Brown seconded the motion and it passed unanimously.

Administrative Affairs Committee: Status of Compliance Specialist Hiring Process

Mr. Herring reported that the Administrative Affairs Committee met on December 14, 2010, to interview prospective candidates for the part-time compliance specialist positions. Two candidates were chosen pending background checks, of which were approved. The Committee recommended that Mr. Copeland begin negotiating salaries for the candidates and to move forward with the hiring.

Mr. Lampman moved that the Board go into executive session to discuss the potential candidates further. Chairman Chumley recommended that the executive session take place later in the meeting.

Compliance and Consumer Affairs Committee: Summary of Compliance Related Recommendations for Consideration by the Full Board

Mr. Copeland reported that the Compliance and Consumer Affairs Committee met on December 9, 2010, to discuss possible revocation of a driver authorization document. The credential holder has been notified and has not responded to the Board. The Committee decided to recommend to the full Board that the operator license for the company be revoked. The second part of the meeting dealt with the review of draft show-cause notifications to be sent to applicants whose credentials have expired and are reapplying for new credentials to show they have not operated during their period of expiration.

Mr. Troilo moved to cancel the mailing of the draft show-cause notifications. Mr. Herring seconded the motion. After discussion the motion passed unanimously.

Mr. Herring moved to initiate proceedings to suspend the operator's license of a particular company for failure to pay all Board-imposed civil penalties, and to unsuspend the license once the penalty fees are paid. Mr. Troilo seconded the motion and it passed unanimously.

Licensing and Regulatory Affairs Committee: Draft Legislative Proposals Related to the Governor's Reform Commission

Mr. Copeland reported that the Licensing and Regulatory Affairs Committee revisited the draft legislative proposals related to Governor McDonnell's Commission on Government Reform and Restructuring for more editing after meeting with Board counsel and to add the allowance by statute of temporary driver authorization documents. A third draft of the proposal was discussed and approved by the Committee.

Mr. Beall moved to approve the draft as presented. Mr. Bennett seconded the motion and it passed unanimously.

Recent Actions of Governor McDonnell's Commission on Government Reform and Restructuring

Mr. Beall made a motion to recommend that the Executive Director prepare a document supporting the continued existence of the Board reiterating what the Board has accomplished and to present it at the next Board or Committee meeting. Mr. Troilo seconded the motion and Mr. Seibert suggested including the annual report as well as a summary that bridges the highlights in the annual report and to include the denial actions that have taken place as a result of the national criminal history checks for the driver

authorization documents. Chairman Chumley returned to the motion and it passed. Mr. Alvarez abstained.

Chairman Chumley and Mr. Metz recommended that the members of the Board contact their legislature to express their concerns about possible Board elimination.

Mr. Herring moved that Roy Boswell be added to the Administrative Affairs Committee. Mr. Sawyers seconded the motion and it passed unanimously.

Mr. Copeland commented that a bill (House Bill 1564) has been introduced recommending that all applicable towing storage charges be imposed if said vehicle is not picked up within a certain time period. Mr. Herring moved to be in favor of the concept in House Bill 1564 recommending that all applicable towing storage charges be imposed if said vehicle is not picked up within a certain time period. Mr. Rangel seconded the motion and it passed. Mr. Alvarez abstained.

Additional Public Comments:

Mr. Fly expressed his concern that the Board voted on something reported by a Committee without first seeing the draft minutes from that particular Committee meeting.

Ray Drumheller, President of the Virginia Association of Towing and Recovery Operators (VATRO), commented that he is in support of House Bill 1564 as well as the Board.

Executive Session:

There was a motion to go into an executive session in accordance with Section 2.2-3711.A.1. of the Code of Virginia, to discuss, and consider prospective candidates for employment. Mr. Bennett seconded the motion and it passed unanimously. The Board entered into an executive session at 12:30 pm.

The meeting reconvened in open session at 1:17 pm. Mr. 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.

Other Business/Comments:

Mr. Seibert moved to hire candidate "A" for the part-time compliance specialist position. Mr. Beall seconded the motion and it passed unanimously.

Mr. Herring moved to hire candidate "B" for the part-time compliance specialist position contingent upon the findings of additional background research. Mr. Mitchell seconded the motion and it passed unanimously.

Next Meeting:

Chairman Chumley stated that the Board may meet during the General Assembly Session if necessary.

Adjournment:

Mr. Metz moved for adjournment. Mr. Troilo seconded the motion and it passed unanimously. The meeting adjourned at 1:40 pm.