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BOARD of TOWING and RECOVERY OPERATIONS

DATE: OCTOBER 16, 2008

TIME: 6:00 P.M.

PLACE: Virginia Beach Convention Center
1000 19th Street
Virginia Beach, Virginia 23451

APPEARANCES: Marc Copeland, Acting Executive Director
Ray Drumheller, Chairman
Scott Wyatt
Cary Coleman
Roy Boswell
Mark Sawyers
Woody Herring
Lieutenant Curtis Hardison
Gary Teter
Archie Orr

ORIGINAL

Reported By: Stacy Gonzales, Court Reporter

1 MR. DRUMHELLER: I would like to welcome
2 all of you that are here. It's a good turnout. This
3 meeting is for you to ask questions, be recognized, to
4 hear your opinions. We're certainly glad you're here.
5 This board is here to hear what you have to say. I'm
6 going to turn it over now to our director, Marc
7 Copeland, for some introductions and let him continue
8 on with the meeting.

9 MR. COPELAND: Thank you, Mr. Chairman.
10 Welcome everyone. I just wanted to make a few brief
11 introductions of sorts. First of all, we have
12 contingents from Virginia Beach, the City of Virginia
13 Beach here representing the city counsel and the towing
14 board, among others.

15 And they're here in the front in case you
16 have any questions for them. And we certainly
17 appreciate them being here, and being partial to this
18 particular meeting, and helping us out being here at
19 this venue.

20 In addition, we have Senator Ralph Northam
21 here from Sixth District. We welcome you as well, sir.

22 MR. NORTHAM: Thank you.

23 MR. COPELAND: At this point, I just want
24 to say we're here initially to listen to public safety
25 towing issues. Those are questions, comments, concerns

1 that you may have about public safety towing. And the
2 regulations are the same, the public safety towing,
3 being those tows that are requested by law enforcement.

4 And what I would ask you to do is, at
5 least in the earlier part of the meeting, please, stick
6 to those issues relating to public safety towing. And
7 if you have a comment to make, just raise your hand,
8 and come on up.

9 We've got a podium up here so that
10 everyone can hear you. We'd appreciate that you just
11 come up to the podium, make your comments, and, please,
12 be sure to state your name, and who you're with, if
13 you're representing a certain business or entity.
14 Without any further ado, any public comments?

15 Yes, sir.

16 MR. MAHONE: Good evening, Mr. Chairman,
17 board members. I'm glad you-all could be here tonight.
18 My name is George Mahone. I'm owner and operator of
19 Skimino Enterprises and Towing out of Williamsburg,
20 Virginia.

21 I just have a couple of brief comments
22 here. They do deal with the public safety towing regs.
23 I would ask that you-all consider going back to the
24 general assembly and having these regs killed with the
25 exception of what is needed for them and have that put

1 in the general regulations instead of having two sets
2 of regulations.

3 As far as the equipment requirements for
4 public safety towing, I believe they should be left up
5 to the different localities, because what's needed down
6 here in Virginia Beach, may not be needed in Southwest
7 Virginia and vice versa.

8 As it is now, when I got on the police
9 list, and I'm still subject to that, they do inspect my
10 equipment and have the right to inspect my equipment.
11 And when I got on the state police list, they inspected
12 my equipment with what they require me to have on the
13 truck, and the truck they required me.

14 The same thing with York County, which is
15 an entity I tow for down where I am from around,
16 Williamsburg. They also inspected the truck and the
17 equipment I had on the truck with what they require for
18 public safety towing, and I believe it's kind of hard
19 to have the same equipment required for all areas of
20 the state. And that you have the real rural areas, and
21 then you have the real populated areas, such as here in
22 Virginia Beach.

23 I think that should be done. And I
24 appreciate all the work you've done today as far as the
25 licensing and glad that's going a whole lot smoother

1 than what it was at one time. Thank you.

2 MR. DRUMHELLER: Thank you, George. My
3 understanding is that they will be doing fingerprinting
4 outside. The state police will stay as long as there
5 is somebody that needs fingerprinting done. If there's
6 no one out there, they are going home. So if you know
7 anybody or have any people that need to be
8 fingerprinted, now is the time to get it done. Tell
9 your drivers or buddies or whatever. Give them a call
10 and tell them to come on out here and get their
11 fingerprints, if you haven't seen them here.

12 This is a real opportunity to save from
13 having to go to the law enforcement office and have
14 them done on their own.

15 MR. WYATT: Mr. Chairman, could I possibly
16 request the board to maybe introduce ourselves? A lot
17 of the folks that are here today are their first --

18 MR. DRUMHELLER: I'm glad you're here,
19 Scott, to keep me straight. You're exactly right. I'm
20 going to pass the mike down to you and let you start it
21 off.

22 MR. WYATT: My name is Scott Wyatt. I'm a
23 citizen appointee, the newest citizen appointee by the
24 speaker of the house, and I'm from Hanover County.

25 MR. COLEMAN: Cary Coleman, Coleman Towing

1 Company, Fredericksburg, Virginia.

2 MR. BOSWELL: Roy Boswell, Boswell Towing
3 and Staff, in Virginia.

4 MR. SAWYERS: Mark Sawyers, Affordable
5 Towing, Hampton Roads, Virginia.

6 MR. DRUMHELLER: I am Ray Drumheller,
7 chairman of the board, and Drumheller's Towing in the
8 Williamsburg area.

9 MR. COPELAND: I'm Marc Copeland and
10 acting executive director.

11 MR. HERRING: I'm Woody Herring from
12 Willow Spring Towing and Recovery in Fairfax, Virginia.

13 MR. HARDISON: I'm Curtis Hardison. I'm
14 with the Virginia State Police, assigned to the
15 Chesapeake area.

16 MR. TETER: I'm Gary Teter, Teeter's
17 Exxon, Harrisonburg, Virginia.

18 MR. ORR: I'm Archie Orr in Virginia, and
19 I'm city appointed.

20 MR. DRUMHELLER: Thank you. I apologize
21 for not doing that when we started.

22 The floor is back on for comments or
23 questions. Would you go to the podium and state your
24 name.

25 MR. STEWART: My name is Ralph Stewart,

1 Stewart's Towing in Chesapeake, Virginia. We tow for
2 the state and the City of Chesapeake. And my concern
3 is with the equipment, too.

4 The state and the city both have inspected
5 our equipment, and I think it should be left up to
6 them, whatever area that you're in, as far as mandating
7 what kind of equipment and all you need.

8 I mean, we've only had three times that we
9 probably needed, in the last two years, is a boom truck
10 or, you know, that would extend out and do a cable
11 setup. Actually, we ended up having to call a rotator
12 in because it was too far for a regular boom truck to
13 get to it anyway.

14 MR. DRUMHELLER: Thank you, Ralph.

15 MR. SUMS: My name is Mark Sums. I'm the
16 owner of Sums Skip and Collection Services and
17 Repossession Company. We use tow trucks to repossess
18 vehicles. We do not do any impounding. We do not do
19 any general tows for the general public.

20 I do appreciate the board's work in
21 everything, but I think we need to look at the
22 repossession side in order to make it fair for us. If
23 you're going to have us follow under these
24 guidelines -- we don't do wrecks. We don't do
25 impounds. We do repossessions. Thank you.

1 MR. DRUMHELLER: Thank you, Mark. You
2 probably will not come under the public safety towing
3 anyway. Just the general riggers, just the licensing
4 part.

5 MR. SUMS: Okay. Thank you.

6 MR. DRUMHELLER: Next. Jason.

7 MR. PENCE: Thank you, Mr. Drumheller. My
8 name is Jason Pence from out of Mount Jackson,
9 Virginia, on behalf of Valley Towing and Keller Towing
10 and also a SI agent with investigative agents.

11 Gentlemen, the board is required to draft
12 regulations for public safety towing, minimum
13 regulations. The board is not required to go "whole
14 hog."

15 I said this before, and I'll just go on
16 and repeat myself. My recommended text for the
17 entirety of the public safety regulations should read
18 something like this: "Any towing and recovery operator
19 who performs public safety towing shall perform those
20 tasks and duties in accordance with the general
21 regulations of the BTR0, additionally shall comply with
22 any requirement set forth by either the local
23 contracting agency or the law enforcement agency who
24 administers the rotation list." End of regulation.

25 That leaves it up to the locality to

1 determine what's been working, what will work in their
2 locality, and you won't have a situation that everybody
3 else has been describing in all of these other meetings
4 of trying to apply a one-size-fits-all solution to a
5 state that has many different sizes, and many, many
6 different requirements in their localities.

7 As always, I close in thanking you,
8 gentlemen, for all the work that you do.

9 MR. DRUMHELLER: Thank you, Jason.

10 MR. BROUSIUS: I'm Dave Brousius. I'm
11 representing Martin Body Works. I have been in the
12 City of Virginia Beach for the past 30 years, and I
13 understand why the state has to regulate the towers and
14 spend more to state taxpayers' money, when the governor
15 is already cutting back.

16 What first established the board was six
17 members appointed to investigate complaints against
18 towers. The city, themselves, hear the complaints and
19 investigate already. Why fix a system that is not
20 broke?

21 Each city has their own code and
22 regulations. The rotating list that is imposed seems
23 to be working properly. We as business owners already
24 have enough regulations at cost that make it already
25 difficult on us financially. We who abide by the

1 existing code and regulations don't need a second set
2 of regulations.

3 We also already have enough authorities
4 looking at our records, workers' comp, city audits,
5 state audits, and such. Thank you.

6 MR. DRUMHELLER: Thank you.

7 MR. FREEMAN: Hi. My name is David
8 Freeman with Century Towing Services in Virginia Beach.

9 I think this board could be a good thing,
10 but I think the board has moved a little too fast. You
11 come up with the general regulations, and there is
12 still a lot of holes in them.

13 For example: We still haven't set forth
14 what we are going to do when hiring. You haven't put a
15 provision in there giving us a 15-day grace or 30-day
16 grace. So if we hire somebody today and the insurance
17 approves them, how long is it going to be before they
18 can get a license from us?

19 You-all said there will be a time limit.
20 What's the time limit? One week? Two weeks? 30 days?
21 I think before we run on and start worrying about
22 safety regulations, we need to go back with the general
23 regulations and tweak them to where they're better
24 before we start this.

25 It's very hard for anybody to sit here and

1 say what happens in Northern Virginia with the towers
2 up there. We're not having that problem down here.
3 The Virginia Beach police, I can tell you what, they
4 keep a pretty good grip on us. If they get a
5 complaint, they investigate it.

6 But the general regs are good. I think
7 the board will be good. I think the general regs need
8 to be done and the safety regs need to be put off, if
9 not abolished all the way. Thank you.

10 MR. DRUMHELLER: Thank you, David.

11 David, we are still working on that one,
12 your question about the hiring, and we haven't fixed
13 the provisionary yet.

14 MR. WALKER: I'm Art Walker, Art Walkers
15 Body and Towing, and president of the Virginia Beach
16 Wrecker Association. I like to thank the board for all
17 they've done and all the general regulations and their
18 working on others.

19 But I don't believe that we need any more
20 safety regulations. But I've just filled out six forms
21 to different DOT's, and certified -- and all your
22 regulations that they give you in Richmond, and I think
23 we got enough for safety. I don't think we need any
24 more safety. If they just do a good job on the
25 general, we could take care of the rest. Thank you.

1 MR. DRUMHELLER: Thank you, Art.

2 MR. MOORE: My name is Robert Moore. I'm
3 a citizen of Virginia Beach, business owner of London
4 Bridge Motor Company that my father bought in 1963. I
5 started riding in a wrecker with him before I could
6 even drive. I got my driver's license and was already
7 trained to drive a wrecker by the time I got my license
8 in 1970. I became a full-time wrecker driver as part
9 of my job.

10 I don't understand why or for what reason
11 the Commonwealth feels the need to get involved with
12 our towing service. The city regulates the equipment
13 required, our buildings, or storage lots, the insurance
14 to insure that our towing in the city is operated in a
15 safe and professional manner.

16 The city has a place -- policy and
17 procedures for complaints and disputes about the
18 citizen's vehicles we have towed. The city audits my
19 books for my business license and can review my towing
20 receipts at any time on a one by one basis if there is
21 a complaint.

22 I see no reason for the Commonwealth to
23 make another board that will cost taxpayers' money to
24 do a job that the city is already doing well,
25 specifically, when budget cuts are being made and the

1 economy has suffered and businesses are being closed.

2 Thank you for your time.

3 MR. DRUMHELLER: Thank you, Robert. To
4 your comment, Virginia Beach, I think, is fortunate.
5 This area is fortunate. They haven't had problems as
6 the rest of the state. Well, not the rest of the
7 state, certain parts of the state. And I think we all
8 know where that mainly is.

9 The general assembly was going to regulate
10 the towing end of it. The towers got together and said
11 no. If we're going to be regulated, we want to
12 regulate ourselves. That's why this meeting is
13 important. We still want to regulate ourselves and do
14 it in a fair and equal manner.

15 It's got to be statewide mandated by the
16 code. The man here in the green shirt had his hand up
17 a while ago. I'll get to you in a minute.

18 A SPEAKER: Good evening, board, fellow
19 towers, and concerned citizens. My name is JR, and I
20 am with Grams Custom Body Shop and Towing. I'm here
21 today to voice my concerns about the board and its
22 efforts to change and make new rules concerning public
23 safety towing.

24 The cities and the townships, the
25 Commonwealth, has been doing just a fine job on their

1 own for many years. Our company works in the City of
2 Virginia Beach. The beach regulates us, and we also
3 work in other cities.

4 The city has an officer that is dedicated
5 to this task and any problems that may arise from the
6 city public tows requiring proper equipment. The city
7 has in place a way for citizens, who have complaints,
8 to voice their concerns. The city has a tow board to
9 oversee the towers, and to my knowledge, oversee other
10 city and townships in the Commonwealth.

11 Therefore, I see no need for the board to
12 take the time, nor the money, which it will spend, to
13 establish new regulations. This money could be put to
14 better use in the state budget where it is badly needed
15 for other uses. Thank you.

16 MR. DRUMHELLER: Thank you.

17 MR. CLARK: My name is William Clark, and
18 I am from Prince George, Virginia. My wife and I own
19 Clark's Towing and Auto Care Center.

20 My concerns to the board is, I understand
21 where we have to be licensed. And I think by doing
22 that, we're going to take a lot of the people off the
23 roads that shouldn't be on the roads to start with, and
24 they're taking money from out of our pockets. But I do
25 have concerns about the safety issues as far as

1 dictating to us and our locality that we will have to
2 have a second tow truck. We tow after the City of
3 Hopewell. We average about ten calls a month, and
4 we're also on the state police calls. We average maybe
5 one or two a month.

6 To dictate to us that we would have to
7 have a second wrecker would be telling the guy at the
8 tire store he would have to have a front-end alignment
9 machine. We cannot justify another wrecker, but, yet,
10 in the town that we tow in is small. It's not like
11 Norfolk. It's not like Richmond. It's not like
12 Chesterfield. It's a small locality.

13 So for us to do that, you-all would be
14 running the small guy out of business. I'm very
15 concerned about -- we've had the state police come by
16 and inspect our truck. We have a new 2008, extended
17 cab. We thought that would be the proper wrecker to do
18 the services with, to be able to take families that are
19 in cars. But my concern is, if we take and try to
20 justify another truck, we're going to go out of
21 business. Okay.

22 The state police did a survey in our area.
23 Our area was -- 50 percent of the tow trucks in our
24 area were one truck operations, with rollbacks. I'm
25 very concerned about that part. How can a board

1 justify me to have another wrecker if they can't
2 justify the business?

3 Being in business, I have to justify
4 everything that I buy, and I think everyone in this
5 room does the same thing. So how can anyone dictate to
6 anybody in this audience that they have to have another
7 truck? Now, what works in Richmond, may not work in
8 Hopewell, Virginia. Hopewell has a population of
9 35,000 people. We do ten calls a month on an average.

10 So I think that should be looked at very
11 hard and each locality should be looked at, and not
12 just go and say, okay, we're going to mandate you have
13 two trucks. I thank you.

14 MR. DRUMHELLER: Thank you, William. And
15 this is being looked at very hard. The general
16 assembly did not intend for this assembly to put any
17 legitimate tower out of business. Both of them got up
18 and made that statement. They're not here to put
19 anybody out of business.

20 Young lady.

21 MS. RUSSELL: I was really moved by your
22 comments, honestly. A small town, that would be hard.

23 My name is Meredith Russell, and I work
24 for Century Towing Services in Virginia Beach. I have
25 to say, my comments are pretty consistent with everyone

1 here tonight. Most of us here are in compliance with
2 your general regulations. Most of us have come here to
3 be fingerprinted this evening. I know for me, I have
4 applications filled out in hand. I had my employer
5 write a check for almost a \$1,000 tonight. Everybody
6 is trying to comply with the general regulations.

7 To assume that the board is further
8 responsible to create public safety, it feels
9 redundant, and sometimes motivationally questionable.
10 And that's really for people in this room. We all
11 wonder why. Who does this really benefit? Are there
12 some forefathers who can answer for that on this board?

13 We all have theories and notions, but the
14 bottom line is, as towers, we're going to be more
15 heavily scrutinized than your local dentist. That
16 sounds a little bit crazy to me. I think enough is
17 enough. Public safety, if it goes forward, again,
18 we're not done with general regulations. We don't have
19 all the answers that we need to begin with.

20 I see so many different uniformed people
21 from different localities. I can only imagine you're
22 here to say, stay off my roads. When I'm the guy who's
23 broken down or in an accident, I want my tow truck to
24 come, and I want him to do what I want him to do. Not
25 what this board wants him to do.

1 It could be different, and I'm very happy
2 to see the people that have shown up here tonight. I
3 think it's amazing that people care about their
4 industry and to protect it from some pretty strange
5 stuff. Thank you.

6 MR. DRUMHELLER: Thank you, Meredith.

7 Meredith has been doing a great job of
8 staying in touch with the board, too, with Mr.
9 Copeland.

10 At this time, Lieutenant Hardison has
11 asked to have the floor.

12 MR. HARDISON: Just to clarify,
13 Mr. William Clark; is that correct?

14 MR. CLARK: Yes, sir.

15 MR. HARDISON: What his statements were
16 concerning, the state police has tried to get
17 information out to the towing public several times.
18 Most of them -- somebody from the state police should
19 have come to each and every one of your places of
20 business, at a minimum of two times.

21 The first time bringing the information
22 about the towing board because people were saying that
23 they didn't know about the regulations that were going
24 to be coming around. At the time, it was July 1st,
25 which was moved back to January 1.

1 We were still getting that information
2 that people did not know about these regulations. So
3 because myself, as well as Captain Steve Chumley, are
4 sitting in on behalf of the superintendent, we decided
5 to go back a second time to the towing businesses to
6 make sure that some of the people that were still
7 saying that they had not heard about the towing board
8 itself, we wanted to guarantee that we had done
9 everything possible on the state police's side to make
10 sure that everyone did know.

11 Again the public safety towing was an
12 issue, and I wanted to go ahead and bring it up on the
13 tail end of yours, Mr. Clark, but the issue with public
14 safety and having two trucks, whether it be a wrecker
15 and rollback or two wreckers in general or two
16 rollbacks or however they would come about. We didn't
17 exactly know what vehicles were doing the tows around
18 the Commonwealth.

19 Now, what the state police did, and it was
20 upon my request, is to go out and actually go to, or
21 either call, every wrecker service that was on our list
22 only, the state police list only, and find out what
23 equipment was out there. So once -- if there are
24 public safety regulations, we have a baseline of
25 exactly what vehicles are out there. A baseline of how

1 many single vehicle operators we have out there. A
2 baseline, if they have a wrecker, or a rollback; if
3 they have a 35-ton wrecker; if they have a 25-ton
4 wrecker; what the GBW is, whether it be a 48,000-pound
5 large wrecker or one above that. And we're trying to
6 find out tonight what the population, what the towing
7 industry, you personally, are wanting to hear and to
8 tell us about the regulations.

9 And that's why I just wanted to go into
10 what Mr. Clark said. The state police did a survey.
11 The survey was to give us -- and the numbers have not
12 been shared with the board yet. I just want you to
13 know we are still -- I have got about 95 percent of the
14 information right now.

15 I just got an e-mail yesterday that people
16 that were not on our wrecker list, that they used, like
17 in the Chesterfield area, they don't use the state
18 police list. We use a locality wrecker service where
19 they use their own wrecker services out there that are
20 not on our wrecker list. So we're waiting for those
21 numbers to come in. They have been mailed to me, and
22 I'm going to be trying to get all those numbers
23 straight in the next week or so once we get them.

24 But I wanted you-all to know that before
25 we do anything on the public safety side, we had to

1 know what we have as a baseline. Now, when I say that
2 they're only on the state police list, if you have for
3 the City of Virginia Beach or the City of Portsmouth or
4 the City of Suffolk, and your wreckers are not on the
5 state police list and they're just on the locality that
6 I just mentioned or any other, whether it be Prince
7 George or Hopewell, we are not going to have that
8 number.

9 If they're pulling for the city in the
10 County of Accomack, or North Hampton, we are not going
11 to have those members. And I want to be very upfront
12 with everyone in here, and most of the time, that's my
13 demise. I'm very honest and open about everything, but
14 whenever the numbers come out and they say the state
15 police say these are the numbers, these are the only
16 numbers on our rotation list across the state.

17 And I don't want -- when they say the
18 state police list, again, it's just the one on our
19 list. So I just want to be clear with everybody on
20 that. Thank you.

21 MR. DRUMHELLER: Thank you. We also thank
22 the state police for working with us, not only on this,
23 but on other things such as the fingerprinting.

24 Who was next? There was someone else
25 standing over there. She's gone. There she is. The

1 girl in the red shirt.

2 A SPEAKER: Are you saying the state
3 police came out to every wrecker company, or just the
4 ones on the state police list?

5 MR. DRUMHELLER: Just those on the list.

6 A SPEAKER: I didn't see a state trooper
7 in my shop.

8 MR. HARDISON: Did someone call your
9 office?

10 A SPEAKER: No, sir. We heard nothing.

11 MR. DRUMHELLER: Are you on the state
12 police list?

13 A SPEAKER: No, sir.

14 MR. HARDISON: Well, that's what I was
15 trying to explain. Sir, I don't think -- and I don't
16 want to take the floor away from this lady that's up
17 here quietly, but the state police -- and I apologize.
18 The state police don't know of the other wreckers out
19 there, sir, unless you're on ours. That's why I wanted
20 to make -- to clarify what Mr. Clark was saying about
21 the state police survey.

22 The survey was only done on the people
23 that towed for us, meaning, the state police.

24 A SPEAKER: I don't think he was talking
25 about the survey. You said a trooper came to every

1 wrecker service or called. He said he has not seen a
2 trooper or a call.

3 MR. HARDISON: He's not on the state
4 police wrecker list.

5 A SPEAKER: Only those included on the
6 list.

7 MR. HARDISON: I have never seen this
8 gentleman before tonight. I'm sure he is a nice man,
9 but, you know, unless we know who to go to by being on
10 our list, our addresses, our telephone numbers, we
11 don't know how to contact him.

12 MS. BROWN: Well, that answers his
13 question. Okay. My name is Julie Brown, and my
14 husband Melvin and I have been in business for
15 19 years. We've been living the American dream of
16 owning our own home and running our own business to
17 support our family.

18 We have always enjoyed helping others by
19 going the extra mile, even if it meant at our own
20 expense. We're not in business to make a fortune. We
21 are in business to support our family and make a
22 difference on our community.

23 There have been ups and downs along the
24 way, as in every business. Melvin and my children and
25 I have sacrificed a lot to run this company, vacation,

1 school activities without children and many simple
2 things every other family is able to do. We don't mind
3 because it is important to us.

4 However, if these regulations go into
5 effect, it will put us and many other small companies
6 out of business. I'm not sure who the decision-makers
7 are, and if they understand how crucial this matter is
8 to most of us. Thank you for your time.

9 MR. DRUMHELLER: Thank you.

10 MR. WILLIS: My name is Wayne Willis, and
11 I operate Wayne's Body Shop in Portsmouth. This coming
12 March, I will have been in business for 50 years. I
13 just turned 71, and I'm not looking for a lot of
14 building up. I have two old wrecker trucks, and I can
15 tow anything that any of the rest of you can tow.

16 I have not been notified from anyone, not
17 from the state police, I understand that. Furthermore,
18 I don't want to be on the state police list. I don't
19 want to tow in all that junk that I got to get rid of.
20 I don't want it.

21 Nobody identifies with my problem and
22 tells me what shall I do in order to comply with all of
23 this. And somebody needs to tell everybody that if it
24 hadn't been for Mike Fink, I would not have known to
25 come here today. And nobody has given me any rules of

1 anything. They say I got to have a rollback, then I
2 have to have two rollbacks, and I can't use my homemade
3 winches anymore. The Lord blessed me to be able to
4 make things, and they say you got to have a factory
5 made thing on it. Mine operates just as good as
6 anybody's.

7 But anyway, I don't understand what the
8 regs are, and somebody ought to give us some
9 information in print that we can study and think about
10 it. I just think that just because somebody is not on
11 the state police list, should not exclude them from
12 receiving this information, and a lot of people don't
13 know to come to this. And I imagine some of these
14 people in here don't particularly want to be on the
15 police list.

16 I'm happy with being on the Portsmouth tow
17 list. It's just me and one son. It's a small
18 operation, and if I have to buy a rollback, that's
19 going to put me out of business. And I don't -- I can
20 do the job. Some things they can snatch up and go
21 quicker. The ones that have all those different later
22 model things, but I still get the job done. I learned
23 to do it when I was 12 years old, and I can still do
24 it.

25 I used to send my son, my oldest son, out

1 on a job and gets it done. And I told him after I
2 turned 60, he was old enough to go out at the
3 nighttime. So anyway, like I said, I can still do it,
4 but I would like some provision that you can send me,
5 to my mailbox.

6 What does all this mean? What are the
7 qualifications? I have no idea. Can you appreciate
8 that, and what are you going to do about it? You going
9 to send me something? I signed up. I gave my name.
10 There's no mailing list. Why should you not send it to
11 everybody? You know who the Portsmouth Police
12 Department is. They got my name. They got everybody
13 else's name. Why don't you get it from them? Let me
14 send all these folks out something. Okay.

15 MR. DRUMHELLER: We have tried every
16 avenue that we know, the police departments, state
17 police, DMV for WT tags to get names of all towers, and
18 we have still missed towers in this state. We still
19 have not any idea of how many tow companies there are.
20 It's critical that we know that. As far as I
21 understand, you've built your own wrecker.

22 MR. WILLIS: Yes, sir.

23 MR. DRUMHELLER: Your particular situation
24 was discussed by the board, and there was an
25 announcement made, as a matter of fact, for your

1 particular situation. I can't find it right now. But
2 we did talk about you, and that you had built your own
3 trucks. And it's in the regs somewhere. We knew about
4 you even if you didn't know about us.

5 MR. WILLIS: Well, I would like to know if
6 you are going to do something to me, and I may not be
7 able to do anything about what you're going to do to
8 me. And how soon shall I die?

9 MR. DRUMHELLER: I would like to say this.
10 There are no public safety regs out there right now.
11 There was some discussed, a proposal to put out
12 worksheets, but right now, there is absolutely nothing
13 on the board saying anything about how many trucks you
14 are going to have to have. What kind of equipment
15 you're going to have to have.

16 None of this is going to happen until
17 after the first of the year. We'll be discussing
18 again. If you are worried, we are here now, and we
19 want your input into that.

20 MR. WILLIS: But that doesn't give me much
21 time if I got to -- whatever I got to do about my
22 trucks. Can you give me some kind of time or send me
23 something in the mailbox? You can't do that?

24 MR. DRUMHELLER: If we have your name on
25 it, then yes, you would and should have been getting

1 things.

2 MR. WILLIS: Today. I signed up today.

3 MR. DRUMHELLER: Okay. You are on the
4 list now, and you will be getting the information.

5 MR. WILLIS: I wonder, are there anymore
6 small guys here, like me, that would be knocked out of
7 business? Look at them there. So everybody can't have
8 all these big money trucks. If I had to have to go buy
9 a truck, that cost me 40, 50, \$60,000, I could not pay
10 for it. I would wear the truck out by the time I got
11 everything paid for. I would have to get another one.
12 I can't do that. I appreciate your time.

13 MR. DRUMHELLER: I appreciate what you're
14 saying as well.

15 MR. HARDISON: Mr. Willis, in reference to
16 your question, I just recently transferred down here
17 from the Richmond area. I was in charge of all the tow
18 trucks in the Richmond area where we had 21 counties
19 there and four cities. I came down here within the
20 last six months.

21 As far as Portsmouth is concerned, I met
22 with the Portsmouth Police several times, a
23 representative from their department, and have spoken
24 to him and have tried to get the information to them.
25 They have a representative tonight from the Portsmouth

1 Police Department that is here. And we don't know to
2 come to you, as in the state police itself, if we don't
3 have your address on our wrecker list. I want that
4 part to be clear.

5 At least once a week or once every second
6 week, I have been meeting with somebody with the
7 Portsmouth department. Just to make that clear on your
8 end.

9 MR. WILLIS: Am I to understand that
10 Portsmouth, for whatever reason, would not or could
11 not, or whatever, supply you with this list? It seems
12 like there's only 13 on it now. It shouldn't be that
13 much difficult.

14 MR. HARDISON: As far as local
15 jurisdiction that govern their own, we have not stepped
16 into their list at all because we don't want to take
17 over something that does not belong to us. I mean, the
18 people that want to be on the localities list, that's
19 fine. The people that would like to be on the state
20 police list, that's fine also. But I have met with a
21 representative from them and have asked them to try to
22 get the information.

23 I e-mailed them a couple of months ago and
24 tried to advise them of this meeting tonight also. And
25 have tried to get the information out to the City of

1 Portsmouth, Suffolk, Newport News -- have had
2 representatives that come up and everybody in the
3 peninsula.

4 MR. WILLIS: Okay.

5 MR. HARDISON: We're trying. We're trying
6 the best we can, but if you're not on our list, meaning
7 state police only, I don't know how to contact you.

8 MR. WILLIS: Well, how shall the ones,
9 like me -- if I haven't had heard it through the
10 grapevine from someone here, how shall they know?

11 MR. HARDISON: Well, to answer your
12 question, sir, we have sent a letter to all the chiefs
13 around this Commonwealth. We have sent a letter to all
14 the sheriffs around the Commonwealth. We have run
15 newspaper ads. I believe everyone with the WT tag
16 should have been notified.

17 A SPEAKER: I have a WT tag, and I was not
18 notified.

19 MR. HARDISON: That's good to know, and I
20 need to know.

21 A SPEAKER: I represent four other
22 companies that could not come out today, and none of
23 them knew about it.

24 MR. HARDISON: Okay. We attempted to get
25 the list through DMV about the WT tags, and I

1 appreciate you coming out tonight. We need to know,
2 but as far as on the state police, the ones on the
3 state police list, we have tried to notify. But I
4 thought we had all the addresses for --

5 A SPEAKER: There's four of us that have
6 WT tags and none of us got anything.

7 MR. HARDISON: And that will be something
8 that we can at least have knowledge of.

9 MR. WILLIS: I certainly appreciate it. I
10 hope that I haven't been controversial here. I didn't
11 mean to do that.

12 MR. DRUMHELLER: We appreciate you being
13 here.

14 MR. WILLIS: Thank you.

15 MR. SUMMER: I'm W. L. Summer from
16 Chesapeake. I'm in charge of administrating the
17 records in our city. I just want to let you know I
18 haven't received anything in regards to any of the
19 people. I'm here tonight, due to the fact that my
20 wrecker company let me know this was going on, same as
21 for the City of Portsmouth, Virginia Beach, and so
22 forth.

23 We're pretty active and, you know, we'd
24 like to have this information ourselves. We're here
25 just for the same reasons. We don't want control over

1 our locality list. We're all here just for that
2 reason. I believe -- I just want to point out we have
3 not received information about this meeting. We got it
4 from word of mouth.

5 MR. DRUMHELLER: I don't understand that,
6 and I don't understand how there's still towers in this
7 state that have not heard. And it's been going on for
8 five years.

9 MR. HARDISON: Once we send a letter to
10 the chief, meaning, once the board sends a letter to
11 the chief of police or to the sheriff, himself, or
12 herself, I don't know where it's disseminated from at
13 each of your agencies after that.

14 A SPEAKER: Well, I want to point out when
15 all these regulations started, I have been coming to
16 these meetings, and I am on the mailing list. And I
17 did not receive anything, myself, personally, in
18 regards to any of these meetings. As far as dealing
19 with public safety, I am on the mailing list. I did
20 sign up the very first time I ever came to Richmond.
21 I'm just pointing that out, none of us have received
22 this information ourselves. Everybody here is nodding
23 in agreement, and I just thought you might want to know
24 that also.

25 MR. DRUMHELLER: We appreciate you.

1 MR. WEST: And I could also echo that same
2 thing. We have not received anything.

3 Good evening, gentlemen. I'm Officer Jeff
4 West of the Newport News Police Department, Special
5 Operations Traffic Safety Division. Myself and
6 co-worker, Joe Callaway, worked with the tow companies.

7 Now, as far as contacting our chief of
8 police, that only works for the ones that tow for us.
9 What about the drivers that don't tow for the city?
10 Those companies have no real means of contact, and
11 that's one of the problems that our city is having
12 level ground.

13 Part of your general regulations might
14 help that. It kind of levels out the playing field for
15 our tow companies. When they sign on with us to tow
16 for our city, we hold them accountable for certain
17 things to the point where we will suspend them off of
18 the list for 30 days. And after a couple of
19 violations, we will terminate them, and they cannot
20 even get back on the list for a year.

21 When we inspect, we inspect
22 administratively. We also inspect their equipment to
23 the level of Federal Motor Carrier Safety
24 Administration Regulations. So we govern our tow
25 companies pretty thorough, as far as what we expect how

1 they do business with us, and with the cities.

2 As far as complaints, we handle that. It
3 comes in. It goes all the way to the chief of our
4 police department. It comes out of that meeting and is
5 decided by him. Some of them get suspended. Some of
6 them get warnings. It's all dictated by the
7 circumstances, but we govern our own tow companies
8 pretty thorough. We really do not believe that 2826
9 even be in the code book because we can be responsible
10 for our companies. And we hold them responsible.

11 We also have a towing board within our
12 city, and all of our companies know to come to the
13 meetings. They have representatives, and they voice
14 their opinions.

15 Currently, the biggest opinion is the pay
16 scale. The economy is taking a major hit. Our towing
17 company have just submitted to our city council for an
18 update of the fees. That's how we do business. We do
19 not need 2826 to tell us how to do business.

20 MR. DRUMHELLER: Thank you. Next.

21 MR. WARREN: Good evening. I'm John
22 Warren, John's Rollback Service in Chesapeake,
23 Virginia. I like to thank the board for taking the
24 time to meet with us little folks out here in Hampton
25 Roads. I heard really good things here today, and I

1 think I can probably answer some, and maybe, help you
2 guys try to figure a few things out.

3 One of the things, I'm in the process of
4 trying to apply to get on the state police list, and
5 the locality in Chesapeake so I'm getting rather
6 familiar with the regulations.

7 To my understanding, one of the
8 regulations you have is if I respond to a state police
9 call, there is a stipulation in your regulations that
10 says I can call another wrecker company to come out and
11 assist me if my equipment isn't adequate to do that.
12 Okay. So I mean -- but if there is a problem or
13 something -- that's what I saw, what I've read on that.

14 Another thing we were talking about
15 earlier in the previous meeting before this about new
16 hire grace periods, if I hire a driver, am I going to
17 have to wait or is there anything -- somebody was
18 saying about putting them on the insurance, and my
19 insurance company says, okay. Can I put him in the
20 truck? Am I going to have a grace period because I
21 know I am going to have to make an appointment at the
22 state police barracks to have this man fingerprinted.

23 I don't always have that option. Okay.
24 Because as it is, these new regulations are going to
25 shrink the driver pull. I mean, there's not -- I've

1 been in business six-and-a-half years. I have had 57
2 truck drivers. I fired three. Okay. The driver pull
3 is small as it is, qualified, trusting drivers.

4 These new regulations that the general
5 assembly trusted you gentlemen to put in place is
6 really going to make a little guy like me, who has
7 three or four trucks, you know, not a whole huge
8 payroll or anything, struggle. But some kind of 30
9 days or so to let me make sure the driver is good.

10 If I'm going to have to pay for this
11 driver to get fingerprinted -- I already had to pay as
12 much as the guy with 20 trucks, because I have 5
13 trucks. Or I will have 5, but I'm going to have to pay
14 the same fees as he is. I get no break. I'm not
15 making -- not generating the revenue with those 5
16 trucks as the guy with 20 trucks is. But that's just
17 something I'm going to have to accept apparently. One
18 of the wonderful --

19 Another thing somebody was stating
20 about -- I did get the letters. I'm not on the police
21 list. I did get the letters you're talking about,
22 about the -- the only reason I believe I got the
23 letters is because you went to the DMV and you looked
24 at all of the WT tags. I have four trucks with WT
25 tags. Three of them are leased. Two of them, my name

1 isn't mentioned on the registration. My leaser, the
2 company that leased my trucks to me is mentioned on it.

3 They wrote John's Rollback Service in on
4 the registration and gave it to me with my tags,
5 perhaps why some of these people here hasn't been
6 getting these mailings that you have. You go through
7 them and you go through that, you know, because there's
8 always loops around it.

9 Now, I know I have operating authorities.
10 Just a suggestion. I'm just listening to the people.
11 These are just suggestions.

12 Pretty much the only other thing I want to
13 go back to is the equipment. When I was saying I'm out
14 there, and I don't feel I can handle this, and I call
15 another -- I can't speak for anybody else, Hampton,
16 Richmond, I have been living here in Hampton Roads for
17 20 years. Like I said, I've owned the towing company
18 for six-and-a-half years, and there's a lot of people
19 in this room that -- I don't know them all, but I see a
20 lot of familiar faces.

21 We all work together. In this area, we're
22 all neighbors. If I need help, I'm going to call
23 somebody. I know who's on the state police list beside
24 me. I don't know where I am on the rotation, but
25 there's a lot of companies that I work with, a lot

1 smaller than me. I know one guy that has one truck.
2 He's on the state police list. He's been on the state
3 police list longer than I have been in business, and I
4 know he does a great job for you because I seen some of
5 your associates at his house, at dinner parties or what
6 have you. So I know he's doing it.

7 Some of these regulations are going to
8 knock that guy right out. That's what he does. He
9 doesn't need to do a whole lot. Just my idea. Thank
10 you for letting me voice my opinion.

11 MR. HARDISON: Thank you, John.

12 MR. DRUMHELLER: You had something you
13 wanted to say?

14 MR. HARDISON: Mr. Warren, in reference to
15 being able to call somebody out to assist you. As far
16 as state police is concerned, you are allowed to do
17 that, and Sergeant Jensen, now in the back can answer
18 any questions you have as far as the state police list
19 because he's from the Chesapeake, Portsmouth, Suffolk
20 area.

21 Also, I don't want to cut anyone off
22 because I know everybody wants to speak, and that's
23 what we want them to do. Our intentions as a board is
24 not to put anyone out of business. Mr. Chairman has
25 also spoken about that. From the state police side, we

1 need you from, you know, when we call you, we ask you
2 to come as an extension of for the motoring public, and
3 we need you. We would like to see you come out. We
4 want you, and I appreciate what you do.

5 MR. DRUMHELLER: Thank you.

6 MS. LYNN: Hi. I'm Lynn. I work at
7 Pete's Custom Auto Service in Newport News. Newport
8 News has a very active tow board. Believe me, they
9 have more rules than you could ever give us. They're
10 very strict. They watch us. I will soon be a member
11 of our tow board, so it's a tough board.

12 So we really do not need safety towing
13 anymore. We're regulated. We have inspections. They
14 can come look at my books, look at my receipts. They
15 can inspect my trucks. They have to sign off on us. I
16 know Virginia Beach has just as good tow board.
17 Newport News does, too. We are very strong. We are
18 very united.

19 As your response of people, up like the
20 mayors and chiefs and they're all getting this
21 information, I'm not going to split hairs, but I spoke
22 to the mayor in Newport News, the chief in Newport
23 News, the sheriff in Hampton, chief in Hampton, the
24 sheriff in York County, the chief of James County, and
25 the sheriff of Poquoson. They had no clue. I

1 personally faxed them stuff. So I'm not saying that
2 there secretaries didn't get that information and file
3 13 it. They didn't get it.

4 So you say you don't want to put the small
5 towers out of business, drop the whole thing and let us
6 work. Thank you.

7 MR. DRUMHELLER: Thank you.

8 MR. GALLOWAY: I'm Larry Galloway. I'm
9 the towing officer for Newport News, and like my
10 partner said, we do have strict rules. And since I've
11 been in the position about three months, I've been
12 doing a lot of typing for complaints, you know, but we
13 stay on top of our tow companies, and we also ask our
14 tow companies for input. And they help us and we help
15 them.

16 And my concern is for the small tow
17 companies that say they have to have more than one
18 truck, because some of the best ones we have are the
19 small tow companies. I'm very afraid for them. We
20 also had a meeting with the mayor in Newport News this
21 morning, Mayor Joe Frank, and he sent a letter to read
22 at the meeting.

23 "Please be advised, the City of Newport
24 News objects to the state board of towing and recovery
25 operations established a list of tow companies to

1 provide service for the removal of vehicles for public
2 safety purposes. We believe that the local towing and
3 recovery operations that we now have are sufficient to
4 meet the needs of the police department and protect the
5 interest of the public.

6 Should a list be established by the
7 Commonwealth of Virginia and no local operations
8 qualify to meet the state requirements, the services
9 will be greatly restricted, and the length of time for
10 services will cause problems, thus taking the officers
11 away from other duties and responsibilities for the
12 long time it takes for the response.

13 Other than the benefit of the larger tow
14 companies and the disadvantage to smaller ones, we do
15 not see any benefit of your proposed regulations. In
16 fact, we intend, as part of legislative package for the
17 upcoming session to request the general assembly to
18 eliminate the board's authority and disregard."

19 MR. DRUMHELLER: Thank you. You know, if
20 the rest of the state had what you guys down here in
21 this neck of the woods had, we probably wouldn't be
22 here.

23 MR. WYATT: I am probably the newest
24 member of this board, just recently appointed to serve
25 back in August. I was kind of involved through the

1 legislative process last year when equipment, strong
2 equipment regulations were being imposed, and you all
3 around the state went down to the general assembly
4 building. And I can assure you, the senator in this
5 room today probably knows more about towing today than
6 he ever knew because folks were wearing his phone out.
7 That's on the house side and on the senate side around
8 the whole Commonwealth.

9 Senate Bill 707 to Senator Norman out of
10 Williamsburg wrote, it actually required this board to
11 have public hearings around the state of Virginia. We
12 have been in Whitfield. We've been in Richmond. We've
13 been in Fairfax, Northern Virginia, and now we're here.

14 That's why it's so important that you pass
15 your information on, your contact information on the
16 sign-in sheet where you came in so this board knows
17 where the towers -- so the board actually knows who the
18 towers are in the Commonwealth, because part of that is
19 they didn't have a number of who they are, the
20 localities may, but the state police really -- the
21 Commonwealth didn't know who they are.

22 And I'm not a fan of equipment
23 regulations. I've only seen really one pile list of
24 the total number of operators, about a thousand, it's
25 probably I think the estimate. I was given maybe three

1 or four thousand, about a thousand were in the
2 Commonwealth. And I look at that spreadsheet, about
3 half of them, close to half of them have two trucks or
4 less.

5 So I can assure you I would never support
6 any equipment regulations, and I think a few other
7 members aren't probably too big on having more than two
8 trucks, a single truck operator. I would support the
9 single truck operator.

10 The important issue is fingerprint and
11 background checks. I have a teenage daughter, and I
12 know everyone on this board doesn't want a sexual
13 predator to pick my daughter up at college at 11, 12, 1
14 in the morning. That's the big thing. The localities
15 really need to know who's driving these trucks because
16 I definitely do not want convicted sex offenders
17 picking my daughter up while she's in college, and
18 towing her, taking her or my wife on the side of
19 Interstate 64 in Richmond.

20 So that's -- I don't know if the board
21 members may want to comment on how they feel about the
22 equipment. The other, in Whitfield, there was probably
23 a larger crowd than this. In Richmond about this size
24 crowd, about this size crowd, so I can assure you that
25 there's a lot of you-all -- it's a lot of you-all out

1 there that have voiced strong opinions about equipment.

2 And I can't support having a required
3 number of trucks within the public safety regulations.

4 Thank you.

5 MR. DRUMHELLER: Thank you, Scott.

6 Next?

7 MR. COURTNEY: Mr. Chairman, members of
8 the boards, my name is Tom Courtney, 17th Street,
9 Virginia Beach. I would just like to come out and say
10 I think we're going to be overregulated if this board
11 comes into effect on the public safety side.

12 The general rules, we're all signed up,
13 working hard to get it all in there and get it working,
14 but the City of Virginia Beach, I don't think they
15 asked you to come regulate them. The police department
16 does an excellent job in regulating us.

17 I'm regulated at every point and turn to
18 the point I feel like I'm being overregulated. I may
19 be out of business because I don't know what the
20 regulations are going to be, but you want to carry this
21 forward before you tell us what all the regulations are
22 going to be. One truck? Two trucks? Three trucks?
23 What? I'm very concerned, and I don't think anybody in
24 here feels real comfortable with the way it's being
25 presented and the fast track.

1 Let's do the general. Get it working.
2 Get it right. Then if the city needs help, they'll
3 come and ask you, and you can help them. Let's turn
4 regulate into educate. Take it back to the Northern
5 part that you say is not regulated, and tell them, show
6 them models, Newport News, Portsmouth, Chesapeake,
7 Virginia Beach, Norfolk. And they can regulate
8 themselves with a towing board and police department
9 with its regulations. Thank you.

10 MR. DRUMHELLER: Thank you.

11 MR. BENEDICT: Good evening, Mr. Chairman,
12 Mr. Copeland, members of the board, my name is Steven
13 Benedict. I'm with AAA Tidewater Virginia, and
14 obviously, I speak on behalf of our club, our sister
15 club in Richmond, our associated towers, and anybody
16 else in the room who agrees with what I have to say.

17 I'm going to echo a lot of what many of
18 these people have said. What's very disheartening to
19 us as an organization is to hear so many towers in the
20 room who said they know nothing about it. Even the
21 police departments that have been on the mailing list
22 have not received notification. So I don't think I
23 would be fulfilling my duty if I didn't impose the
24 question to you.

25 Most of you seemed shocked that people

1 that were on the mailing list didn't receive
2 notification. So what are you going to do about it?
3 We've got a January 1 compliance date, and judging by
4 the number of people in this room, and what we've heard
5 over the course of months, we could have a couple of
6 hundred tow companies across the Commonwealth in
7 noncompliance that will be operating illegally.

8 What are we going to do about it? Most of
9 them will be small towers. I will say the smaller
10 towers aren't necessarily associated with an
11 association. AAA had tried to do our part to send
12 mailers out to the companies that are contracted with
13 us, but that doesn't help the guys out in rural Western
14 Virginia that have been doing a good job for 30 years.
15 So what are you-all going to do about that?

16 Speaking in terms of the general
17 regulations -- before I get into that. This public
18 hearing was for comment on the public safety
19 regulations; is that correct? But I heard Mr.
20 Drumheller say earlier there are no official safety
21 regulations drafted. So then what are we commenting
22 on? Everybody is asking about the equipment and the
23 impact on their business, and you-all said there is
24 nothing in there about the equipment right now because
25 officially there is no draft posted.

1 So how can this be a public comment
2 meeting on regulations that don't even exist yet
3 officially?

4 MR. DRUMHELLER: You're right. However,
5 there was several different suggestions, proposals for
6 public safety towing. We just sat all that aside and
7 thought it over. We need to know what your opinions
8 are before we start up again on it.

9 MR. BENEDICT: Okay. So we should not
10 refer to the preexisting draft as to go by because they
11 don't exist?

12 MR. DRUMHELLER: I'm not going to say you
13 can't refer to it because it was there. We're not --

14 MR. BENEDICT: So what's the public
15 comment period requirement once the new regulation
16 drafts are posted that everybody in this room can
17 review? There will be time for public comment after
18 those also, right? Will there be more meetings like
19 this or --

20 MR. DRUMHELLER: Before any further
21 regulations, I don't know how many it will be. It will
22 be a number. I'll let the man take over who knows
23 what's going on.

24 MR. COPELAND: Under the regulatory
25 process, there is notice of intended regulatory action,

1 where there is a 30-day comment period. There's a
2 proposed regulatory period where there is a 60-day
3 comment period. There will be public meetings similar
4 to this. Again, this is all before going forward.
5 There will be public meetings related to this for
6 public comments.

7 There will be even further comment periods
8 when it gets to the final stage. So those will be
9 formal, and that will not preclude any comments that
10 anyone wants to send in or e-mail to us or alert us
11 verbally or by phone in that period in which we're
12 accommodating those regulations.

13 And keep in mind the typical regulatory
14 process last anywhere from 9 to 18 months. Nine months
15 is phenomenally fast, and I can probably guess that
16 given the interest in this that we had statewide, it is
17 not going to be a fast process. Okay.

18 MR. DRUMHELLER: Another reason for these
19 meetings now is to get your opinions before we get into
20 this process. You know, if we're going along with what
21 we're hearing, there shouldn't be that much observation
22 once the process starts.

23 MR. BENEDICT: Providing that's what
24 happens, right?

25 MR. DRUMHELLER: Right.

1 MR. BENEDICT: I don't think, at this
2 point, regulations here -- I think we all realize the
3 board is here, and we do realize that you are required
4 by the statute to promulgate public safety towing
5 regulations. Our position is we don't necessarily
6 disagree with that, but it can be accomplished.

7 It doesn't say it has to be a separate set
8 of regulations. It can be accomplished within general
9 guidelines, the general regulations, and done at a
10 local level. It's worked for all these years.

11 I wouldn't stand here and say that I don't
12 necessarily believe that's the intent of the board to
13 put the small tower out of business. It's not about
14 intent, gentlemen, it's about facts. If you stop and
15 think about those equipment requirements -- you know
16 AAA is an organization who had a big interest in small
17 towers, if you don't already know that. It's very
18 concerning to us. And if these regulations go through
19 as the previous draft was designed, it's going to put a
20 lot of people out of business.

21 Was there any real serious economic impact
22 study done on these -- any of the regulations?

23 MR. WYATT: Sorry. I had to wait for the
24 mike to warm up. Part of the regulatory process
25 includes an economic impact analysis done by the

1 Department of Planning and Budget to which the board
2 would have to respond to and provide information to.
3 So, yes, absolutely there is economic impact analyses
4 that take place during any regulatory action. And I am
5 quite confident that there will be a very thorough one
6 done before any public safety regulation comes before
7 this board.

8 MR. BENEDICT: Okay. I was just concerned
9 about that because the part of the general regulations
10 that are in place for the tow truck driver
11 authorizations, and some people have already mentioned
12 it, was the time period.

13 The board has 60 days to approve or
14 disapprove drivers. So if it's not an experienced
15 driver coming from another company, if it's a new
16 driver we're going to train, or Century's Towing, or
17 whoever is going to train, we legally can't put that
18 driver behind the wheel for 60 days.

19 That's an economic impact. Most of those
20 companies can't afford to pay a commissioned driver, in
21 most cases, to ride along with another commissioned
22 driver, in most cases, for 60 days. Is there going to
23 be any provisions for temporary operators or temporary
24 drivers documents in that 60-day period? And then what
25 happens if they deny it? Now, this company wasted its

1 money getting the other authorization documents done,
2 spent the money training, maybe on uniforms, payroll,
3 payroll taxes, and they may have to let the driver go
4 if it's actually declined by the board.

5 MR. DRUMHELLER: We hear you, and we're
6 going to be thinking over that. We have discussed it.
7 I have to go back through because I don't think we came
8 up with anything concrete on it. We're well aware
9 there's got to be something for new drivers.

10 MR. BENEDICT: Okay. I'm sorry. If I
11 seem a little bit pointed, I just wanted to go back to
12 my first question, if you don't mind. Is there going
13 to be any additional efforts to notify companies that
14 haven't already been notified?

15 MR. DRUMHELLER: You tell us how we can do
16 it, and we will. We have used every avenue that we
17 know.

18 MR. BENEDICT: Has the board itself
19 contacted local police departments and local sheriff
20 departments for their list? I realize the state police
21 is on it.

22 MR. DRUMHELLER: Mr. Copeland.

23 MR. BENEDICT: It's just a question.

24 MR. DRUMHELLER: They may have been. The
25 Lieutenant said yes, they had been.

1 MR. BENEDICT: Okay. All right. Again, I
2 wanted to say I appreciate you-all coming down here and
3 taking the time to discuss these matters with our local
4 area, but you made a comment about the negativity.

5 If this would have happened before the
6 negativity, you may not be as far as you are, and I
7 think probably I speak for most of the people in this
8 room, that I know of, this is only the third time that
9 the board has been interactive with the Hampton Roads
10 area since the initial statute was proposed and in
11 subcommittee. So I know there was subcommittee
12 hearings moving all around the state, but never Hampton
13 Roads. If it hadn't been for the local association --

14 MR. DRUMHELLER: We have been to Hampton
15 Roads three times. Danville, we haven't been there.
16 Allen County, we haven't been there. It's a big state,
17 and we're doing our best to cover it.

18 MR. BENEDICT: I think maybe -- and I'll
19 be **quite** because I'm sure everybody is tired of hearing
20 me, but I think maybe the whole thing was fast-tracked.
21 And I really do think that the board can come up with a
22 acceptable -- for most people in this room -- a set of
23 public safety regulations incorporated in the general
24 regs. But there is some ironing out that needs to be
25 done, too, and I think everyone will agree with the

1 process and the actual regulations.

2 MR. DRUMHELLER: Nobody argues that point.

3 MR. BENEDICT: Again, gentlemen, thank
4 you, and as always, AAA remains committed to assist you
5 in anyway we can. Have a good evening.

6 MR. DRUMHELLER: Anyone on the board want
7 to make any comment?

8 MR. HERRING: Don't we have a mailing list
9 of all the AAA people that we got from AAA that were
10 notified? That's why I don't understand how this
11 situation keeps coming up, because I thought we had a
12 list from AAA that was provided from AAA. And anybody
13 that was a AAA tower was notified.

14 MR. DRUMHELLER: Well, I know AAA service
15 providers were notified by AAA also.

16 MR. BENEDICT: We did provide our list,
17 and we did take steps on our own part to notify our
18 contracting facilities. But, you know, while we may
19 represent four or five hundred tow companies across the
20 Commonwealth, it seems to me there's maybe another 20
21 to 30 percent above that.

22 MR. DRUMHELLER: There sure is.

23 MR. Medley: My name is Pete Medley. I
24 run Pete's Custom Auto Service in Newport News for the
25 last 45 years. I got word of this board about a year

1 ago, and the regulations that were going to come down
2 on us then would have put us out of business.

3 It's changed. I will tell you-all the
4 ones that haven't been on the board for long, if you
5 would have read the rules, they were coming down with a
6 year ago, you wouldn't believe it. And I know it's
7 changed. We've been to meetings. We know everything
8 has changed, and the board now caught the tail end of
9 this thing and catching hell for it.

10 I will tell you that the regulations, all
11 of the licenses and everything else, I'm all for it.
12 But as far as bothering with the city with what they're
13 doing, leave us alone, and keep working at it. I
14 appreciate it.

15 MR. DRUMHELLER: Thank you.

16 MR. D'ALESSIO: Good evening, chairman and
17 board, my fellow towers, city officials for each city.
18 My name is Mike D'Alessio. I run C&M Towing and
19 Recovery. I'm experienced in the towing field for 23
20 years, out of three years as a dispatcher and office
21 manager. I have 15 years in the field. Some of my
22 fellow workers out here, I can overturn a car with a
23 flatbed, a stack of carbon tube and a couple pieces of
24 wood. That's not the reason why we're here tonight.

25 I appreciate the board being here, and the

1 board can be good at what it does. My little concern
2 is, first of all, for the public people. That's what
3 we're here for. Some of us do it because we want to.
4 We don't do it because it's a job. It's in our blood.
5 It's what we do. I'm concerned in the board -- and
6 this is not a hatchet job.

7 I'm not standing up here to try to hurt
8 myself or hurt my company or hurt my towers, but I'm
9 hearing a lot of negative on this side of the board.
10 You're not sure where or what company, this and that.
11 Blah, blah, blah. You're not sure about some of the
12 rules and this and that.

13 Also in Virginia Beach, the city police,
14 some of the other state guys that regulate us, we go
15 through a process to make sure our trucks are able.
16 They can tow the equipment. They check to make sure
17 we're legal. We have the DMV where we have to get out
18 business license from. They check to see if we're
19 legal and that your tags are on. We're supposed to
20 have WT tags.

21 There's a lot of stuff that is being done
22 that the city controls for each city. The police
23 department do. I think they're doing a great job at
24 what they do. They keep control of us. If we get in
25 trouble, we get suspended, or called in, or taken off

1 the list. I feel that the board should look in the
2 questions that are being asked tonight. The board is
3 not looking at that word *safety*.

4 The point here is, we give the safety to
5 the public when we tow. When they're out in the middle
6 of the night broken down on the highway and your
7 daughter is stuck, you want a professional tow company
8 that's going to tow your daughter and bring her home
9 safe, not worry about what the rules are. The rules
10 are already set by the city.

11 We spend a lot of money buying tow trucks,
12 paying insurance, and fuel, making sure drivers have
13 equipment to go out there, uniforms. Not only that.
14 What about their drivers, the homes, and the families
15 that they have? I have five married drivers that work
16 for me that have at least two or three kids. I'm
17 worried about their livelihood; that they go home every
18 night safe. They feed their families. They have got
19 to be strong. They have to put food on the table, car
20 payments, and everything else.

21 I'm not trying to push more into that and
22 let the safety public part of the public towing be done
23 by the city police. They're the ones that follow up
24 rules. The DMV tells them what we can do and what we
25 can't do.

1 The USFR -- I'm not sure I am saying it
2 right. It's a form by DMV that tells how many trucks
3 we have this and that. Business licenses are done by
4 the business department. It tells us if we're in
5 business or not. If we don't follow the rules from
6 that, they're more than welcome to come to our offices
7 and check.

8 I think the board should be there to help
9 us on stuff that we don't know, and the questions we
10 have, not worried about the safety part. Let the
11 safety part be done by the city police. They are doing
12 a great job. And if I'm not up to par and your truck's
13 not in service, we're taken off the list.

14 Now, I don't tow for the city or the
15 state. I tow for AAA and I tow for the public that's
16 in the City of Virginia Beach, and in other cities of
17 Hampton.

18 If someone calls me for a tow, they're
19 getting a professional driver that's courteous. The
20 truck is in fantastic condition. I don't own it, the
21 bank does. But my drivers go out to help someone,
22 whether it's your wife, your mother, or your daughter.
23 I know the City of Virginia Beach, us towers, we are
24 going to go out there and do a great job. It's going
25 to be done professionally and courteously.

1 I'm not worried about the other stuff. If
2 I'm doing something wrong, they'll come to me, or they
3 will call me in, or I'll get a letter and wind up in
4 the office. And that's fine, but for the board, I
5 think you should worry about the other stuff that's not
6 being said. There is too many questions here, and no
7 offense to the board, there's too many things I'm
8 hearing. We didn't know about that. We didn't know
9 about that.

10 The board should be able to help us, to
11 guide us on the stuff that we don't know. The stuff
12 that we do know, let us worry about it. We're the ones
13 out there at three o'clock in the morning. When you
14 call someone to go and tow your daughter, I'm the one
15 who's answering the phone, or I'm out there myself.

16 I think everybody is missing the point
17 here tonight. This is for the public, the City of
18 Virginia Beach, and the other cities that are involved.
19 That's what you need to look at. You also need to look
20 at, as far as I know, there's no complaints in Virginia
21 Beach or in Chesapeake, Portsmouth, Hampton. We have
22 no complaints in our city with our towing. I know for
23 a fact that the complaints are from the northern side.
24 So maybe the board needs to worry about that stuff and
25 take people that are not doing the right thing, and

1 furthermore, put your efforts that way.

2 I think your efforts are doing great. I
3 just think that the efforts that we do from our city
4 personnel or city officers is being done fine. We
5 never had a problem before. I tow for AAA. I'm a main
6 contractor for AAA. Okay.

7 Also with them, I have -- they come and
8 take a look at my trucks. They make sure I'm
9 certified. They make sure I have insurance. They make
10 sure my drivers are certified, and I have no problems.
11 I tow for everybody here that's in this city and this
12 state. AAA approves me. They approve me. I think the
13 board needs to worry about the other stuff, the stuff
14 that's not being helped, and help us on stuff we need
15 help on.

16 Let the public safety be done by the city
17 officials, the police department, the state police.
18 Because, no offense, you gentlemen are not there in the
19 middle of the night when I'm out on the road at three
20 o'clock in the morning to tell me what to do. But I
21 know if I have a problem, I can call the state police
22 or the city police, and they will tell me what I need
23 to do or not.

24 We provide a service for the city and for
25 the public. The main point of this meeting is the

1 public, and that's what we need to think about. The
2 people that we hire. The people that we're helping in
3 the middle of the nights, during the nights, whatever,
4 whether it's an accident, a breakdown, whatever. When
5 a person that doesn't have a cell phone, the state
6 police officers will stop and call someone knowing
7 we're going to be there in the middle of the night for
8 them. They're not going to be left on the side of the
9 road.

10 I'm worried about my employees, and I'm
11 worried about the city, especially Virginia Beach,
12 where I live now. I think the board is doing so many
13 other questions that are not being asked. There is too
14 much negativity that you're not aware of. Worry about
15 that stuff. Worry about helping us do our jobs that
16 we're already trained to do, and that we bought into
17 this business to do, to help you people when you break
18 down when you come to Virginia Beach for the weekend.
19 You want a company that's going to come out and do the
20 right thing. That's what we're here for. That's what
21 the City of Virginia Beach towers, we do now.

22 We have no negative comments in the City
23 of Virginia Beach, and I know that for a fact. I know
24 there's problems up with northern towers. That's what
25 the board needs to go by. Go by the people that are

1 not doing the right jobs, and that needs the help. And
2 start helping them a little bit more so we can all do
3 the right thing.

4 I know when I put my head on my pillow at
5 night, I know they're doing a great job. I know I'm
6 legal and I'm professional. And that's what I'm
7 worried about, the public. I'm worried about the
8 public being serviced, and that's what this meeting is
9 tonight. Leave the general safety rules alone.
10 There's nothing wrong with them the way they are. The
11 state police have no problem with it. Worry about the
12 other stuff you can help us with.

13 We are all taxpayers. We all are having
14 enough hard times as it is. Fuel is expensive.
15 Insurance is expensive, decals, and stuff like that,
16 you know. I understand if you want to have that done,
17 but I don't think it's necessary. You can go to any
18 city police, Officer Whitehead or Officer Galloway,
19 their department has any tow truck company that's on
20 there, whether they're on the last or not.

21 Go to AAA and make sure you get the towing
22 members that AAA has. They are all certified and
23 qualified. We all follow rules. There is no reason
24 for it. Spend the money where it needs to be and help
25 the people that need it.

1 I just thank you for your time tonight and
2 letting me speak. I speak for the little towers. I
3 opened up my business 40 years ago. I came from New
4 York and why? Because I do this because I came wanting
5 to. I don't do this because I have to. I'm in the
6 business because I live for it, and I would die for it
7 every day when I am out on the highway helping
8 everybody.

9 I just appreciate the board to take the
10 time and step back and help us in the areas we need to
11 be helped in. Take the money you're wasting or -- I
12 don't want to go that route. Take the money that's not
13 being spent right and do something with the money to
14 help us and the city. Fix the roads. Put lighting
15 where there is no lighting on the streets. Fix the pay
16 phones so the public can call us when they need us.

17 If the board wants to do something like
18 that, do something like that to help us, but let the
19 city police department handle us or state police
20 department. They know what we're qualified for. If we
21 don't have the right trucks, we don't get on the list.
22 I'm standing here tonight taking time away from my
23 family because I'm worried about if the public is being
24 serviced right. I'm worried about if it's my daughter
25 or someone else's daughter coming down here for the

1 weekend. Making sure that the trucks out there are
2 professional services and qualified. That's what this
3 point is tonight. It is for the public. The safety is
4 already there.

5 You guys are saying public safety. We're
6 already treated by the police department. We already
7 know what our jobs are. We know what our
8 responsibilities are. If we're not done like that,
9 we're taken off the list and suspended. That's enough.
10 DMV looks out over us. Business licenses -- if you
11 don't know what companies that are here tonight, go to
12 the DMV where there is many ways you can find us out.

13 There are many people here that don't even
14 know what's going on tonight, and these are the little
15 guys. Those are the ones we need to look out for. You
16 got these big companies out here that handle everything
17 else. Let the little guys here make a living in a
18 honest way and professional way.

19 MR. DRUMHELLER: I'm sorry we have to put
20 time on you. We got other people waiting. I
21 appreciate what you said. We hear what you said.

22 MR. D'ALESSIO: Also, just think of the
23 employees, like I said, again. That's what we're here
24 for tonight, and thank you for your time.

25 MR. DRUMHELLER: Thank you.

1 MR. PLY: Mr. Chairman, members of the
2 board, I'm Eric Ply, and I represent the Virginia Beach
3 Towing Association. Before I get too far into this, I
4 will keep it brief.

5 MR. DRUMHELLER: I was going to give you
6 30 seconds.

7 MR. PLY: I couldn't do it in 30 seconds,
8 especially from what I've heard tonight. First, I want
9 to thank -- some of you I don't know, but most of you I
10 recognize -- the Virginia Beach Towing Association.
11 Especially, Lieutenant Hardison for setting up the
12 fingerprinting out here. I think it's been very
13 useful, and I appreciate Lieutenant Hardison. He
14 really had to scramble around to get this done. We
15 greatly appreciate the effort he's done out here
16 tonight.

17 Mr. Chairman, since we are in a public
18 hearing and everything is being recorded for public
19 records, I want to straighten one matter out. Earlier
20 in the meeting you stated we are here because if we
21 didn't regulate ourselves, the general assembly would
22 have regulated us as an industry.

23 We agree in a lot of things, Mr. Chairman,
24 but I respectfully disagree with that statement that
25 you made. Since I was brought on board by the Virginia

1 Beach Wrecker Association back in January, I have not
2 found one senator or one delegate that sought to
3 regulate the towing industry down in Richmond.

4 I have not found one DMV employee, one
5 VDOT employee, or one state police employee, at least
6 that will own up to the fact that they are proposing to
7 regulate the towing industry.

8 We all know why we're here. We're here
9 tonight for this safety public meeting because Senator
10 O'Brian's wife got her car towed up in Northern
11 Virginia, and it made him mad. And to follow up on
12 that, two towing organizations in the Commonwealth
13 seize the opportunity to mislead the general assembly
14 in an effort to capture more market shares for their
15 client. That's why we are here tonight.

16 The general towing regulations that were
17 written last year and public safety towing regulation
18 draft that this board regulated last November, along
19 with many of the state statutes that regulate the
20 towing industry in the Commonwealth, were written by
21 these two towing organizations. And it's clear that
22 they were written in an effort to help their client
23 gain more business, and quite frankly, put those that
24 were not members of their association out of business.

25 That's why we're here tonight. We're here

1 tonight because two groups, two towing associations in
2 the Commonwealth of Virginia got greedy and thought
3 that they could manipulate the general assembly and
4 gain power for their client. That's why we're here
5 tonight. I want that to be on the public record, not
6 that we're here because the general assembly is going
7 to regulate us. That simply is false.

8 Now, as we're looking to the public
9 safety, I cannot express -- and I said this before at
10 the other meetings, and I know you have got to be tired
11 of hearing it. But I cannot express my disappointment,
12 and my extreme concern to sit here tonight in the City
13 of Virginia Beach some how-many years since this board
14 was inactive, the general assembly put this board in
15 place, and sit here and listen to the law enforcement
16 agencies from Tidewater and multiple towers still not
17 knowing what the actions of this board is. And to see
18 that there are still large numbers of towers who still
19 don't know what the general towing regulations are.

20 They do not know the intent of this board
21 or where the board is headed or what they're going to
22 do with their future. Here we are some 65, 70 days
23 away from being in a compliance, and what percent of
24 the towers in the Commonwealth still do not know the
25 actions of this board? How do you expect them to come

1 into compliance if they don't know what the regulations
2 are?

3 And I asked the board -- you talked
4 earlier in your meeting today about sending out a press
5 release to let the towers know that if they are not
6 licensed by January 1, they will be in violation of
7 state law. How do you address that to the towers who
8 don't know what you're doing? How do you protect those
9 towers who didn't have an opportunity to apply?

10 We had towers in our meeting this
11 afternoon who still haven't received their
12 applications. I guess the question, I think, the board
13 needs to answer is who's going to protect those towers?
14 Because according to state law, come January 1, they
15 will be criminals if they are not licensed by this
16 board. How does this board plan to protect those
17 towers?

18 It's a great concern to me, and I thought,
19 and I know you have tried to tag the state police with
20 this communication problem, and it's not the state
21 police's responsibility to be the communication
22 committee for this board. How are you-all going to
23 protect those towers? It's a very concerning thing for
24 myself, and the Virginia Beach Towing Association to
25 know there will be towers put out of business come

1 January 1.

2 I have great doubts of what I heard
3 tonight that this board can license every tower in the
4 Commonwealth of Virginia since you don't know who every
5 tower in the Commonwealth of Virginia is.

6 Now, as we move into public safety. I
7 spoke with the Virginia Beach City Attorney that's in
8 charge of towing today. They also, our own city here
9 in Virginia Beach, also one of the largest cities in
10 the Commonwealth of Virginia, have very little
11 information on the general towing regulation or safety
12 and towing regulations.

13 Now, let me speak to the safety and towing
14 regulations. Still, as I said in other meetings, here
15 we are, some two years later, here we are with January
16 rapidly approaching to us and still no law enforcement
17 agency, in the Commonwealth of Virginia, has asked this
18 board for help with public safety towing. Not one
19 agency. I have called most of those agencies and none
20 of them are in favor of the public safety tow
21 regulations. None of them are in favor of you creating
22 a towing list for them to use, and none had expressed
23 to you, approached you or asked you, unless I'm
24 wrong -- if I'm wrong, you can speak up -- has asked
25 for this board to get involved in public safety towing

1 regulations.

2 So why are we here doing this? I once
3 again, ask this board to consider drafting a resolution
4 to ask the general assembly to drop the state statute
5 46.2-2826, relieving this board of their
6 responsibilities to create public safety tow
7 regulations.

8 We have the mechanisms in place. We have
9 everything that we need to protect the public, and we
10 don't need these. We're simply trying to fix
11 something, a problem that does not exist. If you're
12 truly concerned as a board -- and I believe I met with
13 each of you, and I believe you to be honorable men. If
14 you truly believe, and your true intent of this board
15 is to protect the safety of the public in the
16 Commonwealth of Virginia, then leave that job to those
17 that have been sworn to do that. And that's the local
18 law enforcement agency that we have in our cities and
19 our counties.

20 Do not attempt to take the power and the
21 authority that they have now to protect the public away
22 from them. It has been mentioned, and we recommend,
23 you remove the public safety tow. Have the general
24 assembly do that by modifying that section of the code.

25 Gentlemen, at any time in the slightest

1 degree any regulation that you pass under the safety
2 tow regulation, the statute of the Commonwealth of
3 Virginia, any regulations, no matter how high it is.
4 No matter how small it may be. You start and you take
5 the first step down that path of removing the authority
6 and the control of public safety away from the law
7 enforcement agencies in this Commonwealth, and that's a
8 bad move for the towing industry and a bad move for the
9 citizens of the Commonwealth of Virginia.

10 I ask this board, Mr. Chairman, in your
11 next meeting, once again, pass, create, and adopt and
12 pass a resolution asking the general assembly to remove
13 Code Section 46.2-2826. Thank you, gentlemen, for your
14 time.

15 MR. DRUMHELLER: Thank you, Mr. Pry.
16 Mr. Pry, were you at the Wytheville meeting?

17 MR. PRY: Yes, sir.

18 MR. DRUMHELLER: You didn't hear Senator
19 Puckett stand up and say that if we didn't get the job
20 done that somebody would?

21 MR. PRY: Yes, sir, I did hear that. So
22 your question to me is what?

23 MR. DRUMHELLER: Well, you started off by
24 saying no senator or no --

25 MR. PRY: No, sir, Mr. Chairman. What he

1 said was if you didn't get your act together, that the
2 general assembly would do it for you. Now, that is
3 some two years after the board was created. What you
4 said was, that the reason that this board was created
5 was because the general assembly was going to regulate
6 the towing industry.

7 What Senator Puckett said, at least what I
8 heard Senator Puckett say, was that if you didn't get
9 your act together, he would have the general assembly
10 do it for you this coming year; am I correct?

11 MR. DRUMHELLER: No. I don't agree with
12 you. What he said was if we didn't get it done,
13 somebody would do it for us. Yes.

14 MR. PRY: And who was that, sir?

15 MR. DRUMHELLER: The general assembly.

16 MR. PRY: And what year is that going to
17 be done in?

18 MR. DRUMHELLER: That's going to be done
19 this coming general assembly.

20 MR. PRY: And this board exists today? So
21 his comments are what is going to happen in the future,
22 not what's going to happen before; am I correct?

23 MR. DRUMHELLER: I'm not sure I understand
24 what you're saying.

25 MR. PRY: Mr. Chairman, I have the utmost

1 respect for you. You know that we had many
2 conversations about this board. My comments in
3 response to your comments with the fact that there was
4 a facade created a few years back by some lobbyist in
5 the Commonwealth of Virginia that we had this monster
6 that needed to be controlled by the towing industry,
7 and that everybody in the towing industry was a crook
8 and criminal and were going to rape their daughter and
9 was going to pillage and plunder every car they came
10 across.

11 They painted this terrible picture and
12 they went to the general assembly and said if you don't
13 do something, the whole world is going to crumble like
14 it was the *Chicken Little* thing. And we lobbyists, we
15 do tend to extend the truth some times. I don't, but
16 some do. And as I said before, I have not personally
17 found any elected official, in the Commonwealth of
18 Virginia -- now, I am an elected official in the
19 Commonwealth of Virginia, vice chairman with four
20 supervisors in Sussex County. No one -- I can't find
21 one elected official that said I need to regulate the
22 towing industry.

23 I have seen this corruption. Other than
24 Senator O'Brian, who lost re-election, whose wife got
25 her car towed -- and quite frankly, it pissed him off,

1 and he came back to the general assembly and started a
2 task force.

3 Lobbyists saw that as an opportunity
4 first, to create businesses for themselves, and,
5 second, to gain rewards for their client, to gain a
6 greater market share. And the hope from these groups
7 was to start over and regulate this industry and burn
8 it with equipment regulations that 60 to 70 percent of
9 the towers would drop out, and their clients would then
10 control the market. The facts are undisputable.

11 Now, what Senator Puckett said this year
12 had nothing to do with the creation of this board, with
13 all due respect. What he said was, Gentlemen of the
14 board -- and I think you-all took his warning and have
15 done a good job with the general towing regulations.
16 What he said was, If you don't get your act together
17 and you pass general towing regulations and you attempt
18 to pass safety towing regulations to put somebody out
19 of business -- and I think his comment was one tower --
20 if you try to put one tower in the Commonwealth of
21 Virginia out of business, then he would take care of
22 the problem. Meaning, the general assembly would
23 swoop -- well, I don't know what his interpretation is.
24 Does he shut you down? I don't know. Does he remove
25 the section we asked you to remove? I don't know.

1 But his statement was to you -- of course,
2 you were not chairman then. I understand that. If
3 Chairman Hodge did not get control of this board and
4 bring it under control and stop allowing the lobbyist
5 to run the board, that the general assembly would take
6 action. That's what he said, sir, with all due
7 respect.

8 MR. DRUMHELLER: Thank you. Would anybody
9 else like to comment?

10 MS. ROUNDTREE: Good afternoon. My name
11 is Kathy Roundtree, and I'm the public safety
12 (inaudible) for the City of Virginia Beach. Basically,
13 I came here tonight to learn. I just found out about
14 all of this -- was provided with the general
15 regulations early this week.

16 I am glad to find out that there aren't
17 any public safety ones because, in all my research, I
18 couldn't find any, and I was feeling a little bit
19 inadequate. I have looked at the state code though,
20 and it does say you-all have to pass regulations for
21 public safety.

22 What I would recommend -- and I don't know
23 what your other areas are or where your problems are or
24 who is doing what to whom. I can just talk for
25 Virginia Beach. We do regulate our towers, and I think

1 we do a very good job. I have both my tow officers
2 here.

3 I don't know of any complaints that we
4 have had that we haven't been able to deal with on our
5 own. I would suggest that perhaps what you could do in
6 your regulations that you write, is that you make a
7 speculation for those localities that choose to
8 regulate their towers. That they would only have to
9 comply with the general regulations. That way, if my
10 police officers decide that a business that has just
11 one truck is good enough for them, that's good enough
12 for us.

13 We do a lot of public safety tows, we call
14 them police-directed tows. I don't know if we do more
15 than anybody else, but we do a lot of them. And our
16 rotation list works very, very well. We try to treat
17 everybody equally, whether they're a one tow truck
18 company or two tow truck company. It's open to
19 everyone as long as they can meet our minimum safety
20 requirements.

21 We haven't had any kind of complaints that
22 any of the tow operators who are doing operations on
23 our police-directed tows have assaulted anybody or hurt
24 anybody. The types of complaints we have usually has
25 to do with maybe a military person who got towed and

1 was out to sea.

2 My officers are very, very good about
3 calling the tow truck company, and they will make
4 accommodations for those people. And those aren't
5 accommodations that you can write into your law, I
6 don't think. That's all I would suggest. Virginia
7 Beach thinks that we regulate, and we regulate well. I
8 would ask that we and any locality that wants to
9 regulate police-directed tows be allowed to do so, and
10 only have to abide by your general towing regulations.
11 Thank you.

12 MR. DRUMHELLER: Anyone else wants to
13 speak?

14 Mr. Maze, I think I cut you off a while
15 ago.

16 MR. MAZE: Mr. Chairman, members of the
17 board, members of the wonderful towing industry of
18 Virginia, and all you other folks who cared enough to
19 be here. My name is Floyd Maze. I'm an insurance
20 agent. I've been insuring tow trucks for 30 years, and
21 by the way, I just wanted to say something about his --
22 insurance costs are actually coming down.

23 Mr. Chairman, what exactly will public
24 safety regulations regulate? You know, I've been
25 trying to figure it out. You're going to regulate

1 equipment, but if we're going to go down to one truck,
2 what is there to regulate of that equipment? How old
3 it is? Is it hydraulic or mechanical? Why are we
4 going to regulate equipment if they're going to leave
5 it down to one truck?

6 And the second thing is that you might
7 regulate is education. Well, you know, 30 years in the
8 business, if these guys didn't know how to do what they
9 were doing -- and a lot of women are towing now -- if
10 they didn't know what they were doing, no insurance
11 company would be interested in writing them. And I
12 have several companies that can't wait to get their
13 checkbooks.

14 I think the training issue is being
15 regulated by competition. If you want to be a good
16 tower, you teach your drivers. You send them to the
17 right schools. You do what you need to do to put
18 yourself on what level you want to be on in the
19 industry. I don't think the board needs to regulate
20 that.

21 The last thing that I can conclude is that
22 public safety regulations would regulate is the towing
23 list. Are you going to decide who qualifies to be on
24 the towing list based on whatever criteria you
25 establish? Are you going to tell Virginia Beach that

1 some of the people that they want on their list can't
2 do it anymore? And oh, by the way, some people you
3 didn't want on the list, now they're on the list. You
4 know, that doesn't make any sense to me.

5 So if you're not going to regulate the
6 trucks, the equipment, and you're not going to regulate
7 their education, and you're not going to regulate the
8 towing list, what do you need public safety regulations
9 for? I don't understand what we need them for. I
10 would like to see you guys to be a hero and recommend
11 to the general assembly that they be exempt from the
12 requirements. We just don't need them.

13 And the last thing I want to say is, I
14 heard you say earlier on, Ray, that it's better for the
15 industry to be regulated by a group of towers than
16 another facility. I really thought about that because
17 I know you, and see, if they were all on the board like
18 you, Ray, it would be just fine. Because you have
19 integrity. You have been a friend of mine for many
20 years. I have great respect for you. But see, you
21 were around, Ray.

22 You saw the people, and there is some on
23 this board right now that are still angry because they
24 couldn't control the industry. They wanted to control
25 it. They were within a hair of getting it done. Had

1 it not been for Tommy Norman, every person in this room
2 tonight would be out of business, and some of those
3 people are still on the board.

4 It's just really disgraceful. They're
5 still angry about it, too. Well, thank you, Tommy
6 Norman, and thank God for the people who stepped up to
7 the plate, wrote their checks, got Eric employed, and
8 saved the industry to this point.

9 For me personally, I'm not going to feel
10 good about this, really comfortable about it, until the
11 public safety regs of the additional law are removed,
12 and we just have the general towing regs to regulate
13 the industry. Thank you.

14 MR. DRUMHELLER: Thank you for your kind
15 words. I should have had you first.

16 MR. BAILEY: Hello. I'm David Bailey.
17 I've been in the towing industry for over 25 years.
18 This is my career, and what I see what you're trying to
19 do is take my career away from me. And I'd like to
20 retire from this. I'm proud of what I do, and I'm
21 going to make this short and sweet.

22 The last I looked, this is the United
23 States of America, and I have the freedom to do what I
24 want to do to make my livelihood. And what you're
25 trying to do is take that away. Thank you.

1 MR. DRUMHELLER: This board has no
2 intentions of taking anything away from you or any
3 other tower or put any tower out of business. The
4 general assembly would not allow us to go out and put a
5 tower out of business. The governor's officer would
6 not accept that. We know we have a responsibility to
7 the towers of this state, as well as to the public.

8 Any other comments?

9 MR. MEDLIN: My name is Donnie Medlin. I
10 represent a small tow company by no means, but this
11 whole deal scares the crap out of me. You know, trying
12 to put us, what we feel most, out of the business.

13 Trying to get people certified and have to
14 be certified to do this. I was quite literally born
15 into this business. From the time I was born, I've
16 been in the towing business. I don't care what anybody
17 else does or what kind of schools they go to, I will
18 take on anybody with the patch on their shoulder, and
19 anything they want to do. I can do it as quick and as
20 good with less equipment. I don't need all those fancy
21 trucks and all the requirements that people call for.

22 We are one of the largest tow companies in
23 the area. We have more equipment than most of them.
24 We do not meet the qualifications that they tried to
25 stuff down our throats. I think that it's something

1 that really needs to be looked at, you know, and
2 thought about hard. Because there's a lot of us out
3 here who put a lot of years in.

4 It's not just the small guys. We pay a
5 hell of a lot of insurance every year. We have a hell
6 of a lot of expenses. They put more expense on us to
7 operate our business. Let's pass that down to the
8 public. You want to take the public's money? Help us
9 get some of the expenses off our backs. Help us help
10 the public. If you're going to regulate us, if you are
11 going to put expense on us, it's going to be more
12 costly for the public. I'm not a great speaker. I
13 have more in my head, but I'm done. Thank you.

14 MR. DRUMHELLER: I know how you feel.

15 MR. HERRING: Sir, what did you say your
16 name was again?

17 MR. MEDLIN: Donnie Medlin.

18 MR. DRUMHELLER: Which company?

19 MR. MEDLIN: Pete's Custom Auto.

20 (757) 599-6000.

21 MR. DRUMHELLER: Any other comments? Now
22 is the opportunity. Some of us may be taking heat from
23 others for a couple of years now, but we can take the
24 heat. Lay it on us.

25 MR. WILLIAMS: How you doing? My name is

1 Allen Douglas Williams. I'm the owner of Al's Towing
2 in Virginia. I'm originally from Northern Virginia. I
3 have been in the business 40 years. I grew up around
4 Woody Herring. I'm originally from Northern Virginia
5 as they say.

6 I was thinking about a lot of things I
7 have been through. Some are good things, some are
8 really killing the poor guy that's trying to keep this
9 business going. We can't afford a lot of this stuff.
10 I come from Northern Virginia, as I say. A lot of
11 stuff they started up there years ago is now is
12 floating down this way.

13 A lot of stuff is hard to come for the
14 small guy to operate a business. A lot of laws they're
15 making for us. Who's going to be paying for the
16 drivers to be certified? Is it going to be the
17 companies? The drivers sure can't do it. The poor
18 drivers out there looking for a job, he ain't got the
19 money to become certified.

20 If the company does it, that guy can go
21 next door and get another job somewhere else. A poor
22 guy like me just got a guy certified, we're out of our
23 money. He just went over to Jack's Towing, Bob's
24 Towing, or Frank's Towing, and got a job because the
25 grass looked a little greener. They offered more

1 money. But he didn't pay to get the man certified. I
2 think it's good we get certified, but the expense of it
3 is an awful expense for whoever pays for them.

4 If a man is looking for a job, he's broke.
5 He ain't got no money to get certified. Maybe he's
6 towed for years. Who knows. I don't know, not right
7 off the top of my head whether he has or not. But
8 supposedly he'd been towing for years. I've been
9 towing 40 years. I'm not certified to this point, to
10 this day. I went to DMV to get certified on my
11 driver's license. They said they haven't issued them
12 yet. They didn't know what they were coming up with to
13 give us yet, at that point in time.

14 I just think a lot of stuff that you're
15 doing is making it hard for the little guy. I speak
16 for everybody big or little. I watched Henry's Towing
17 push the little guys right out of business. Woody
18 Herring knows that for a fact. Been free for the City
19 of Fairfax -- County of Fairfax. Been free towing.
20 That went on for about five years.

21 Henry's Towing pushed a lot of little guys
22 out of business. I watched guys that have been towing
23 30, 40 years get knocked right out of the towing
24 business. They were on a city tow list or county tow
25 list up there, been towing for years, but yet, Henry's

1 is the one who pushed them out of business with free
2 towing. He got all the towing in Fairfax County. He
3 even knocked Woody Herring off the list for a couple of
4 years, if I'm not mistaken. For a couple of years,
5 Woody didn't even tow for the Fairfax County tow list
6 until they worked an agreement.

7 But all I got to say is it's hard for
8 little guy to make a dollar. We grew up in this
9 business. We get pushed out of this business. That's
10 about all I can say.

11 MR. DRUMHELLER: Thank you.

12 MR. WILLIS: Good evening, board, fellow
13 towers. My name is Jerry Willis, Wayne's Body shop.
14 Small business. Just me and my dad. Two workers. I'm
15 here very ignorant. Just learning now about this
16 stuff, so I can't comment a whole lot about what there
17 is, because I don't know much.

18 But I think some of this did come from
19 someone having a bad experience with a tow company, and
20 my mother had one, one time. She got broke down, and
21 she goes get her car. Comes back. Car's gone. Towed
22 away. I go to find out where it is. I go to pick it
23 up with my wrecker, and I said to the people, what are
24 you doing with this car? Can you authorize? Can you
25 show the police authorization of this car? Well, we're

1 in a contract with them. I say, Well, I tow for the
2 police as well, and also have them sign a ticket
3 showing they authorized me tow this vehicle. Show
4 authorization? They couldn't show any authorization.
5 I said, Well, if you want to call the police, go ahead
6 and call them. But if you can't show me anything, I'm
7 taking the vehicle away. They did nothing. I just
8 took the vehicle away.

9 I understand there are some people in
10 businesses who are doing things like that, and that
11 does hurt the public. Of course it does. That should
12 stay in the locality. You know, local people take care
13 of their own business. We just don't need to increase
14 the bureaucracy of the state. Keep it on the local
15 level side. That would be really good to be. Thank
16 you very much.

17 MR. DRUMHELLER: Thank you. They're all
18 local levels, tow operators like you guys down here.
19 That's why I say you're fortunate. Would someone else
20 like to speak?

21 MR. CARNES: Good evening, board, tow
22 members, everybody else who's been out in the industry
23 forever. My name is Eddie Carnes. I drive for a small
24 tow company. I've been towing for 15 years now. My
25 old roommate and I got into towing. We do this job

1 because we love it. You guys speak about safety, and
2 we do private tows. We're not on the police list. We
3 don't do state police. We don't do the beach. But you
4 guys talk about safety, how are you going to mandate
5 safety?

6 Are you going to try to regulate -- I am
7 an EMT shock trauma that I do for the City of Virginia
8 Beach. So you talk about safety, I guess so if I pull
9 up on scene and, hey, that guy is having a heart attack
10 -- sorry about your luck, man. So we're regulated for
11 safety, how are you guys going to regulate it? Who's
12 going to pay the bills?

13 You guys talk about all the money and all
14 the fees we're looking at. Look at the economy. Look
15 at the price for fuel. Look at the things we had to
16 deal with. You're going to turn around and drive off?
17 What happens when I have to pick up your wife and her
18 car broke down on the interstate, but your bill is
19 \$300? They rant and rave, why? Well, I got to pay
20 \$500 fees.

21 I have to have all my wrecker drivers
22 insured, regulated. We're all safety. They had a
23 safety course called Wreck Master. Probably some
24 wrecker operators took the class. I took the class.
25 I'm a certified Wreck Master Operator, but according to

1 you-all's regulations, I didn't qualify.

2 The only thing you can do is try to
3 prevent an accident. You can't stop it from happening.
4 We get up on that interstate every day. We put on
5 reflective vests. When you step out of that truck, you
6 are a target for a drunk driver. Ever single beach
7 officer, state trooper, can tell to that and you got
8 strobe lights going. We are safe as we can possibly
9 be.

10 How much safer can we be? Do we need to
11 carry concrete barriers with us that extends out two
12 lanes, and tell people, hey, don't hit us. We're being
13 safe. So it's something you guys need to look at. And
14 look at the fees, and where are we going to roll that
15 to? To our customers? Are we going to roll them to
16 your family members, which isn't fair?

17 It's expensive enough. Who is going to
18 pay the bill? Not the operators. We don't make enough
19 money. Unless you guys are going to give us pay
20 raises. I will be more than happy to certify, and you
21 guys can pay the \$500, and I'll be happy. That's all I
22 got to say. Thank you for your time.

23 MR. DRUMHELLER: Thank you. There may be
24 some misunderstanding when we're talking about safety.
25 We're talking about the public safety regulations.

1 We're referring to law enforcement calls. Of course,
2 we stress safety, but I don't know any regulations that
3 have even been proposed as far as any safety
4 regulations, per se, you got to do this or you got to
5 do that.

6 The federal government does tell you that
7 you have to have, as of November 24th, Class 3 vests,
8 that sort of thing, but this board has not proposed any
9 regulations as far as that is concerned. So don't
10 confuse what this board calls public safety tows or law
11 enforcement requesting tows. Don't confuse the safety
12 with public safety tows. Next.

13 A SPEAKER: I just thought of something
14 else I would ask the board to do on safety. Can the
15 state police get it -- most of the states have it now a
16 move-over log for their wrecker services.

17 MR. HARDISON: Sir, that's going to have
18 to be done through the general assembly.

19 MR. DRUMHELLER: That has been proposed to
20 the general assembly, and I'm sure it's going to come
21 up again this year. Or it is coming up this year.

22 A SPEAKER: Good. We need it. I got one
23 more thing I would like to ask after standing here
24 listening tonight. According to you-all, Norfolk does
25 not have a problem with their regulations and what

1 they're doing. Well, I was in a meeting in Richmond a
2 couple of weeks ago, and you said the same thing. We
3 did not have a problem in Richmond.

4 Now, if we go to Fredericksburg or
5 Danville, do they have a problem? Shouldn't this board
6 be concentrating their efforts on whichever ones,
7 state, or whichever county, or city that has the
8 problem? You're not telling us where our problem is
9 at. You're telling us where it's not. Shouldn't
10 you-all's emphasis be more on that area, fixing the
11 problem instead of trying to dictate to us what you're
12 trying to do?

13 MR. DRUMHELLER: We have no authority to
14 take any one particular area. Any regulations made
15 have to be made for the entire state, and they need to
16 be minimum regulations. Your localities can go above
17 whatever regulations the board has established.

18 This board is structured by the general
19 assembly to establish minimum regulations, and
20 hopefully, that's what we're going to end up with.

21 A SPEAKER: Right. But with these
22 regulations, do you know the areas that need those
23 regulations enforced? This board ever going to know
24 these areas?

25 MR. DRUMHELLER: We know where the cause

1 of the problems were, yes.

2 A SPEAKER: Are you having meetings in
3 those areas?

4 MR. DRUMHELLER: We're having meetings all
5 over the state.

6 A SPEAKER: Are you having meetings in
7 those areas.

8 MR. DRUMHELLER: We're having meetings all
9 over the state, and in those particular states, yes.

10 A SPEAKER: Okay. Thank you.

11 MR. COPELAND: I just want to add
12 something for clarification. This is one of four
13 meetings that we mandated to be held by this board.
14 This board has also gone beyond and scheduled three
15 more, and it's not guided necessarily by the idea that
16 you need to go to a place where there is a problem or
17 not.

18 It's the idea of getting the input of that
19 general vicinity and trying to catch as much of the
20 case as we can as we move forward into the public
21 safety tow regulations process. We have a solid basis
22 of input. That's why we have a court reporter here.
23 That's why we're documenting all this. We will refer
24 back to all that and be able to draw up something that
25 makes sense to everybody that's taken the time to be

1 here, to make their voices heard, and move forward
2 based on that. So again, it's not necessarily targeted
3 to develop the reg right now. It's part of a mandated
4 process that the board has expanded upon even further.
5 So that's really what's going on.

6 MR. DRUMHELLER: Anyone else?

7 MR. ELLIOT: Good evening, members of the
8 board, everybody in attendance. My name is Paul
9 Elliot. Let's just say I'm a concerned citizen. I've
10 sat out here in the audience, and I listened to a lot
11 of legitimate concerns.

12 I heard a lot of questions raised, and I
13 heard questions asked of the board. There is a lot of
14 mimicking and hollering, I'm not sure. And I hear
15 discussions of 30 day question-and-answer period on
16 some things, and 60 days on another and more meetings.
17 Yet, we're within two-and-a-half months away from all
18 of this taking place. You don't even know all the tow
19 companies around town, yet they have to be in
20 compliance in 74 days.

21 It just seems to be too much ignorance on
22 both sides of this to be pushing for a January 1
23 dateline. You need to fall back and regroup and get
24 all the ducks in a row. And then start popping them
25 off. And I do see concern for everybody around here.

1 I know a lot of little companies that are going to go
2 away. I know a few companies that are going to reach
3 in and take over. Where does it end?

4 Anyway, I just had a few thoughts floating
5 around in my head. I wanted to say them before
6 everybody adjourned here. With that, I wish you well.
7 Go and do the right thing.

8 MR. PELFORD: Good evening. My name is
9 Mike Pelford with Tidewater Express. I've been sitting
10 here writing down how many drivers I have, and how many
11 trucks I have. Maybe I have way too many. I'm
12 probably going to write a check to this board for about
13 \$5,000 before the end of business tomorrow.

14 Where am I going to get that money? I
15 take it from my drivers. I had a lot of drivers look
16 at me and say, I got to pay \$87 to be employed here
17 January 1, when I haven't gotten a raise to pay for the
18 fuel that I have to use to get back and forth to work
19 every day. How am I going to come up with that? How
20 am I going to go home and explain that to my wife and
21 kids?

22 So I told my drivers that I'll pay every
23 bit of it. Half of them may quit tomorrow. They may
24 go work somewhere else, and I get them qualified, which
25 that's a worry with any of the business owners in here.

1 But that's a lot of money from anybody's pocket,
2 especially now when we're slow. We're trying to
3 maintain sale we did last year with costs of 10 or 15
4 percent greater in fuel costs and customers arguing and
5 beating you up over price every day on every tow.

6 When you are writing estimates on a
7 vehicle broke down on the side of the interstate to go
8 tow it when you haven't even seen it. That's what
9 we're having to deal with on a business level. I heard
10 in the hallway a few minutes ago an excellent idea.
11 Put down there on the tow bill, just like we're adding
12 fuel surcharges, add a Board of Towing and Recovery
13 Operator surcharge and list the phone numbers. I have
14 this board right here with all the names and phone
15 numbers.

16 I can put them on every ticket I plant.
17 Here's a gentleman you can call. This is why this fee
18 is on here because I wrote a check for \$5,000, and I'll
19 write another one next year for the same amount of
20 money just so I can be in business in Virginia.

21 Another thing I wanted to bring up is the
22 driver qualifications. I have a hard time getting a
23 driver qualified. We are -- because of the size of the
24 company we are and the other businesses who are
25 unrelated to towing is, we fall under the Department of

1 Transportation Driver Qualifications, which is a very
2 complicated and very extensive procedure to qualify as
3 drivers. That takes days to get somebody qualified.

4 When you got a guy that's unemployed that
5 walks in, is qualified to do the job, and you can't put
6 him to work indefinitely, he's going to go work
7 somewhere else to any employee who wants to hire him.
8 I suggest if we fill out an application for an
9 operator's license and mail it into the board to get
10 his license, we should be able to employ him right then
11 temporarily, up until you finish with the application
12 and get it back to us. Because you don't have a time
13 line, but I need to put him to work.

14 Right now, when we send a guy for a drug
15 screen, I can assume he passed. I don't put him in a
16 truck, but I can start his training program. So I can
17 hire a CDL guy, and I can send him that day for a drug
18 screen, and I won't know the results for three days.
19 But I don't have to worry about him going somewhere
20 else. It's going to take a week to orient him anyway.

21 I don't put him in a truck, but I can at
22 least employ him. I can trust that he's going to pass.
23 If he don't fail, I haven't lost anything. If he
24 fails, I've only lost a couple of days of investment in
25 that employee. If he's a good employee and he's clean,

1 then he will be there. He will stay there because I
2 put him to work the day he walked in the door. That's
3 all I have. Thank you for your time.

4 MR. DRUMHELLER: Thank you.

5 Anyone else?

6 MR. PENCE: Let me say a couple of quick
7 things if I may. Jason Pence, Valley Towing, Keller
8 Towing, and SI in Mount Jackson again. I've had the
9 opportunity to talk to a number of different law
10 enforcement agencies, and the state police are among
11 that list. I have not found any agency that has said
12 that they have been unable to deal with a tower on
13 their list or that has got a single point contract with
14 them that is giving them a problem. I have been unable
15 to find any agency that says, well, towing company ABC,
16 we can't deal with. We cannot fix the problem so we
17 need the board to deal with it.

18 Just like the gentleman from Newport News
19 Police Department, and everybody else here tonight,
20 they generally can take care of their own wherever in
21 the state they are. So I guess my guidance to the
22 board would be to make sure that whatever regulations
23 you-all decide and agree to promulgate is an actual
24 solution to an actual problem that has been brought to
25 you by a given municipality or given police agency.

1 Don't just come up with something (inaudible).

2 The other point is -- Mr. Wyatt, when he
3 mentioned not having sex offenders picking up his wife
4 or daughter on the side of the road, I completely agree
5 with that, and I would like to know if there had been
6 any cases, in anyone's memory, where a tow operator has
7 assaulted a customer within this Commonwealth?

8 That's not to say it hasn't happened, but
9 I'm not aware of it. I'm aware of more than one sworn
10 law enforcement officer who has done that to various
11 members of the public. Not to slam law enforcement
12 officers. It's just to say it isn't just the towers.
13 Just because we may have tattoos or long hair doesn't
14 mean that we're dirt balls. Just to get that on the
15 record. Thank you, gentlemen.

16 MR. DRUMHELLER: Thank you, Jason.

17 Anyone else?

18 I would like to say that Jason has been to
19 all of these meetings, and he is very thorough in his
20 research. And I commend him for that.

21 MR. PENCE: I commend all of you,
22 gentlemen, for the interest you're taking in the
23 industry, and I want it clear that I respect each and
24 every one of you. And I like pretty much all of you,
25 too.

1 MR. DRUMHELLER: Now you leave us
2 guessing.

3 Any other comments?

4 MR. PENCE: All except that Mark Sawyers
5 guy.

6 MR. DRUMHELLER: This is your opportunity.
7 Does anyone else have anything that they want to say?
8 If no one else has anything, would anybody on the board
9 like to speak?

10 MR. COPELAND: Mr. Chairman, I would just
11 like to thank everyone for being here and for taking
12 the time to be here telling it like it is. We
13 appreciate it very much. It may not seem that way, you
14 know, we're just up here taking in what you have to
15 say. We're listening to it. We're making notes. I
16 don't know if you're noticing. There's a lot of notes
17 being taken, and we got a record. So we're going to
18 pay attention to that. We are going to pay attention
19 to what we heard tonight. We will keep going on.

20 We're going to Danville next on the 28th.
21 We're going to Fredericksburg on the 13th of November,
22 and we will be Fredericksburg, Stafford County, on the
23 18th of November. I'm sorry, Harrisonburg. And I
24 would say, we're -- as much as we can -- and I think I
25 may have announced this earlier. As much as we can,

1 we're going to try to have a fingerprint setup at all
2 of those locations as best as we can. Again, I
3 appreciate you-all coming out for that, and I
4 appreciate you-all coming out tonight.

5 MR. DRUMHELLER: I would like to ditto
6 what he just said.

7 A SPEAKER: I just think we all have such
8 limited access to you guys. I would be interested in
9 hearing your comments on this, instead of it just being
10 like taking information. Now, we're leaving and going
11 on tour.

12 MR. DRUMHELLER: Okay. I'm not sure I
13 follow you when you say "limited access." All of our
14 meetings are open.

15 A SPEAKER: There's only a couple meetings
16 here, so a lot of people are going to get information
17 out of the few people here tonight, but we would like
18 the opportunity to know what your thought on the
19 subject are. I'm sorry. Maybe I'm out of terms here.

20 MR. DRUMHELLER: No. You're not out of
21 terms. This board is not here to put anyone out of
22 business, any legitimate tower out of business.

23 A SPEAKER: I am just saying that there's
24 a lot of concerns being voiced. I would like to
25 know --

1 MR. DRUMHELLER: Well, I think that's one
2 of the big concerns, that we're here to put out of
3 business. We're here to collect money for the state.
4 We are not. It takes money to operate this board. The
5 board is set up by the general assembly as you all
6 know. Actually, we're not allowed to make a profit as
7 such.

8 A SPEAKER: We want to hear your thoughts
9 on this.

10 MR. DRUMHELLER: I'm not saying you.
11 There have been a lot of comments, if that's what it
12 was, a money thing. The board members --

13 A SPEAKER: What do you think about this?

14 MR. HERRING: One thing I want to share,
15 speaking mainly for myself, we are listening to you.
16 Believe me.

17 A SPEAKER: We want to listen to you.

18 MR. HERRING: Well, what do you want to
19 know?

20 A SPEAKER: How do you feel about it?

21 MR. HERRING: I think you have some very
22 valid points, you know, and I want you to understand
23 that all of us -- well, not all of us, the majority of
24 the tow people in here, all started small. We know
25 exactly what your problems are, whether we're big or

1 small.

2 Now, secondly, we're glad to hear from
3 you. I think you had some very, very, very valid
4 points that's definitely going to be addressed. And we
5 will listen.

6 A SPEAKER: What about a single comment
7 about the January 1st deadline when there is maybe 30
8 percent of business who have no idea you exist, have no
9 idea what the regulations are? You have to be in
10 compliance by January 1, but nobody seems to know what
11 all that is.

12 MR. HERRING: Well, I would like for
13 somebody to address it, but I think you have to know
14 that we have probably gone way beyond the call. We
15 notified everybody that has WT tags. We notified all
16 the AAA people. We notified everybody on the towing
17 list, and why people fell through the cracks, I, as a
18 boards member also want to know. I assure you, and
19 some of the board members will probably assure you, I
20 asked at the last meeting, I keep asking, why are these
21 people falling through the cracks?

22 There's also a certain amount of
23 responsibility on the other side if you're in business
24 to have some -- have to know a little bit about what's
25 going on also. Just like when laws are passed. Nobody

1 comes to your front door and informs you of some of the
2 new laws. Sometimes it's up to you, as a business
3 person, to know what's going on.

4 A SPEAKER: Okay. I'll give you that.
5 Now, since you picked up the mike, how do you feel
6 about a January 1st deadline when there is so many
7 people who have no idea what's happening?

8 MR. HERRING: As a towing company, I hope
9 I can make it. I'm in the same boat as you.

10 A SPEAKER: I mean, there are little guys
11 out here trying to make a living.

12 MR. DRUMHELLER: We have no say about the
13 January deadline. The general assembly established
14 that. Actually, it was supposed to be July 1st of this
15 year.

16 A SPEAKER: I'm aware of that.

17 MR. DRUMHELLER: It was postponed.

18 A SPEAKER: Your board here has
19 communication with the general assembly, correct? You
20 can't say to the general assembly, there is entirely
21 too many people out here that don't know what's going
22 on? We need to look at better ways to inform them,
23 better ways of contacting them, or one suggestion of
24 going to the DMV and ask for a list of the WT tags? Is
25 there no cooperation?

1 MR. COPELAND: I don't remember your name.
2 I'm sorry, sir.

3 MR. PAUL: Paul.

4 MR. COPELAND: Hi. We did go through DMV
5 records for WT tags. As it's been explained to me --
6 and just so you know, I came on board as acting
7 executive director on August 13th. It is my
8 understanding that this board has not once, not twice,
9 but three times contacted by mail using telephone
10 lists, advertisements, police lists, you name whatever
11 list this is, wherever a tower might be was utilized.
12 Again, we done that. We done the WT as well. So the
13 bottom line is, the contacts have been attempted. The
14 explanation for why, I really have no idea, or not
15 clear. But the last board meeting we had, we discussed
16 with the towers who came in and said, I have not heard
17 of you.

18 MR. PAUL: Well --

19 MR. COPELAND: Let me explain what the
20 discussion was. We went through this. And it turned
21 out that we realized that maybe we had touched base
22 with them. But it was very easy for him to have
23 misunderstood what it was. Someone else got ahold of
24 the contact, threw it away, or disposed of it, or it
25 otherwise was done away with. And we have made, as I

1 understand it, from what I heard -- there's been an
2 extraordinary effort to contact people, and, you know,
3 we're doing the best we can.

4 As far as the January 1st deadline, I
5 would say that one of the reasons I was asked to be
6 here was to make sure this thing got up and running,
7 and we got as many people licensed and ready to go on
8 January 1 as we can. We're going to be very close come
9 December 31st, and I'm very confident of that.

10 MR. PAUL: My concern is there is this
11 small group of people with WT tags who had no idea.
12 They heard to be here from other tow companies, and
13 that seems to be the best way to get the word out. Tow
14 companies will talk to each other and communicate, but
15 I can't imagine what it's like across the entire state,
16 if you have that many people in this small group. So
17 January 1st, what happens? Are you going to be lenient
18 on the ones that don't know because of the lack of
19 information?

20 MR. COPELAND: If I may respond with a
21 brief answer. As we said in other board meetings and
22 other public meetings, the first response on any
23 program, whether it's legislative or regulatory, is get
24 people in compliance, get them up to speed.

25 Clearly, people are not going to -- some

1 folks are just not going to hear about this. Some
2 folks are not going to know what they need to do.
3 We're going to do the best we can, first of all,
4 between now and to the end of the year, to get as many
5 people to do the kind of things we are doing here
6 tonight. Let as many people know. The folks that have
7 been here, you need to let them know. You need to let
8 the folks that don't know. Say, hey, you got something
9 you got to think about. These kind of meetings are
10 very helpful.

11 But what we're going to do is get as many
12 people as we can, and come January 1, the ones that pop
13 up that are out of compliance, we're going to get them
14 in compliance. We're not going to put them out of
15 business. We're going to get them in compliance. Now,
16 at some point in time next year, being out of
17 compliance isn't going to be excused.

18 A SPEAKER: At some point in time, no.

19 MR. COPELAND: Yes.

20 A SPEAKER: Accordance to the regulations,
21 January 1. But there is a lot of people -- just in
22 this small group, I heard enough people that didn't
23 know about it. I feel I said enough.

24 MR. DRUMHELLER: We can debate all night.
25 My wife and I came to Virginia Beach about five years

1 ago when all this stuff started, and we went to the
2 association meeting and told them this was coming.

3 Four years ago, we had a meeting at the
4 home place in Richmond, and we tried to notify -- went
5 through phone books and everything else to notify
6 towers that this was coming, and I just don't know how
7 we could have reached out any further.

8 Those people that belong to an association
9 knew it was happening. A lot of people stay in their
10 own backyard, you know, and I've been there. I run my
11 business the way I thought it ought to be run with
12 everybody else. In this day in time, you need to stay
13 aware. We need to stay aware of what's going on in the
14 industry through an association, going on the Internet
15 for Tow 411, it's a great source of information to know
16 what's going on. There are all kinds of avenues.

17 Yes. We have not reached everybody. I
18 don't know how we can do that. We have tried
19 everything that we knew, including telephone books
20 which have been mentioned earlier. We went through
21 phone books and got names.

22 MR. MOORE: I got just one quick question.
23 And again, for the record, Robert Moore. Mr. Ply
24 suggested that you go back and draft the motion that we
25 be released of responsibility or the charge of towing

1 and safety regulations. Are you going to realistically
2 and seriously consider that motion?

3 MR. DRUMHELLER: We will take that up in
4 the next board meeting.

5 A SPEAKER: Mr. Copeland, at the last
6 meeting about a month ago, I asked you about the
7 general regulations, if they were done. You said they
8 were still working on the draft. Are the general
9 regulations done now?

10 MR. COPELAND: Yes. Just to be clear on
11 that, the general regulations were approved by the
12 governor on August 26th, filed with registrar on
13 August 27th, published in the Register of Regulation on
14 September 15th. By law, September 15th to October 14th
15 there is a 30-day period for them to be finalized. As
16 of the 15th of October, those regulations are final.
17 They are in effect and that's why we're collecting
18 applications, fingerprint cards, and fees associated
19 with that. So they are final, yes.

20 A SPEAKER: One other thing I brought to
21 your attention. The best way I know to tell everybody
22 what's going on is the news media. Tell Channel 13.
23 Tell Channel 10, 11. You tell them, it gets around to
24 everybody. The towers see it. His family and friends
25 do.

1 MR. COPELAND: Just so you know, we
2 discussed the press release tonight, and that's
3 certainly our intention. We're going to try to get
4 that out tomorrow, and hopefully, it will get picked up
5 by all means.

6 A SPEAKER: Chairman, is there any way we
7 can get the names of everybody that attended the
8 meeting to us? I know you'll have a record. Can we
9 get a record of it?

10 MR. DRUMHELLER: Mr. Copeland says yes.

11 A SPEAKER: Okay.

12 MR. COPELAND: Yes. What's going to take
13 us time, obviously, is to get them in the database.
14 Once we have that available, we'll be glad to share it.
15 We have had other folks ask for the same information.
16 We're happy to share that.

17 A SPEAKER: So we can all get back
18 together and --

19 MR. COPELAND: Absolutely.

20 A SPEAKER: Thank you.

21 A SPEAKER: One quick question on the
22 license, the (inaudible) background check,
23 fingerprints. If you're already fingerprinted and had
24 a background check to carry a concealed weapon, and
25 that's on file, why should we have to have that done

1 again?

2 MR. DRUMHELLER: I'll let the lieutenant
3 answer.

4 MR. HARDISON: This question does come up
5 a lot about every meeting. When the fingerprints are
6 submitted to the state police and to the FBI, they are
7 not obtained. They're not stored in any way. They're
8 destroyed. As soon as they go through, they look at
9 them, see if they're wanted. If they're not, then they
10 send it back after that. It's just a finding of the
11 fingerprints themselves. They are not stored in any
12 database. The ones that are submitted for a gun permit
13 or something like that, we just don't have the storage
14 capability for all the fingerprint cards that come
15 through the system.

16 A SPEAKER: One other thing. I'm from
17 Accomack, Virginia over on the Eastern Shore. It seems
18 like a lot of times we're forgotten over there.
19 (Inaudible) for years, and we're dispatched from
20 Chesapeake, which is 60, 70 miles away.

21 MR. HARDISON: That's correct.

22 A SPEAKER: Most times the dispatcher has
23 no idea whether they need a wrecker or rollback for
24 service to do the job, and there are a lot of young
25 patrol officers out there, I'm sorry to say, who don't

1 have a clue.

2 MR. HARDISON: And I understand that, but
3 I can only speak on behalf of the state police.

4 A SPEAKER: I'm talking about having a
5 truck and a rollback. Who's to say they got it right
6 when they ask for a wrecker or a rollback?

7 MR. HARDISON: To answer your question,
8 sir, I can only speak on behalf of the state police.
9 It is our policy that we do not stipulate whether there
10 is a wrecker or a rollback to be called to a scene
11 because some using -- even in Accomack, North Hampton,
12 because some tow companies may have a wrecker and not a
13 rollback.

14 Well, then, if they say we need a rollback
15 only, then they go to the next wrecker. And we don't
16 want to ostracize anyone from being able to get their
17 call because that wrecker service may be able to use a
18 dolly instead of it being on a rollback. So that's why
19 we do not request a wrecker or a rollback, unless the
20 customers themselves ask for it. But in a wreck or
21 something like that, if the trooper, himself, or
22 herself, do not ask for a wrecker or rollback because
23 of situations with towing --

24 A SPEAKER: They're not supposed to?

25 MR. HARDISON: They're not supposed to.

1 No, sir. Unless they know in your firm -- and I don't
2 know what you have or what you don't. But if I work
3 with you on a personal basis and I knew you had a
4 rollback, and they told me you were next on the list, I
5 would ask you to bring a rollback.

6 A SPEAKER: I have a question regarding
7 fingerprinting. Will there be another opportunity to
8 have that done at no cost for those who are not able to
9 come tonight?

10 MR. HARDISON: At the Harrisonburg Tow
11 Show, that was this past weekend, there was a one-hour
12 wait that I had attended, and I can't remember which
13 sheriff's department it was. Rockingham County
14 Sheriff's Department was kind enough to come out and do
15 the exact same thing. We brought four printers out
16 there tonight to assist everybody, because I did not
17 want to see an hour wait for what would have been a lot
18 longer tonight with the number that came one time.

19 But as far as being able to tell you yes
20 or no, I've contacted Virginia Beach and spoke to some
21 people from there. There may be a charge. There may
22 not be a charge. I was talking to Portsmouth today.
23 There is not a charge, from my understanding, but
24 again, that's their department only.

25 If you come to the state police after

1 today, if you go to one of the area offices or to
2 division headquarters, there is a \$10 fee. And I'm
3 going to be upfront and honest with you. There is a
4 \$10 fee for the first card, and \$5 for every
5 fingerprint card after that. But as far as us setting
6 up another one, or a local agency doing it, I cannot
7 speak on their behalf and I do not know.

8 A SPEAKER: How do you feel about the deal
9 and so forth with the state police, your regulations
10 and stuff, as far as the state police itself?

11 MR. HARDISON: I'm looking at the senator
12 on that. He's eyeballing me on that. As far as the
13 rules and regulations are concerned, sir, we have to be
14 guided by the laws themselves.

15 The board was set up. The governor
16 appointed a superintendent of the state police on
17 there. We're his designees reporting back to him of
18 the findings. We have been asked to assist in the
19 rules and regulations. We do vote on some items. We
20 do abstain from items because it does not -- the fees
21 for instance, sir. I've used the example of, we don't
22 have a dog in that fight.

23 It's hard for me. I've been in law
24 enforcement for over 20 years, and I've dealt with
25 several of the towers from -- and I've been in this