

**Virginia Board of Towing and Recovery Operators
December 15, 2009 – 10:00 a.m.
Department of Motor Vehicles
Room No. 119, 2300 West Broad Street
Richmond, Virginia 23220**

Final Minutes

Members Present:

Colonel Steven Flaherty – Chairman
Captain Raymond Gill
Gary Teter
Ronald P. Miner
Charles R. Brown
Roy Boswell
Ken Mitchell
Adan Rangel
Brock Cole –Designee of the
Commissioner of the Department of Motor
Vehicles
Erin Williams – Designee of Virginia
Department of Agriculture and Consumer
Affairs

Tony Troilo
Woody Herring
Dale Bennett
Randy Seibert
Scott Wyatt
Mark Sawyers
Archie W. Orr

Board Counsel:

Jeff Spencer- Senior Assistant Attorney General

Staff Present:

J. Marc Copeland – Executive Director
Barbara Drudge – Compliance Officer
Kara Corso – Administrative Specialist

Call to Order:

Meeting was called to order at 10:15 a.m.

Public comment:

Ray Hodge, owner of Highway Garage Inc., requested more enforcement of the towing and recovery laws and regulations, and suggested hiring more compliance personnel.

Ray Drumheller, president of VATRO, stated that unlicensed towers are still being called to do state police towing.

Terry Wood, owner of Hampton Roads Towing Inc., commented on the need for temporary driver authorization documents.

Eric Fly, representing the Virginia Beach Towing Association, commented on the need for more enforcement in the Hampton Roads area. He also commented on two bills that may be going to the General Assembly relating to gross vehicle weight.

Craig Beiber, representing MIHROA, commented on the need for stricter enforcement of the towing laws and regulations, and suggested the hiring of part-time compliance officers.

Acceptance of Meeting Minutes:

Mr. Wyatt made a motion to accept the minutes as presented. Mr. Mitchell seconded that motion. The motion passed unanimously.

Chairman's Report:

Chairman Flaherty discussed training materials that were compiled to educate law enforcement on the new towing laws and regulations in order to step up enforcement efforts. He went on to request that calls be made to local State Police offices to report operators and drivers not in compliance, in addition to calling the towing board. He also pointed out that officers are checking the licenses of towers whose services are requested at accidents, in addition to ensuring that those on their towing lists are credentialed.

He commented on the committees finalizing the complaint process and welcomed Dale Bennett and Captain Raymond Gill to the Board.

Executive Directors Report:

Mr. Copeland stated that the Licensing and Regulatory Affairs Committee has been working on temporary licenses. He mentioned an FBI audit on the handling of the fingerprint cards at the BTRO office, and a meeting with Governor McDonnell's transition team, both of which were positive.

He stated that BTRO is working with System Automation and Virginia Interactive to establish a renewal process, as well as full-blown interactivity including credit card acceptance. He indicated the preliminary quote for these services was \$68,000.

He stated that BTRO continues to maintain a smooth licensing process for operators and mentioned that if operators bring in applications in the morning, they can have their credentials by the afternoon. He indicated that as of December 9, 2009, there are almost 11,000 active licenses, and that individuals not in compliance usually come into compliance once contacted by BTRO.

He noted the presentation by VITA and Northrop Grumman will address the issues with the phones that BTRO is having, as well as other IT issues dealing with hosting and bandwidth.

Mr. Wood asked if the public would be able to attend the Licensing and Regulatory Affairs Committee meeting, and Chairman Flaherty stated that once the meeting is scheduled, that the public would be able to attend.

Travis Hill Presentation:

Mr. Hill discussed legislation that AAA planned to have introduced in 2010 extending the Slow-Down/Move Over law in Virginia to bring tow trucks and other road side assistance vehicles under that proposal.

Mr. Bennett inquired about demerit points being added to your license for violating the Move Over law.

Chairman Flaherty commented on the need for the Move Over law, and discussed the strategy of the State Police for passing their bill. He mentioned some courts had ruled that emergency vehicles parked along the highway with lights engaged, but no violator present, were not covered by the Move Over law.

Mr. Brown commented on the Move Over law encompassing road-service trucks, and Mr. Hill stated they would be covered. Mr. Brown then asked if AAA is going to start an awareness campaign and Mr. Hill stated they would.

Chairman Flaherty stated that there are several towing companies that have begun advertising the Move Over law.

VITA/Northrop Grumman Presentation – Overview of telephone replacement process:

Zeta Wade with VITA and Joe Andrews with Northrop Grumman discussed the phone issues that BTRO is having and the benefits that the new phone system will have.

Mr. Andrews discussed a Voice Over IP system and the challenges of using this system, including security issues and the RFS (request for service) process. He stated that the information for the new phone system was requested by BTRO in February of 2009, put on hold in April, and finally signed off in November to begin. He said that the request will go to the “solutioning team” in order to evaluate cost, and when it will begin.

Mr. Mitchell inquired about the contract. Ms. Wade stated that it was a Commonwealth Infrastructure Agreement. Mr. Mitchell then asked for a list of agencies that they provide services for.

Mr. Miner commented on the process taking a long time. Mr. Andrews replied that the process has to follow a certain protocol and technical procedure.

Mr. Wyatt asked what percentage of State agencies use the Voice Over IP, and Mr. Andrews stated that the number of users and agencies may vary.

Committee Report:

A. Compliance and Consumer Affairs

Mr. Brown briefly commented on the Compliance and Consumer Affairs Committee meeting held on December 2, 2009, for which he was not present. He asked Mr. Sawyers, who chaired that meeting in Mr. Brown’s absence, to review it.

Mr. Sawyers stated that the Committee reviewed and discussed the Civil Penalty Assessment and the Corrective Action Plan.

Mr. Troilo asked what the nationally recognized credit cards were, in reference to the regulations. There was a discussion about Virginia Code Section § 46.2 – 2825. The Board suggested that further discussions should take place at the Licensing and Regulatory Affairs Committee meeting.

Mr. Troilo also mentioned the need for all unlicensed towers to come into compliance with the law.

B. Administrative Affairs

Mr. Herring indicated that the Administrative Affairs Committee and the Compliance and Consumer Affairs Committee have tasks that overlap and suggested that the two be combined.

Discussions/Other Board Actions:

Mr. Brown inquired about the Board being required to comment on the Move Over law legislation at the General Assembly. Chairman Flaherty stated that the Board would need to be present when the proposed legislation is heard.

Mr. Bennett inquired if the Board could vote by electronic means. Mr. Spencer, the Board's counsel, stated that you have to be present for voting, so electronic means is not possible.

Additional Public Comments:

Mr. Drumheller stated that he supported the Move Over law.

Bruce Eagle, with Eagle Towing, asked to whom the unlicensed towers should be reported to. Chairman Flaherty suggested that he call State Police, Chesterfield Police, or BTRO.

Mr. Eagle also inquired about the "Not for Hire" tags and the "Not for Hire" notification on the trucks. Chairman Flaherty stated that the implementation could be difficult to enforce. Mr. Eagle asked about keeping track of the phone calls, and Mr. Copeland stated that every complaint is tracked. He also asked if BTRO is able to access the tag information from DMV to find out who owns the tow trucks. Mr. Copeland stated that BTRO has the ability to enter into agreements with DMV to access that information.

Floyd Mays, of Floyd Mays Insurance, stated that he would like to see the Board succeed.

Mr. Mitchell stated that he wanted the committee meetings to be scheduled more frequently. Chairman Flaherty suggested that the next Board meeting dates be sent out for review.

Mr. Drumheller responded to Mr. Eagle by saying that the towers should be reporting unlicensed towers.

Executive Session:

Mr. Sawyers moved that the Board convene to a closed session to discuss consideration of the following matter, for the specified purpose, pursuant to the applicable exemption from open meeting requirements under the Virginia Freedom of Information Act:

1. To discuss a personnel matter, pursuant to the exception granted in the Virginia Code § 2.2-3711(A) (1).

The Board went into Executive Session 11:42 a.m., and reconvened at 12:15 p.m.

Chairman Flaherty stated that only matters exempt under Virginia Code Section 2.2-3711(A) (1), relating to a personnel issue were discussed or considered during the closed meeting.

Roll call by the Board to accept the above statement was unanimous.

Other Business:

Mr. Troilo commented on obtaining incorrect tags at DMV of which Chairman Flaherty suggested that the customer service representatives at DMV may not be trained to know what type of tags they need to provide. Mr. Cole then stated that DMV previously provided Mr. Copeland a document with the various licenses available to towers and that the DMV Customer Service Centers depend on the towers to request the correct plate for their business. Additionally, sometimes the processors do make mistakes.

There being no further business before the Board, Chairman Flaherty entertained a motion to adjourn. Mr. Mitchell so moved and the motion was seconded. The motion passed unanimously.

Meeting adjourned at 12:20 p.m.