

**Board of Towing and Recovery Operators
Compliance and Consumer Affairs Committee
Draft Meeting Minutes
March 16, 2011, 10:00 am
The Department of Game and Inland Fisheries
4016 West Broad Street, Rm. 114
Richmond, Virginia**

Members Present

Charlie Brown – Chairman
Mark Sawyers
Roy Boswell
Lynwood Butner – Designee for the
Commissioner of the Department of Motor
Vehicles
Andres Alvarez - Designee for the
Commissioner of the Virginia Department
of Agriculture and Consumer Services

Members Absent:

Kenneth Mitchell

Staff Present:

Marc Copeland
Barbara Drudge
Kara Corso

Board Counsel

Jeff Spencer

Call to Order:

The meeting was called to order at 10:16 am.

Public Comments:

There were no public comments before the Committee.

Acceptance of Meeting Minutes:

Mr. Boswell made a motion to accept the draft minutes from the November 9, 2010 meeting as presented. Mr. Sawyers seconded the motion and it passed unanimously.

Discussion of Compliance Matters:

Driver Authorization Document Holder – Failure to Timely Report Conviction – Loudoun County:

Mr. Butner made a motion to recommend to the full Board that staff issue a letter to the applicant advising them of the requirement to report to the Board within a certain time

period any subsequent convictions that occur after the issuance of their credential. Mr. Sawyers seconded the motion and it passed unanimously.

Driver Authorization Document Holder– Failure to Timely Report Conviction – Newport News:

Mr. Butner made a motion that the Committee recommend to the full Board that staff issue a letter of reprimand to the applicant notifying them of the requirement to report to the Board within a certain time period any subsequent convictions that occur after the issuance of their credential. Mr. Sawyers seconded the motion and it passed unanimously.

Mr. Alvarez recommended that instead of a “letter of reprimand” the Board issue a “letter of caution” for both this matter and the previous matter.

Mr. Butner made a motion to rescind his previous motions. Mr. Sawyers seconded the motion and it passed unanimously.

Mr. Butner made a motion that the Committee recommend to the full Board that staff issue letters of caution to the applicants notifying them of the requirement to report to the Board within a certain time period any subsequent convictions that occur after the issuance of their credential. Mr. Sawyers seconded that motion and it passed unanimously.

Mr. Butner made a motion that BTRO staff prepare and submit a draft letter of caution to the full Board for approval. Mr. Sawyers seconded the motion and it passed unanimously.

Licensed Class B Operator – Ten Misdemeanor Criminal Convictions – Loudoun County:

Mr. Alvarez made a motion that the Committee recommend to the full Board that staff issue a letter of reprimand to the applicant notifying them of the requirement to report to the Board within a certain time period any subsequent convictions that occur after the issuance of their credential and that a fine of \$1,000 be imposed to the credential holder. He withdrew his motion and moved to recommend to the full Board that only a fine of \$1,000 be imposed. Both motions died.

After discussion, Mr. Alvarez made a motion that the Committee recommend to the full Board that staff issue a letter of reprimand to the applicant notifying them of the requirement to report to the Board within a certain time period any subsequent convictions that occur after the issuance of their credential. Mr. Boswell seconded the motion and it passed unanimously.

Licensed Class A Operator – Charging for Equipment not in its Inventory of Decaled Trucks by the Board:

Chairman Brown recused himself from the discussion and designated Mr. Sawyers as Chairman for this matter.

Mr. Alvarez made a motion to delay consideration of this matter until further information on the outcome of the allegations is obtained. Mr. Boswell seconded the motion and it passed unanimously.

Mr. Brown returned as Chairman.

Class B Operator – Misdemeanor Criminal Conviction – Operating without an Operator’s License – York County:

Mr. Butner made a motion that the Committee recommend to the full Board that staff issue a letter of caution to the credential holder notifying them of the requirement to report to the Board within a certain time period any subsequent convictions that occur after the issuance of their credential. Mr. Alvarez seconded the motion and it passed unanimously.

Additional Public Comments:

Dave Reidenbach, of the Department of Cable Communications and Consumer Protection in Fairfax County, asked for clarification on the last topic discussed by the Committee. He further questioned how the matters discussed were brought before this Committee.

Rick Elgin, Special Agent with the Virginia State Police Insurance Fraud Division, expressed his concerns with towers sharing their equipment with each other. He mentioned that tow companies charging for towing services not rendered by their own equipment, absent an agreement with the equipment’s owner, appears to be fraud.

Mr. Alvarez recommended educating the towing industry about the practice of charging for services rendered by other companies absent some sort of agreement.

Next Meeting:

The next Committee meeting is scheduled for April 13, 2011. The time and location is to be announced.

Adjournment:

Mr. Butner made a motion for adjournment. Mr. Sawyers seconded the motion and it passed unanimously. The meeting adjourned at 12:19 pm.