

**Board of Towing and Recovery Operators
Full Board Meeting Minutes
April 13, 2011, 10:30 am
Fairfax County South County Center
8350 Richmond Highway, Room 221
Alexandria, Virginia 22309**

Members Present

Capt. Steve Chumley – Chairman
Roy Boswell
Kenneth Mitchell
Scott Wyatt
Randy Seibert
Woody Herring
Tony Troilo
Gary Teter
P. Dale Bennett
Richard Metz – Departed prior to executive session

Mark Sawyers
Adan Rangel
Charlie Brown
Capt. Raymond Gill
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:

John Beall

Staff Present:

Marc Copeland
Barbara Drudge

Kara Corso

Call to Order:

The meeting was called to order at 10:32 am.

Public Comments:

George Mahone, of Skimino Enterprises and the Professional Towers Group of Virginia, commented on the need for temporary driver authorization documents.

Acceptance of Meeting Minutes:

Mr. Butner made a motion to accept the draft minutes from the January 7, 2011 meeting as presented. Mr. Rangel seconded the motion and it passed unanimously.

Chairman's Report

Chairman Chumley recommended that the Bylaws Committee review potential opportunities for continuing education to be provided by the Board. He commented on the position of the Board on the Governor's Commission on Government Reform and Restructuring and asked for unity among the towers.

Executive Director's Report

Mr. Copeland presented the draft BTRO newsletter.

Overview of Last Quarter's Compliance Activities by the Compliance Officer

Ms. Drudge went over several compliance issues throughout the state and is working on ways to access certain criminal history information in order to file warrants directly in localities against individuals who may be operating in contradiction to Board laws and regulations.

Mr. Copeland mentioned that BTRO staff will be presenting information on the towing laws and regulations at the Virginia Sheriffs' Association Spring Conference Program in Virginia Beach on April 22, 2011.

The Board discussed the issues with the Commonwealth Attorneys not prosecuting violators of the towing laws and regulations. Mr. Metz recommended that BTRO attend the Commonwealth Attorney's meeting and Judges Conference to gain their support with regard to the towing laws and regulations.

Mr. Bennett recommended updating the website with the Board's compliance activities as well as incorporating them in the BTRO newsletter.

Committee Reports

Mr. Herring reported on the recent actions of the Administrative Affairs Committee (the "AAC"). The AAC met with Virginia Interactive to discuss details of the cost breakdown of the proposal to improve and enhance licensing capabilities including online credentialing and IVR phone processing. Based on the proposal, an initial offer was made by the AAC and was not accepted by Virginia Interactive. After negotiation, a counteroffer was made to require a \$75,000 upfront cost and a three percent per transaction fee. The AAC met prior to the Board meeting to discuss the counteroffer and approved it for recommendation to the Board.

The counteroffer was presented to the Board and Mr. Sawyers made a motion to accept the counteroffer from Virginia Interactive regarding its proposal to improve and enhance licensing capabilities including online credentialing and IVR phone processing requiring a \$75,000 upfront cost and a three percent per transaction fee. Mr. Troilo seconded the motion and it passed unanimously.

The AAC met to interview prospective candidates for the Charlottesville and Richmond area part-time Compliance Specialist positions. They selected three candidates, two to be hired now and one on or after July 1, 2011, and presented their recommendations to the Board. Mr. Sawyers made a motion to accept the recommendations of the AAC. Mr. Troilo seconded the motion and it passed unanimously. The candidates were introduced to the Board.

Mr. Brown reported on the recent actions of the Compliance and Consumer Affairs Committee (the "CCAC"). The CCAC met to discuss complaints and compliance matters and recommended the issuance of letters of reprimand and letters of caution to the applicants reviewed for violations of BTRO's laws and regulations. The CCAC met prior to the Board meeting to review and discuss the draft letter of caution and draft letter of reprimand, and approved them for recommendation to the Board. The draft letters were presented to the Board, and Mr. Brown made a motion to accept the letters as presented. Mr. Mitchell seconded the motion and it passed unanimously.

Discussions/Other Board Actions

Noelle Dominquez, legislative liaison for Fairfax County, commented on HB 1956 and explained that Fairfax County is having issues enforcing their towing ordinance since it can not be enforced once a vehicle leaves that locality.

John Fee, a citizen representative of the Fairfax County Trespass Towing Advisory Board, commented that he has not found a disinterested group that favors towing trespass cars beyond the 399 square mile confines of Fairfax County. He suggested returning HB 1956 with a recommendation it be put on the ballot for the voters.

Mr. Brown made a motion to recommend that the study of HB 1956 as requested by the Senate Committee on Transportation be reviewed by the Licensing and Regulatory Affairs Committee. Mr. Seibert seconded the motion and it passed unanimously.

Additional Public Comments:

Mr. Mahone recommended that the concept in HB 1956 be referred to localities for review.

Captain Susan Culin of the Fairfax County Police Traffic Division, expressed her concerns with law enforcement crossing jurisdictional lines in regards to stolen vehicle recovery and how HB 1956 will affect this process.

Ray Drumheller, President of the Virginia Association of Towing and Recovery Operators (“VATRO”), stated that VATRO opposes HB 1956.

Other Business:

Mr. Sawyers made a motion to recommend that the Licensing and Regulatory Affairs Committee develop regulations to allow the issuance of temporary driver authorization documents and to include certain towing industry representatives to assist the Committee in that development. Mr. Bennett seconded the motion and it passed unanimously.

Mr. Wyatt reported on the recent actions of the Application Work Group. The Group is meeting once every three weeks to review and discuss background checks for licensing and credentialing approval.

Next Meeting:

No meeting was scheduled.

Executive Session:

Mr. Mitchell made a motion to go into executive session in accordance with Section 2.2-3711.A.1. of the Code of Virginia, to discuss, and consider prospective candidates for employment. Mr. Sawyers seconded the motion and it passed unanimously. The Board entered into executive session at 11:45 am.

The meeting reconvened in open session at 12:25 pm. Mr. Mitchell made a motion stating that only matters exempt under Virginia Code Section 2.2-3711.A.1. relating to the discussion and consideration of prospective candidates for employment were held during the closed meeting. Roll call by the Board to accept the above statement was unanimous.

Chairman Chumley requested that BTRO personnel matters be reviewed and recommendations made at the next Board meeting.

Adjournment:

Mr. Troilo made a motion for adjournment. Mr. Teter seconded the motion and it passed unanimously. The meeting adjourned at 12:30 pm.