

Virginia Board of Towing and Recovery Operators
August 18, 2009 – 10:00 a.m.
Department of Motor Vehicles
Room No. 119, 2300 West Broad Street
Richmond, Virginia 23220

Final Minutes

Members Present:

Colonel W. Steven Flaherty
Mark Sawyers
Roy Boswell
Charlie Brown
Archie Orr
Scott Wyatt
Brock H. Cole
Andres Alvarez

Adan Rangel
Tony Troilo
Ron Miner
Randy Seibert
Gary Teter
Woody Herring
Ken Mitchell

Members Absent:

Dale Bennett
Ray Gill

Staff Present:

J. Marc Copeland – Executive Director
Jeff Spencer - Senior Assistant Attorney General
Daphane Phillips – Administrative Assistant
Barbara Drudge – Compliance Officer
Kara Corso – Administrative Specialist

Call to order:

The meeting was called to order at 10:07 a.m.

Member Orientation:

The Honorable Bernard Henderson swore in the new Board of Towing and Recovery Operators (the “Board”) members Adan Rangel, Ken Mitchell, and Tony Troilo.

Public comment:

George Mahone commented on the need for enforcement of the towing regulations as well as the move-over law. Mr. Mahone also commented on the need for liability insurance for the towing and recovery aspect of an accident.

James Pickral from the Virginia Association of Tow and Recovery Operators (“VATRO”) commented on the Board’s compliance process and enforcement of the towing regulations. Mr. Pickral then requested comment from Chairman Flaherty on the recent state police “crack-down” on unlicensed towers.

Jason Pence noted his concerns on the enforcement of the move-over law.

Craig Bieber congratulated the new Board members and inquired about the towing regulation enforcement deadline.

Terry Wood welcomed the new Board members and made a request that temporary towing licenses be issued to towers that are removed from police tow lists for those without Board licenses. He also identified the need for smaller companies to borrow trucks from other companies and inquired about that process.

Floyd Mays welcomed the new Board members and commented on the long term negative effects that the Board may have on the towing industry. Mr. Mays asked the Board to carefully examine each of their actions.

Larry Gately commented on having an identifiable license plate number for tow trucks licensed by the board.

Mr. Mays later stated his agreement with Mr. Gately’s comments and stated that there is a need for insurance companies to pay for towing and recovery services.

Chairman’s Report:

Chairman Flaherty commented on the concerns about licensing enforcement by stating that contacts were made to law enforcement agencies around the state regarding the new towing laws and regulations. He further clarified that law enforcement has discretion when dealing with non-licensed towers. Chairman Flaherty addressed the move-over law and urged towers to get move-over bumper stickers to spread knowledge of the state requirement.

Approval of the Minutes:

The minutes from the June 11, 2009 Board meeting were revised by adding Andres Alvarez to the members absent. Chairman Flaherty requested a motion to accept the minutes as revised. Mr. Teter so moved and Mr. Orr seconded the motion. The motion passed unanimously.

The minutes for the Licensing and Regulatory Affairs Committee were revised by adding Captain Steve Chumley to the members present. Colonel Flaherty requested a motion to accept the minutes as revised. Mr. Brown so moved and Mr. Wyatt seconded the motion. The motion passed unanimously.

Introduction of New Members:

Tony Troilo, Adan Rangel, and Ken Mitchell introduced themselves as new members.

Introduction of the BTRO staff:

Marc Copeland introduced Kara Corso, Barbara Drudge, and Daphane Phillips as the BTRO staff.

Executive Director's Report:

Mr. Copeland stated that as of June 2009, approximately 300 new operator license applications and 400 new driver authorization applications were received, and as of May 19, 2009, the Board collected over \$100,000 in application fees. Mr. Copeland noted that completed operator license applications can be processed within 24-48 hours, and a completed driver authorization document can be processed in 1-4 weeks. He also stated that licenses could be picked up at the BTRO office if applications are received in a timely manner, and that the BTRO staff is working with the applicants to address any problems with their applications.

He also addressed the public comment concerning the complaint process by saying that when a complaint is received, it is determined if there is a local towing authority to address the issues as well as a local towing ordinance, and that the Board has the authority to deal with any complaint that is received.

He discussed his concerns regarding towers operating without credentials, noted that the Board is working on the complaint process, and requested that towers contact BTRO about their complaints and concerns.

Mr. Copeland stated that BTRO is working on the license renewal process, and stated that licensing software upgrades are being discussed. He added that the BTRO staff is working on improving the licensing process as well. He also noted that steps are being taken to create a complaint form for the website. He added that there is a need for towers to provide a detailed summary of their invoices including a breakdown of each charge.

He further asked the Board to consider the need for temporary driver authorizations as well as committee action on revising the regulations. He also requested committee action on perfecting the complaint process.

Mr. Herring inquired about the definition of an itemized bill. Mr. Copeland and Ms. Drudge explained that a towing invoice should have a price for each service rendered.

Mr. Boswell asked about the complaint process and the involvement of local jurisdictions. Mr. Copeland answered that attempts are made to contact local jurisdictions. If there is no response from the jurisdiction, the complaint is handled by BTRO. Ms. Drudge agreed with Mr. Copeland's response.

Discussions and Other Board Actions:

Barbara Drudge provided a summary relating to the number of complaints received and stated that BTRO has received 60 complaints and 19 are pending. Ms. Drudge explained that the majority of the complaints are coming from the "804" area code, and most deal with private property tows in the City of Richmond. She stated that in those cases, no fault was found with the towers and that

the towers have been very cooperative. Mr. Copeland added that the complaint statistics would be noted in the annual report.

Mr. Boswell asked what percentage of licenses have been approved as of July 1, 2009, and Mr. Copeland stated that there are seven Class A licenses pending and 55 Class B licenses pending. Mr. Copeland stated that some applications pending prior to the July 1, 2009 deadline have outstanding issues and that contact has been made multiple times to no avail. Mr. Copeland noted some of the issues stem from the applicants mailing their fingerprint cards to the wrong address. There is also an issue with the licensing software showing a license as “active” and receiving no follow-up from the applicant on whether they received it. Mr. Copeland added that over 10,500 credentials have been issued, including decals, operator licenses, and driver authorization documents.

Mr. Copeland addressed a pending investigation in Roanoke concerning a company billing for services not rendered and noted that the local law enforcement in Roanoke is working with the Board to resolve this issue.

Office Activities:

Mr. Copeland invited the Board to the BTRO office to learn about the licensing process.

Committee Assignments:

Chairman Flaherty proposed changing the Communication and Consumer Affairs Committee to the Compliance and Consumer Affairs Committee. He also proposed the start of an Executive Advisory Committee made up of the chairpersons of each committee. He explained that the Application Work Group would handle the review of the applications, as needed, with at least two members present. Chairman Flaherty proposed a motion to accept the committee assignments. Archie Orr so moved and Randy Seibert seconded the motion. The motion passed unanimously.

Colonel Flaherty asked the Licensing and Regulatory Affairs Committee to explore and develop regulations for temporary driver authorization licenses, the Executive Committee to review the general regulations, the Administrative Affairs Committee to establish the process for corrective action, and requested that the Compliance and Consumer Affairs Committee refine the complaint process.

Additional Public Comment:

Jason Pence commented on the requirement for rate posting, as well as subcontracted equipment rates, and the need to mark up those rates as a business owner.

Other Business:

Colonel Flaherty presented a certificate to Mark Sawyers and Woody Herring recognizing their leadership as the former Chairman and Vice Chairman, respectively, of the Board. Colonel Flaherty announced that the next Board meeting is scheduled for December 15, 2009.

Mr. Drumheller invited all in attendance at the Board meeting to the 2009 Tow Show at the Fishersville Expo scheduled for September 25 – 26, 2009.

There being no further business before the Board, Colonel Flaherty proposed a motion for adjournment. The motion passed unanimously.

MEETING WAS ADJOURNED AT 11:40 AM