

**Commonwealth of Virginia  
Board of Towing and Recovery Operators**

**Meeting Location**  
**Department of Game and Inland Fisheries**  
**4000 W. Broad Street**  
**Richmond, VA 23230**

**August 30, 2012     10:00 am**

**MEETING MINUTES**

**Members Present**

Captain Steve Chumley, Chairman  
Woody Herring  
Randy Seibert  
Tony Troilo  
Dale Bennett  
John Beall, Jr.  
Randy Seibert

Lynwood Butner – Designee for the Department of  
Motor Vehicles  
Adan Rangel, Jr.  
Gary Teter  
Scott Wyatt  
Mark Sawyers  
Richard Metz

**Members Absent**

Lt. Raymond Gill  
Kenneth Mitchell  
Andres Alvarez

Roy Boswell  
Charlie Brown

**Staff Present**

Barbara Drudge  
Daphane Phillips

**Board Counsel**

Janet Westbrook

**Call to Order:**

The meeting was called to order at 10:03 am.

**Public Comments:**

There were no public comments.

**Acceptance of Meeting Minutes:**

Adan Rangel noted that on Page 3, Paragraph 3 of the Draft Meeting Minutes that it should state “2013” in lieu of “2012”. Marc Sawyers made a motion to accept the June 19, 2012, draft minutes with the necessary corrections, Tony Troilo seconded the motion, and it passed unanimously.

**Committee Reports**

Administrative Affairs Committee – Woody Herring, Chairman

There were no meetings held.

Application Work Group – Scott Wyatt, Chairman

Scott Wyatt reported that the Application Work Group held two meetings since the last Board meeting, and that 18 applications were reviewed, 15 were approved, and three required additional information. Mr. Wyatt reported that the next meeting was scheduled for September 18, 2012

By Laws Committee – Randy Seibert, Chairman

There were no meetings held.

Compliance and Consumer Affairs Committee – Mark Sawyers, Vice Chairman

There were no meetings held.

Licensing and Regulatory Affairs Committee – Gary Teter, Chairman

There were no meetings held.

**Chairman's Report:**

Captain Chumley added that as of January 1, 2013, oversight of both drivers and operators will statutorily be provided by the Virginia Department of Criminal Justice Services ("DCJS") and the Office of the Attorney General ("OAG)". He added that the staff looks forward to working closely with both organizations in the transitioning of all required responsibilities, and in serving its constituents.

Captain Chumley thanked the staff for their hard work in closing down of the agency while carrying out their duties throughout the end of the year. He asked that Interim Director Barbara Drudge explain more on the process.

Barbara Drudge explained that the staff has been working closely with various State agencies including DMV for fiscal matters, VITA for IT equipment, the Department of General Services for property and the assigned State vehicle, and the State Library on archiving state records.

Captain Chumley thanked the Garth Wheeler, Director of DCJS, and his management staff at for attending, and noted that the Board looks forward to working with them in the transitioning of the Board responsibilities. Those in attendance on behalf of DCJS included Teresa Gooch, head of the Division of Law Enforcement, John Colligan, head of the Division of Finance and Administration, and Leon Baker.

Captain Chumley Ms. Drudge to explain the status of the emergency regulations for the refunding of operator fees, and she noted that the emergency regulations were currently at the Secretary of Public Safety's Office for review and consideration.

**Discussions/Other Board Actions:**

Mr. Metz inquired as to why 25 % of drivers will no longer be eligible for a driver authorization document under the new laws effective January 1, 2013. Ms. Drudge noted that based upon an initial review, approximately 25% of currently licensed drivers will be challenged in obtaining a license under the new background check requirements, including those whose conviction occurred at, for example 18 years old, and who have not re-offended for 20+ years. Board Council Janet Westbrook stated that if drivers have violent felonies, they would not be able to renew under the new law and there was nothing that the Board could do in this regard at this time.

Mr. Troilo asked if the DCJS could grandfather those drivers who may no longer qualify, and Ms. Westbrook stated that the Board's regulations are not written for grandfathering, and that the only way this could happen is through emergency regulations and they would need to move quickly.

Mr. Garth Wheeler, Director of DCJS, stated that he wanted to assure the Board that they do not want towers to lose their jobs. He noted that DCJS has been working with the Governor's Office and the Attorney General's Office to make the transition as smooth as possible, and has submitted draft legislation in an attempt to cure the noted issues. He added that the Governor's Office is aware of the matter and they are looking into the issues.

Chairman Chumley thanked Mr. Wheeler for speaking and affirming that the Governor's Office and Attorney General's Office are working on a resolution.

Mr. Wyatt agreed with Ms. Drudge in that many drivers will be impacted by the new background check requirements. He noted that they are receiving calls from licensed drivers all over the state with a criminal history who are currently licensed, but who will be denied under the new laws.

Mr. Seibert wanted to know if this Board was the only industry not allowing towers to come in with a criminal history, and Ms. Westbrook added that doctor's, lawyers, bail bondmen, and teachers are also subject to the same background check requirements, just to name a few.

Captain Chumley mentioned that the public is very concerned about towers when it comes to dealing with members of their family, and that he has great confidence in the Governor's Office when it comes to making the right decision for the public.

Mr. Butner added that the Board has good regulations in place, but not one member on the Board wanted the General Assembly to do away with compliance. He also stated that one compliance specialist was not enough to manage the entire state.

Mr. Bennett asked who would investigate complaints. Mr. Herring asked what would happen now that the tow operator's are not required to have a license, and who would be held accountable for their actions.

**Public Comment**

Charlie Bray, of AAA wanted to thank the Board for their countless hours of work that went into creating this Board, and appreciates their efforts.

**Next Meeting:**

The next Board meeting is scheduled to be held on November 8, 2012

**Adjournment:**

Chairman Chumley made a motion for adjournment. Mark Sawyers seconded the motion, and it passed unanimously. The meeting adjourned at 11:58 am.