

Virginia Board of Towing and Recovery Operators
June 11, 2009 – 10:00 a.m.
Department of Motor Vehicles
Room No. 119, 2300 West Broad Street
Richmond, Virginia 23220

Draft Minutes

Members Present:

Mark Sawyers – Chair
Cary Coleman
Roy Boswell
Charlie Brown
Archie Orr
Scott Wyatt
Brock H. Cole

Ray Drumheller
Ray Hodge
Randy Seibert
Gary Teter
Woody Herring
Colonel W. Steven Flaherty

Members Absent:

Ron Miner

Staff Present:

J. Marc Copeland – Executive Director
Jeff Spencer - Senior Assistant Attorney General
Daphane Phillips – Administrative Assistant

Call to order:

The meeting was called to order at 10:28 a.m.

Executive Director's Report:

Mr. Copeland stated that as of June 10, 2009, 97 percent of the Class A, 93 percent of Class B, 93 percent of decals, and 86 percent of drivers authorizations were issued and approved. He stated that over 90 percent of all credentials have been issued, that nine percent have issues that need to be addressed before the licenses are approved, and that letters have been sent identifying the outstanding issues. Additionally, a letter was sent to all approved operators asking them to contact the Board if they have not received their credentials. He further stated that two-thirds of the outstanding applications require criminal history background checks, and that 180 background checks are pending with the State Police.

Mr. Hodge stated his concern that while the statistics that Mr. Copeland stated are fine, he is concerned that once July 1 comes and the towers do not have their credentials, there may be problems with the legislative side of things, and that he takes issue with the process to date.

Mr. Wyatt commended the BTRO staff on the volume of credentials that been issued to date and asked Mr. Copeland if there is anything that could be done to expedite the process. Mr. Copeland thanked Mr. Wyatt for his comments indicated that the web site contains a lot of information, and that towers should notify the Board if they have not received their credentials. He also noted that the Board did not take over the licensing process until February 2009.

Mr. Sawyers asked Mr. Spencer if the Board could issue a form of a temporary permit while they wait until their authorization documents are issued. Mr. Spencer stated that the way the regulations are written, it would be very difficult to issue a temporary permit.

Colonel Flaherty added that he would speak with his partners on the Police and Sheriff Associations, and he assured that the State Police will not strongly enforce the law knowing that there are drivers pending in the queue.

Public comments:

Mr. Troilo thanked the Board for the staff's hard work and for getting the industry up to standard. He expressed his concerns about who is required to register with the Board because towers in Culpeper are not registering because they are not for hire. Mr. Troilo is asking that the Board make the industry aware that they need to apply.

Travis Hill with AAA recognized Mr. Rangel who is the new Governor's appointee. Mr. Sawyers recognized Mr. Troilo as the new Class A Appointee, and that Mr. Mitchell is the new local government appointee.

Eric Fly stated that two localities in the Tidewater area are reporting that towers who do not have their credentials on July 1 will be removed from the rotation list, which will result in a loss of revenue. Mr. Copeland stated he would follow up with the localities and report his findings to the Board.

Mr. Fly asked the Board if they were aware of VDOT's attempt to do an experimental overhaul on Highway Route 66 down to Staunton on U.S. 81. He further stated that the Board was created to protect the towers and that if this overhaul were true; it would take over \$1 Million away from the towers economy.

Colonel Flaherty reported that he has not heard any mention of this overhaul, and added that several years ago there was legislation to provide VDOT some authority to remove vehicles. Colonel Flaherty indicated he would investigate this issue further.

Mr. Drumheller indicated that he contacted Mr. Flash, VDOT Coordinator in Waynesboro via telephone, and Mr. Flash reported that he was not aware of this overhaul.

Chairman Sawyers closed the public comment period at 11:13 a.m.

Acceptance of Meeting Minutes:

Chairman Sawyers called for a motion to accept the meeting minutes from May 7 with the necessary corrections including adding Colonel Flaherty's name to the minutes and to make minor corrections. The motion was made by Mr. Coleman, and seconded by Mr. Drumheller. The motion passed unanimously.

Certificates Presentation:

Mr. Sawyers presented Mr. Coleman, Mr. Hodge, and Mr. Drumheller with a certificate of appreciation for their years of service and contributions on the Board.

Executive Director's Report:

Mr. Copeland shared with the Board some of the challenges that the staff has encountered to produce credentials. He added that it also took three months to gain access to the Commonwealth Accounting System to make daily deposits, and noted that the access was temporary.

He noted his office has received calls relating to denial letters that were mailed out, and that through the review process, some denials have been reversed and others require more information.

Mr. Copeland shared that a call came into the office regarding tickets being issued in Loudon County because of towers not having proper credentials. Mr. Copeland will contact the county regarding this matter.

He noted that a report has been compiled for the website that will give towers and law enforcement the capability to look up active licensees for this Board.

Mr. Copeland stated that the budget stands at \$403,761.00, and added that if anyone has any questions on the budget codes to contact him, and he will explain in detail.

Mr. Seibert referred Mr. Troilo Section 46.2-2800 of the Board of Towing and Recovery Operators statute in regard to who is required to obtain credentials.

Administrative Affairs Committee Report:

Mr. Herring stated that 100 applicants applied for the Compliance Officer position, and that DMV's Human Resource Department narrowed it down to seven. He stated that the Administrative Affairs Committee narrowed it to three, and that out of the three, the Committee unanimously selected Barbara Drudge as the Board's Compliance Officer.

Motions to Hire Barbara Drudge as the Compliance Officer:

Mr. Sawyers called for a motion to accept Ms. Drudge as the Board Compliance Officer. Mr. Coleman made the motion, and seconded by Mr. Hodge, and all were in favor of the motion.

Mr. Wyatt called for a motion to go in to Executive Session so that Board members may ask Ms. Drudge questions. Mr. Seibert seconded the motion, and all were in favor of the motion.

Executive Session:

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

1. To discuss the consideration, or interview of the prospective candidate for employment and assignment of the Compliance Offer, and to determine the appropriate qualification level, pursuant to the exception granted in the Virginia Code § 2.2-3711(A) (1).

The Board went into Executive Session 11:36 a.m., and reconvened at 11:57 a.m.

Mr. Seibert stated that only matters exempt under Virginia Code Section 2.2-3711.A.(1) relating to selection of consideration, or interview of prospective candidate for employment and Ms. Drudge, acceptance thereof, were discussed or considered during the closed meeting.

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

Committee Reports:

Licensing & Regulatory Affairs Committee

Mr. Teter reported that the Committee made minor changes to the Regulations, and Mr. Spencer asked the Committee to adopt the amended Regulations. Mr. Teter moved to adopt the amended Regulations, Mr. Brown seconded the motion, and it passed unanimously.

Bylaws Committee:

Mr. Seibert stated that the Bylaws Committee adopted the language changes to the Board Bylaws. The motion was made, seconded, and passed unanimously.

Other Business:

Mr. Brown recommended that the Board appoint an ad hoc committee for the new Compliance Officer.

Adjournment:

Mr. Sawyers moved to adjourn, and that motion was seconded by Mr. Coleman. The motion passed unanimously.

The meeting adjourned at 12:30 p.m.