

## **Virginia Board for Towing and Recovery Operators**

June 26, 2008 – 10:30 AM

### ***Draft Minutes***

Virginia Board for Towing and Recovery Operators was held on June 26, 2008 at the Holiday Inn I-64 West End/ Crossroads 2000 Staples Mill Road, Richmond, VA. 23230

#### **Board Members present:**

Ray Hodge, Chairman  
Roy Boswell  
Charlie Brown  
Cary Coleman  
Woody Herring  
Mark Sawyer  
Randy Seibert  
Gary Teter  
Andres Alvarez (designee of the Commissioner of Agriculture and Consumer Services)  
Lt. Curtis Hardsion  
Brock H. Cole, DMV Executive Analyst

#### **Board Members absent:**

Ray Drumheller  
Ron Minor  
Scott Wyatt

#### **Staff present:**

Benjamin Foster, Board Executive Director  
Daphane Phillips, Administrative Assistant  
Victoria Simmons, Regulatory Coordinator  
Jeff Spencer, Esq., Senior Assistant Attorney General

#### **Call to order:**

The meeting was called to order at 10:45 a.m.

#### **Public Comments Period:**

Eric Fly, representing the Virginia Beach Towing Association, expresses concerns with the time that the Board has scheduled for the Virginia Beach public meeting. Mr. Fly pointed out the initial suggested August 7, 2008 was an extremely busy time of the year

for the Tidewater towing businesses due to tourism and hurricane season. He asked that the Board reschedule the meeting in the Virginia Beach, Tidewater area during the second week in October.

Ralph Wilcher- Mid-Atlantic AAA agrees with Mr. Fly in regards too moving the date up. He also asks that the Board reconsider moving all the public meeting dates until the fall, because of the tourist season.

There were no further individuals wishing to speak during this public comment time.

### **Acceptance of May 22, 2008 Board Minutes**

Chairman Hodge asked the members if they had reviewed the minutes from the last meeting. Hodge called for a motion to approve the minutes. A motion was made by Charlie Brown and seconded by Roy Boswell. The minutes were adopted unanimously.

### **Chairman Report:**

Mr. Hodge expresses concerns with moving back the Virginia Beach public hearing date. He would defer the discussion until new business.

Mr. Randy Seibert made a motion to accept Mr. Archie Orr as a member of the By-Laws Committee. The motion was seconded by Lt. Curtis Hardsion, the motion was passed unanimously.

### **Executive Director Report:**

Mr. Foster stated that on Friday he traveled to Blairs, Virginia (about 5 miles north of Danville) to address a VATRO meeting. There was approximately 50-60 tow operators that showed up to express their concerns and get information about Board activities For the most part, Mr. Foster reported that his reception was good, almost all agreed that a Board is needed.

**Public Safety Hearing** – Mr. Foster states that he has set up the four meetings in the different areas of the Commonwealth that were specified by the statute, but he needed a final answer on the dates.

**Finger Printing** – Mr. Foster has added a three dollar processing fee to the finger printing card over the cost charged by the State Police to process the card. If the Board wishes to raise the cost, it can be discussed at a later date. The finger printing cards will be attached to the license/driver authorization application forms when they go out. In order to keep BTRO from being billed by the State Police for a finger printing processing of an individual who does not reimburse the board, Mr. Foster was instructed to not put the BTRO account number on the card when it is sent out with the application.

**Data Contract** – Mr. Foster stated that Zeta Wade with VITA is the Board’s contact person, and is doing a great job. He informed the Board of the issue with the computer system crashing last week. Ms. Wade stayed with the process until the system was working again after being non-operational for two days. He also stated that the application will be delayed because of the trouble with the system.

**Application Forms** – Mr. Foster reported that all that he needed to do on these forms was to change the fee amounts. He must get this completed because these forms must be filed with the Registrar once the final regulations are approved by the Governor.

**Data System** – He is working with System Automation, Rich Labonske in order to have the data system ready for applications processing in October.

**Telephone System** – Mr. Foster and Ms. Phillips met with Ms. Pam Seay of VITA on telephone solutions. While the telephone system is not where we want it, progress has been made as it is now possible to put a phone caller on hold and handle a second caller on the same phone line. The changes will certainly help us until we convert over to the system we need. Mr. Foster reported that he is moving to a multiple line telephone system that will do a better job of handling multiple incoming telephone calls. Mr. Foster requested of the industry, until the phone system can be upgraded, if a tower gets voice mail when he phones in to please leave a message as it will be returned that day or the very next.

### **Committee Reports:**

#### **Administrative Affairs Committee**

Chairman Herring and the committee discussed hiring an Investigator. The Committee recommended that this should be a full time position. Mr. Foster added that the investigator needs too be able to work on complaints and present them to the Board when necessary. He stated that everyone in the office will have to multitask because of the size of the office (the very small number staff permitted by the permitted Maximum Employment Level (MEL), not only supervising the part time inspector, but the full time investigator will also need to work in the field. The Board voted to approve the position description and advertisement for a full time Investigator who is to be hired in the next 2-3 months.

#### **By- Laws and Policy Committee:**

Mr. Seibert stated the Committee discussed inconsistencies between the Boards’s By – Laws policy and recently passed changes to the state Code. The By-Laws Committee recommended (3) changes to the current By-Laws: notes). The BTRO voted to approve these changes.

- 1) Correction of inconsistency between the By-Laws and the Code of Virginia;
- 2) Adoption of language to conform to Senate Bill 707;
- 3) Addition of language to hold board officer elections in October/November with the intention that the new officers will assume their duties the following January. The elected officers are the Chairman and the Vice Chairman. Due to the new statutory requirement that these two positions be held by Class A and Class B tow operators, a new election is needed at the next meeting because currently both persons currently holding these two positions are both Class A operators. The board agreed with this.

#### Licensing and Regulatory Affairs & Communications Committee:

The committee had discussions on where to hold the future Public Safety meetings.

- Have the June hearing in Richmond at 6:00 p.m.
- Have Mr. Foster do a presentation before the hearing. If any of the public like to speak, have them fill out a card.
- After Mr. Foster completes the presentation, the Board will take public comments and respond to them.
- The Board will put notification on the website, town hall, in tower list, towing associations, tow 411 and newspapers.
- Mr. Foster will run an advertisement in local newspapers for the meeting on the June 26.
- Mr. Minor will contact V-DOT about using newspaper leads.
- Mr. Foster will find meeting facilities that hold 200 people
- Discussion was held about the meeting in Virginia Beach being on July 8<sup>th</sup>
- Mr. Sawyers and Mr. Foster will work on information for the next newsletter

#### New Business:

Ms. Vicki Simmons – Regulatory Coordinator

Ms. Simmons reported that the General Regulations that BTRO adopted at the 5/22 meeting were currently in review at the Secretary's Office. The applicable Executive Order grants to the Secretary's Office 7 days to conduct its review of final, adopted regulations. The Secretary has had these regulations 22 days as of this BTRO meeting date. Ms. Simmons stated that she would be sending an email reminder message to the Secretary Office's staff to request the needed approval.

Ms. Simmons asked that the Board not vote on the model (PPG) Public Participation Guidelines as originally scheduled for today's meeting because the Department of Planning & Budget is still making changes in these regulations. The Chair asked Ms. Simmons to forward the model PPGs to the BTRO members as soon as possible when all changes have been completed. BTRO needs to provide its direction on whether or not it wishes to adopt the model PPG regulations as is or make further changes in them. The BTRO decision will determine what kind of rule making process that will have to be followed in order to complete the promulgation of the new PPGs that BTRO is required to have. BTRO's new PPGs must be completed and in place before any other regulations can be promulgated.

**Public Safety Regulations:**

The Board needs to withhold any drafting of the public safety regulations pending the completion of the required public meetings per the advice of Legal counsel, Mr. Spencer. This advice was provided in response to the Chairman's question about the new statutory language about the meaning of 'putting pen to paper'.

**Vote to reschedule Virginia Beach Public Hearing:**

Mark Sawyers made the motion to cancel the Va. Beach meeting on August 7<sup>th</sup> and move it to the second week in October; his motion was seconded by Roy Boswell. The board's vote was in favor 9 for this date change and 3 BTRO members opposed the date change. The motion passed and the meeting will be held in October.

**Next Meeting:**

Mr. Foster will schedule a Board meeting in Wytheville. The meeting will take place before the public hearing.

The next meeting will be held on July 24, 2008 at 4:00 p.m. at the Wytheville Meeting Center.

**Adjourned:**

Chairman Hodge called for a motion to adjourn. Mr. Orr made the motion to adjourn which was seconded by Mr. Teter; the adjournment passed unanimously. The meeting was adjourned at 12:38 p.m.