

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

August 7, 2008 - 9:30 AM

Department of Motor Vehicles, 1<sup>st</sup> Floor Conference Room (119)  
2300 West Broad Street, Richmond, Virginia 23220

### ***Final Minutes***

#### **Members Present:**

Ray Hodge – Chair  
Ray Drumheller - Vice Chair  
Cary Coleman  
Mark Sawyers  
Woody Herring  
Roy Boswell  
Randy Seibert  
Gary Teter  
Captain Steve Chumley (designee of the Virginia State Police)  
Archie Orr  
Scott Wyatt  
Ellen Marie Hess  
Andres Alvarez (designee of the Commissioner of Agriculture and Consumer Services)

#### **Other members present:**

Lieutenant Curtis Hardison  
Brock H. Cole

#### **Members Absent:**

Charlie Brown  
Ron Miner

#### **Staff Present:**

Daphne Phillips – Administrative Assistance  
Jo Anne Maxwell, Esq., Senior Assistant Attorney General

### **Called to order:**

The meeting was called to order the chair at 9:38 am.

The Chair recognized Mr. Ralph Davis, Deputy Secretary of Transportation.

### **Public Comments:**

**Floyd Mays** explained several reasons as to why he did not want the general regulations signed.

1. The Board's insurance requirements should be restricted. It is asking for redundant coverage on the books that are not readily available, because it is already a part of **garage keepers' liability** for most insurance company. Their plan has such a broad coverage for towers.
2. The target of this board is to set the natural standard for the regulations. Mr. Mays finds no honor from the Commonwealth of Virginia or this Board for having the toughest tow regulations in the country, just to benefit a few large towing companies.

**Eric Fly** - His concerns with this board is that it appears to be working in a vacuum when it comes to choosing a new Interim Executive Director in the absence of Mr. Ben Foster. This process has been circumvented for whatever reason; this board has operated under a shadow, under suspicion which the General Assembly has asked them to stop. The hiring of an Interim Director was not presented to the Administrative Affairs committee for discussion. This decision was made by a few members on this board.

**Lee Bowman** – Has concerns with his perceptions of this board. He is not against rules and regulations, just the way that it was presented and passed by outside influence (MIROA), a small group of twelve towers that has lobbied the legislation to get the regulations done the way they wanted.

**Closed public comments period at 9:40 a.m.**

### **Acceptance of June 8, 2008 Board Minutes**

Chairman Hodge asked the members if they reviewed the minutes from the last meeting. Seeing no questions, Chairman Hodge called for a motion to approve. A motion was made by Mr. Drumheller and seconded by Mr. Teter. The minutes were adopted unanimously.

### **Chairman's report:**

Mr. Hodge states the reason the meeting was called, Elect Officers, and the introduction of Mr. Marc Copeland as the Interim Director.

Mr. Hodge stated that would like to first discuss the public hearing that was held in Wytheville on July 24. The meeting was a great success by the response that he has received from the towers in the area. Mr. Charlie Brown gave a presentation on the Board's existence and opened the floor for comments on the general regulations. Mr. Hodge asked that the board to increase the amount of meetings that they are having around the state from (4) four to (7), because of the overwhelming response. The (3) three additional meetings should be held in Harrisonburg, Williamsburg and Fredericksburg. Mr. Hodge thinks that the board owes this to the towers.

Mr. Hodge shares his thoughts on hiring a new director because of Mr. Ben Foster resignation. It was apparent by him and others members on this board that they needed someone in place in order to keep from delaying the regulations process.

Mr. Scott Wyatt states that according to the Board's By-Laws in ARTICLE VIII Section 7 states, The Administrative Affairs Committee shall consider all questions and oversee matters of the Board related to personnel, finance, budget and general administrative areas.

Mr. Scott wanted to know why this process was not followed when it came to hiring a new Executive Director.

There were various discussions on the above article.

There were several motions made and seconded but never voted on by the full Board.

Mr. Hodge called for a motion to go in to Executives Session. Mr. Teter made the motion to go into executive sessions to discuss the hiring of, and to speak with the two candidates, seconded by Mr. Drumheller. Mr. Hodge asked for all that are in favor for the Executive Session to please raise your right hand, 6 were in favor 7 were not in favor, the motion failed.

Mr. Randy Seibert called for a substitute motion to go in to Executives Session and let the Administrative Affairs Committee speak with the candidate for Interim Director, Marc Copeland and Mr. Ben Foster. Hodge asked for all that are in favor for the Executive Session to please raise your right hand, 9 was in favor 4 were not in favor, the motion was passed.

Chairman Hodge called for a 15 minutes recess at 10:45 a.m. before the Board goes into the Executive Session.

Break was over at 11:00 a.m.

Chairman yielded the floor to the Deputy Secretary of Transportation Mr. Ralph Davis.

Mr. David stated that his office was approached two weeks as to what to do about Mr. Foster's resignation. They looked at the challenge that was ahead of this board before considering hiring an Interim Director. They wanted someone that would be able to keep the regulatory process on track. The Secretary's office looked at Marc Copeland as Interim Director, only if the Board's approve of the recommendations.

Mr. Seibert states that he would reconsider his substitute motion, because both candidates were present at the meeting, all were in favor.

Mr. Randy Seibert called for a motion to go in to Executives Session so the Board may speak with the candidate for Interim Director, Marc Copeland and the rehiring of Mr. Ben Foster. The Motion was seconded by Lt. Hardison. Mr. Wyatt asked if Mr. Ralph Davis could be in the close session and Mr. David Mitchell from Department of Motor Vehicles, all were in favor.

The Board went into Executives Session @ 11:10  
The Board reconvened 12:51.

Lt. Hardison read on behalf of the Board I certify to the best of my knowledge:

1. That only public business matters lawfully exempted from the open meeting requirements under the Freedom of Information Act.
2. That only matters exempt under Virginia code **section** 2.2-3711 –A(1), relating to selection of an Interim Director, and or rescission of Mr. Ben Foster resignations an acceptance thereof, were discussed or consider in the meeting.

**Roll call by the Board to accept the above statement:**

Ray Hodge – Yes  
Ray Drumheller - Yes  
Cary Coleman - Yes  
Mark Sawyers -Yes  
Woody Herring- Yes  
Roy Boswell - Yes  
Randy Seibert- Yes

Captain Steve Chumley- Yes  
Archie Orr - Yes  
Scott Wyatt- Yes  
Gary Teter - Yes  
Ellen Marie Hess -Yes  
Andy Alveraz -Yes

Chairman Hodge called for all in favor for Mr. Marc Copeland as the Interim Director; please raise your right hand.

7 in favor of Mr. Copeland and 6 in favor for Mr. Foster, The Vote goes to Mr. Copeland.

The Chair stated that the next order of business would be to select a new chair and vice-chair.

Mr. Teter nominates Mr. Drumheller was for the Chairman, it was seconded by Mr. Wyatt, all in favor of electing Mr. Drumheller as chair please raise your right hand, 7 in favor, 2 opposed, the majority rule. Mr. Drumheller will be the Board's new chair that will take effect at the next meeting.

Mr. Hodge calls for nominations for Vice- Chair. Mr. Herring nominates Mr. Mark Sawyers, seconded by Roy Boswell; all in favor please raise your right hand, 11 in favor, 0 opposed. Mark Sawyers will be the new vice chair that will take effect at the next meeting.

**Next meeting:**

Holiday Inn I-64 west End/ Crossroads  
2000 Staples Mill Road – Richmond VA. 23230  
August 14, 2008  
9:30 a.m.

**Adjournment:**

Chairman Hodge called for a motion to adjourn. Mr. Coleman made the motion which was seconded by Mr. Herring; the adjournment passed unanimously. The meeting was adjourned at 1:30 p.m.