

**Compliance and Consumer Affairs Committee
July 27, 2011 10:30 am
Department of Motor Vehicles
Chesapeake Room – Room No. 131
2300 W. Broad Street
Richmond, VA 23235**

MEETING MINUTES

Members Present

Charlie Brown – Chairman
Mark Sawyers
Roy Boswell
Kenneth Mitchell
Andres Alvarez – Designee for the
Commissioner of the Virginia Department of
Agriculture and Consumer Services

Members Absent

Lynwood Butner

Board Counsel

Janet Westbrook

Staff Present

Barbara Drudge
Sharon Childers

Meeting Called to Order

The meeting was called to order at 10:40 am.

Public Comments

There were no public comments before the Committee.

Acceptance of Meeting Minutes

Kenneth Mitchell made a motion to accept the draft minutes from the April 13, 2011 meeting as presented. Andres Alvarez seconded the motion, and it passed unanimously.

Discussions – Compliance Matters

Barbara Drudge provided information on an operator that failed to provide information on criminal convictions on its renewal application related to the owner and responsible individual, and which was a companion matter that resulted in a letter of reprimand, as to the driver. Chairman Brown asked for additional information as to the convictions for consideration at the next Committee meeting.

The Committee reviewed the matter of Carroll Payne and Payne’s Body Shop, presented by Barbara Drudge and John Beall, who chaired the Informal Fact Finding Conference (“IFFC”) on behalf of the Board. The IFFC began on May 2, 2011 and was continued at the request of their counsel of record,

Richard Gardiner. Mr. Gardiner presented a proposal to the Committee to reduce the Board imposed fines from \$500 to \$250, and to allow Mr. Payne and Payne's Body Shop to keep their respective Board issued license and authorizations.

Mr. Alvarez made a motion to accept Mr. Gardiner's appeal, and Mr. Mitchell seconded the motion. All were in favor.

Additional Public Comments

There were no additional public comments before the Committee.

Next Meeting

The next Committee meeting was scheduled for Thursday, August 4, 2011 at 9:30 am, at the Bass Pro Shops located at 11550 N. Lakeridge Parkway, Ashland, Virginia 23005.

Other Business

Chairman Brown raised concerns about drivers acting in the capacity of independent contractors for licensed tow operators, and whether those independent contractors are required to make application for and obtained an operator licenses. There was discussion about the formula for qualifying as an independent contractor, including using their own equipment, setting their own hours, etc.. Mr. Brown and Mr. Alvarez formally requested Janet Westbrook to evaluate the legalities of an operator license for credential drivers acting in the capacity of independent contractors.

Adjournment

Chairman Brown made a motion to adjourn, and it was seconded by Mr. Sawyers. All were in favor, and the meeting adjourned at 11:50 am.