

Virginia Board for Towing and Recovery Operators

May 22, 2008 – 9:30 AM
Science Museum of Virginia
Discovery Room
2500 West Broad Street, Richmond, Virginia 23230

Draft Minutes

Board Members present:

Ray Hodge, Chairman
Roy Boswell
Charlie Brown
Cary Coleman
Ray Drumheller
Woody Herring
Mark Sawyer
Randy Seibert
Gary Teter
Ron Minor
Andres Alvarez (designee of the Commissioner of Agriculture and Consumer Services)
Captain Steven Chumley, Virginia State Police
Brock H. Cole, DMV Executive Analyst
Archie Orr
Ken Mitchell

Staff present:

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

Call to order

The meeting was called to order at 9:45 a.m.

Public Comments Period:

David Adams: Comments were on the meeting that was held in Harrisonburg. He expresses concerns of the state of mind that the towers were in regarding the regulations. He hopes that the Board would take the time to trust the towers and that everyone can work together.

Mr. Adams thanked Mr. Foster for the work that he did with informing the towers of the Board's status.

Introduction of new Board members:

Mr. Hodge welcomed the two new members **Mr. Archie Orr** and **Mr. Ken Mitchell** to the board. They each gave a brief presentation of their work experience.

Mr. Lynwood Butner - DMV Task Force on Salvage Vehicles

Mr. Butner gave the presentation on how the Salvage Task Force operates. He stated that the task force was created 2 years ago because of the issues of abandoned vehicles on private property, and whether such vehicles were operable or inoperable. There was no information in the state Code that would allow the salvage operators to remove the abandoned vehicles without consequences. Mr. Butner along with other organization around the Commonwealth held a meeting on ways to make the process work, keeping in mind the safety of all citizens. Mr. Bunter's team is hoping to have the process ready in October so it can be on the table in time for legislation. Mr. Butner asked that all the interested parties work together for the good of the industry.

Acceptance of April, 8 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 with the necessary corrections of listing Mr. Jess Davis as Jeff Davis and to list Mr. Brock Cole with the board members. A motion was made by Cary Coleman and seconded by Roy Boswell. The minutes were adopted unanimously.

Chairman's Report:

Mr. Hodge stated that at the next board meeting, the new members will be assigned to committees.

Mr. Hodge asked the Board members to look over the draft application package that Mr. Foster has presented to them. If there are any changes, the board members are to email them to the office and Mr. Foster will respond to the changes.

Executive Director Report:

Mr. Foster stated that the application package will be modified to reflect the changes in the regulations.

Mr. Foster stated that 5,000 contact cards were passed out to all the inspection stations and calls have been coming in as a result of that. Mr. Foster also handed out contact cards at the Harrisonburg meeting. He stated that the Board has made every effort to hand

out the contact cards, but some towers refused to mail them back to the board. The number of cards that were mailed back stands at 903. He thanked Mr. Teter, Mr. Boswell and Captain Chumley for being at the Harrisonburg meeting to help with the questions.

Mr. Herring and Mr. Foster are working to get the Board's phone system up to date with the amount of calls that are received. Mr. Hodge asked that they stay on top of getting the phone system modified.

Mr. Foster presented the board with the Memorandum of Understanding between the Department of Motor Vehicles and BTRO. Mr. Hodge asked if any member of the Board objected to Mr. Foster signing the memorandum, all were in favor of Mr. Foster signing the MOU which he will do and send back to DMV.

Committee Report:

Communications and Consumer Affairs Committee presented the Board with a Public Relations (PR) Proposal. Mr. Drumheller made a motion that the Board not hire a PR firm at this time, the motion was seconded by Mr. Herring, and the motion passed unanimously.

Plans for meetings around the state

Chairman Hodge called for a motion for Mr. Foster to set up the meetings around the Commonwealth, the motion was seconded, and all were in favor.

1st Meeting

The first meeting will be held in the Wytheville community center on July 24th. Mrs. Simmons recommended that the board put a small advertisement about the meeting in the local paper with the time, date, and location.

Chairman Hodge called for a 15 minute break at 11:00 a.m.

Reconvened at 11:20

Victoria Simmons, Regulatory Coordinator Committee Report.

Mrs. Simmons reported that the Attorney General's regulatory task force group created a model of the Public Participation Guidelines (PPG) regulations. Ms. Simmons stated the 2008 General Assembly had passed a bill that required all boards and agencies to either adopt the model PPG or if the board elected to modify the model (PPG), promulgate modified (PPG) through a fast track process. The Board must modify the PPG regulations that it adopted just a short while ago. If the Board wants to adopt the model, then the promulgation process can be completed in 3 – 4 months. The Board will need to indicate its decision in June. Once the board gives its direction, Ms. Simmons can initiate the needed regulatory action.

Motions that were made and voted on by the Board.

The board reviewed the regulatory language changes in the final regulations that were recommended by the Office of the Attorney General.

- The following motions were made and approved by the Board:
- 24VAC 27-30-30. General requirements for operator's licensure (b) (5): Mr. Seibert made the motion to strike out "all in the blue bracketed text except (criminal convictions). It was seconded and all approved.
- 24VAC 27-30-40. Operator's licensure without examination (3): Mr. Boswell made the motion to delete the wording in the last sentence "the grandfather exemption documents" which was seconded and approved by the Board.
- 24VAC 27-30-50. Operator's licensure by examination (B) (2): Mr. Minor made the motion to leave in "the word open book" which was seconded and approved by the Board.
- 24VAC 27-30-20. Fees Trip permit: Mr. Seibert made the motion to remove the word "Out of State" which was seconded and approved by the Board.

Chairman Hodge called for a motion to adopt the final regulations, all were in favor.

Next Meeting:

The next meeting will be held on June 24, 2008, with the location to be determined by the Director.

Adjourned:

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 3:30 p.m.

