



State of Arkansas Towing & Recovery Board

7418 North Hills Boulevard • North Little Rock, Arkansas 72116

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MINUTES

Tuesday, February 16th 2016

The Arkansas Towing & Recovery Board convened on Tuesday, February 16th 2016 at 9:34 A.M. in the conference room of the Arkansas Towing & Recovery Board office at 7418 North Hills Boulevard, North Little Rock, Arkansas.

Acting Chair Tom Brown called the meeting to order with roll call, Tom Brown, Mary Thoma, Avon Phillips, Elgie Sims, Matthew Ross, Heath Tibbs and Joe Spadoni were present. Also in attendance were director Steven Rogers, investigators Tracy Watson and John Williams and legal counsel Julie Chavis and Reed Adkins. Karen Clark with the Arkansas State Police attended as a guest.

Acting Chair Tom Brown welcomed guests to the meeting. Brown asked for a motion and a second to approve the Minutes from January 19th 2016 as mailed. With no discussion on a motion by Ross and a second by Sims the minutes were approved unanimously as written. 7-0

Treasurer Brown reported expenditures of \$19,480.53 and revenue totaling \$6,195.18 noting that receipts were down due to the move and a delay in issuing 2017 permits. He also noted that the ending balance which had been reconciled by accounting was \$312,896.58. On a motion made by Phillips and a second by Ross the Treasurer's Report was approved unanimously. 7-0

Director Rogers indicated that with the upcoming changes in accounting, moving the monies to the State Treasury a different process for check and balance would need to be employed. He presented two (2) options for board consideration. After some discussion a motion was made to authorize the director to approve for the payment of any invoice up to \$2,000.00. Any invoice over that amount and up to \$5,000.00 would require the approval of an officer before payment. Over \$5,000.00 would be reviewed by the tow board and would require board approval. A spreadsheet should be a regular part of the monthly treasurer's report identifying expenses from the previous month. All of these procedures to be implemented once the checking account is closed and the payment process transferred in full to Treasury. Motion was made by Phillips, second by Brown, the vote was unanimous. 7-0

As is necessary at the beginning of each calendar year for payment of a stipend for board attendance and mileage Ross made the following motion: I move that the board members be paid \$60.00 for every meeting attended on behalf of the Arkansas Towing & Recovery Board and in addition board members be reimbursed at 42¢ per mile when traveling to and from the meetings for the calendar year 2016. All payments and reimbursements should be made in accordance with the State of Arkansas' travel policy.

Second by Phillips, the vote was unanimous. 7-0

The director then explained the need for a petty cash fund but shared with the tow board accounting's reservations about cash in an office and their suggestion that the tow board acquire a 'P' Card for unexpected expenses. After some discussion on a motion by Phillips the board adapted the following policy regarding its use. 1] The card is secured in an employee's name, not the director as he will approve its use and any expenditure. 2] When not in use the card is to be kept at the office in a secured, locked file cabinet. 3] Any expense or use of the card must be

pre-approved by the director. Any extraordinary item not associated with the daily and normal operation of the office would require the approval of the treasurer or an officer of the agency.4] An itemized list of the P Cards use for the previous month will be part of the treasurers report at each monthly board meeting.5] In general items purchased should be those that are not readily available through an authorized vendor.6] The P Card should carry a \$2,000.00 monthly limit. Failure to reconcile the card at the end of each month will be cause for suspension of its use until reconciliation is completed. 7] The P Card shall never be used for personal items. Doing so shall be grounds for immediate disciplinary actions including the dismissal of any employee who used the card inappropriately. 8] The P Card may not be used to purchase items considered an asset by legislative audit. In addition the policies of the State of Arkansas regarding the use of the 'P' Card shall be followed. Second by Sims, the vote to approve was unanimous. 7-0

Rogers discussed briefly the continued problems with FileMaker and the need for training. The board voted to approve a \$500.00 expenditure for training and consult for staff and evaluation of the programs needs on a motion by Phillips. Second by Ross. Motion carried 7-0.

Mary Thoma presented the rules for final approval. Rogers asked for clarification of increasing fees. The board reiterated their position that licensing fees would be increased from \$150.00 to \$200.00 but that permit fees should remain at \$72.00 per to vehicle. Rogers then presented his findings on general liability insurance and on-hook coverages. After a brief discussion the board voted to increase on-hook coverage on light duty tow vehicles from \$50,000.00 to \$100,000.00 on a motion by Phillips. Second by Spadoni. Motion carried 6-1. Thoma voting nay. The board voted to increase on-hook coverage on medium duty tow vehicles from \$50,000.00 to \$150,000.00 on a motion by Phillips. Second by Tibbs. Motion carried 6-1. Thoma voting nay. The board voted to increase on-hook coverage on heavy duty tow vehicles from \$50,000.00 to \$250,000.00 on a motion by Phillips. Second by Tibbs. Motion carried 6-1. Thoma voting nay. The board voted to increase the minimum general liability coverage required from \$50,000.00 to \$100,000.00 on a motion by Ross. Second by Tibbs. Motion carried 6-1. Thoma voting nay.

The board approved the rules with the changes noted in the minutes instructing staff to file the rule for final approval on a motion by Phillips. Second by Sims. Motion carried 7-0.

The board then went into executive session to discuss personnel matters.

After coming out of executive session Spadoni moved that the director be instructed to look at classifications for all employees as it relates to pay scale and report back to the board any needed adjustments for the Administration II position, the director's position and the chief investigators position so as to better determine a time frame for deserved pay increases. Second by Phillips. Motion carried 6-0 (Matt Ross left the meeting before the vote was taken)

Disciplinary Hearing

In the matter of Michael White d/b/a White's Wrecker Service, Eldorado, AR was found guilty of operating without a a non-consent tow license and safety permit, ignoring requests for information relating to the complaint and towing 18 vehicles while not licensed form August 20th 2014 to June 3rd 2015. On a motion by Ross White was found guilty of A-1 thru A-4. Second by Ross. Motion carried 7-0.
Respondent was found in violation of ACA §27-50-1201 (a) and Rule 6.1 and 6.2 and fined \$2,700.00.
Respondent was found in violation of ACA §27-50-1201(e)(1)(E) and Rule 11 and fined \$2,500.00. Respondent



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was found in violation of ACA §27-50-1201(e)(1)(E) and Rule 11 on a second request and fined \$5,000.00 for a total of \$10,200.00 on a motion by Spadoni. Second by Phillips. Motion carried. 6-0

Consent Agreements/Offer of Settlements

Complaint Number 2015-12-046, John Eddleman d/b/a Daddy Rabbit Transport, Inc. Found in violation of ACA §27-50-1203(e)(1)(D) and Rules 4.1 and 4.5. A civil penalty of \$250.00 was assessed and a cash refund to the complaint in the amount of \$150.00 was ordered on a motion by Phillips. Second by Tibbs. Motion carried 5-1. Spadoni voting nay.

Complaint number 2015-02-072, Argest Hyler d/b/a JLW Towing and Recovery. Found in violation of ACA §27-50-1203(e)(1)(D) and Rules 4.1 and 4.5. A civil penalty of \$100.00 was assessed and a cash refund to the complaint in the amount of \$115.00 was ordered on a motion by Thoma. Second by Sims. Motion carried 6-0.

Acting Chair Brown announced that the next meeting would be held Tuesday, March 15th 2016 at the tow board office in North Little Rock, AR at 9:30 A.M.

Meeting adjourned at 1:07 P.M.

Signed _____
Tom Brown, Acting Chair

Attest _____
Steven Rogers, Director

Approved _____ (Date)