



# State of Arkansas Towing & Recovery Board

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## MINUTES April 19<sup>th</sup> 2016

The Arkansas Towing & Recovery Board convened on Tuesday, April 19<sup>th</sup> 2016 at 9:38 A.M. in the conference room of the Arkansas Towing & Recovery Board office at 7418 North Hills Boulevard, North Little Rock, Arkansas.

Chair Wayne Edwards called the meeting to order with roll call, Jerry Vint, 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.

Mr. Edwards welcomed guests and turned the meeting over to legal counsel for the scheduled disciplinary hearings.

### Disciplinary Hearing

In the matter of Mike Grindstaff d/b/a Hellenback Tow & Recovery was found guilty of overcharging as it related to storage. On a motion by Brown Grindstaff was found guilty of A-1 thru A-4. Second by Spadoni. Motion carried 9-0.

Respondent was found in violation and fined \$2,500.00 on a motion by Brown. Second by Sims. Motion carried 9-0.

In the matter of Ervin Kindle d/b/a Fire2 Towing & Recovery was found guilty of overcharging, not having the proper authority to impound a vehicle and lack of notification. Kindle also failed to display permits on his tow vehicle. In addition his place of business did not comply with the rules including signage, fencing, lighting and office space. On a motion by Ross, Kindle was found guilty of A-2 thru A-7. Second by Spadoni. Motion carried 9-0.

Respondent was found in violation and fined \$1,000.00 and license was suspended for five (5) days. In addition the entire amount of the tow bill was to be reimbursed to the complainant, Enterprise rent-A-Car The respondent was given 30 days to make the corrections needed for compliance at his facility with the rules and to clarify ownership and insurance questions on a motion by Thoma. Second by Ross. Motion carried 9-0.

### Consent Agreements/Offer of Settlements

Complaint Number 2016-09-027: Todd Cooper d/b/a Metro Towing & Recovery LLC. A reimbursement to the complainant in the amount of \$245.00 and a civil penalty of \$250.00.

Complaint Number 2016-12-041: Neal Ross Pro Auto Inc. d/b/a Pro Auto Collision. A reimbursement to the complainant in the amount of \$5,615.00 and a civil penalty of \$2,000.00.

Complaint Number 2013-10-030: Rich Delorey d/b/a Advanced Wrecker Services. A reimbursement to the complainant in the amount of \$235.00 and a civil penalty of \$250.00.

Complaint Number 2015-10-027: Performance Wrecker Service. A reimbursement to the complainant in the amount of \$218.00 and a civil penalty of \$250.00.

Complaint Number 2015-09-022: Affordable Towing, LLC. A reimbursement to the complainant in the amount of \$373.76 and a civil penalty of \$250.00.

A motion to approve all Consent Agreements as presented by Brown. Second by Tibbs. Motion carried. 9-0

Several interested parties from Texarkana were in attendance to discuss the use of a detachable or temporary towing device to satisfy the requirements for heavy duty non-consent rotation. After a brief discussion the Chair asked that a subcommittee look into the matter and report back to the entire board for the adoption of a policy

or at the least a recommendation which could be offered to law enforcement agencies. Joe Spadoni, Jerry Vint, Matt Ross, Tracy Watson and Steven Rogers were asked to serve on the committee.

The Minutes for the Board Minutes from February 16<sup>th</sup> 2016 and the conference call held on March 29<sup>th</sup> 2016 were approved as mailed on a motion by Ross. Second by Tibbs. Motion carried. 9-0

Treasurer Brown reported expenditures for the month of February noting expenses of \$14,517.54 and revenue for the month was \$33,910.79. For the month of March expenses totaled \$24,578.39 and revenue for the month was \$53,158.48. The ending balance in the checkbook on this date is \$335,589.01. Ross made a motion to approve the Treasurer's Report as presented. Second by Tibbs. Motion carried. 9-0

Director Rogers reviewed the License & Permit Report for February and March. [Attached]

Tracy Watson presented the Complaints Report for February and March. [Attached]

Rogers presented an expanded version of the definition for "Business" which needed to be added to the rules following a conversation with staff at the Bureau of Legislative Research. A motion to approve the language was made by Brown. Second by Vint. Motion carried. 9-0

Rogers indicated that he had already mailed the updated forms used on the website for application and permitting and filing a consumer complaint to the Board for their review. He asked that in accordance with the rules that the Board approve them as mailed. Brown mad a motion to approve the forms as mailed. Second by Phillips. Motion carried. 9-0

Rogers asked that the Board consider giving the chair and the director more authority to act in between Board meetings. After a brief discussion it was suggested that language be presented at the next Board meeting for consideration.

The meeting date for May was set for Tuesday, June 21<sup>st</sup> at 9:30 AM at the offices of the Arkansas Towing & Recovery Board, conference room.

With no further business the meeting adjourned at 2:12 PM.

Signed \_\_\_\_\_  
Wayne Edwards, Chair

Attest \_\_\_\_\_  
Steven Rogers, Director

Approved \_\_\_\_\_ (Date)