



# State of Arkansas Towing & Recovery Board

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## MINUTES

Arkansas Towing & Recovery Board • August 15<sup>th</sup> 2017

The Arkansas Towing & Recovery Board convened on Tuesday, August 15<sup>th</sup> 2017 at 9:31 A.M. in the conference room of the Arkansas Towing & Recovery Board office at 7418 North Hills Boulevard, North Little Rock, Arkansas.

Chair Jerry Vint called the meeting to order with roll call; Tom Brown Wayne Edwards, Joe Spadoni, Heath Tibbs, Matt Ross, Reggie Binns, Carrie Meeks and Avon Phillips were present. Also in attendance were director Steven Rogers, investigators John Williams and Tracy Watson and legal counsel Julie Chavis and Karen Wallace.

Mr. Vint welcomed guests.

Mr. Vint welcomed guests. Chair Vint turned the meeting over to the hearing officer to proceed with the disciplinary hearings.

### Disciplinary Hearing

**2017-01-073 Michael Grindstaff dba Hellanback LLC;** Respondent violated ACA § 27-50-1101(a)(1)(C)(ii)(c) by failing to obtain written authorization from the property owner or agent prior to towing. Respondent violated ACA § 27-50-1203(e)(1)(C) and (D), by charging Complainant for a tow that violated Ark. Code Ann. § 27-50-1101(a)(1)(C)(ii)(c). Respondent is ordered to pay a civil penalty of \$10,000.00. Respondents license is revoked immediately.

**2017-03-096 Ervin Kindle Jr. dba Fire 2 Towing & Recovery;** Respondent violated ACA § 27-50-101(a)(1)(C) by failing to obtain written authorization from the property owner or agent of prior to removing the vehicles from property. Respondent violated ACA § 27-50-1101(a)(2) (A) by failing to notify local law enforcement of the removals of a vehicle with two (2) hours of taking possession of the vehicle. Respondent violated Ark. Code Ann. § 27-50-1101 (a) (2) (B) by charging for storage for a vehicle prior to the required notification to local law enforcement. Respondent violated Ark. Code Ann. § 27-50-1208 (b) (1) to (c) (2) by failing to perfect the lien by mailing the required notice to the last known registered owner or holder of any recorded lien no sooner than two (2) business days but within eight (8) business days. Respondent violated Ark. Code Ann. § 27-50-1209 (d) (1) by failing to obtain written verification that the Arkansas Crime Center information center records do not list the vehicle as having been reported stolen. Respondent violated Ark. Code Ann. § 27-50-1209 (e) (1) to (f) by failing to mail the required notice of sale fifteen (15) days before the date of the sale by certified mail and respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) by overcharging for all services related to this incident. Respondent license is revoked immediately.

Board meeting reconvened. Heath Tibbs left the board meeting.

The Minutes for the Board Meeting from July 18<sup>th</sup> 2017 were approved as mailed on a motion by Brown. Second by Phillips. Motion carried. 8-0

Treasurer Spadoni reported expenditures for July, \$16,721.62 and revenue for the month as \$21,340.12. The ending balance in the treasury account is \$361,122.35. Phillips made a motion to approve the Treasurer's Report as presented. Second by Brown. Motion carried.8-0

### Consent Agreements/Offer of Settlements

**2017-05-116** Ryan Ward/Rich Delorey dba Advanced Services, LLC Staff recommended the vehicle be returned at no charge to the lien holder and a \$500.00 civil penalty be assessed. Motion made to accept by Phillips. Second by Spadoni. Motion carried 8-0

**2017-05-119** Danny Motley dba Motley's Towing & Wrecker. Staff recommended restitution of \$300.00 to the complainant and a \$1,000.00 civil penalty be assessed. Motion made to accept by Brown. Second by Phillips. Motion carried 8-0

Tracy Watson reviewed the complaint report for June (Attached).

Steven Rogers reviewed the Permit & License Report.

Julie Chavis introduced Karen Wallace, new counsel for the tow board effective immediately. She indicated she would be turning all files over to Ms. Wallace including the on-going appeals.

In his Director's Report Rogers updated the Board on the Spirit Ride event, photo shoot with Governor Hutchinson and the recent activity occurring in many apartment complexes by aggressive tow companies. Rogers indicated he had a copy of the updated Administrative procedures Act should anyone want a copy. He noted there were two (2) issues he would consult with Karen Wallace with before coming to the board, 2<sup>nd</sup> notice for possessory lien and on-site inspections for law enforcement. Rogers handed out the proposed rule with a suggested change to cost for notice. Adding language to Rule 10.3, shall not exceed ~~twenty five~~ thirty five dollars or the actual cost of postage for mailing multiple notices or advertising costs whichever is greater per notification vehicle. Motion was made by Spadoni. Second by Brown. Motion carried. 8-0.

The next meeting was scheduled for Tuesday, September 19<sup>th</sup> 2017 at the Arkansas Towing & Recovery Board office in North Little Rock, Arkansas.

With no further business the meeting adjourned at 2:42 pm.

Signed \_\_\_\_\_  
Jerry Vint, Chair

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

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