



State of Arkansas Towing & Recovery Board

7418 North Hills Boulevard • North Little Rock, Arkansas 72116

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MINUTES

Arkansas Towing & Recovery Board • May 15th 2018

The Arkansas Towing & Recovery Board convened on Tuesday, May 15th 2018 at 9:35 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, Reggie Binns, Carrie Meeks, Heath Tibbs, Joe Spadoni and, Avon Phillips were present. Board member Joe Spadoni arrived after roll call. Also in attendance were director Steven Rogers, investigators Tracy Watson and John Williams and legal counsel Karen Wallace.

Chair Vint welcomed guests then turned the meeting over to hearing officer Dara Hall to proceed with the Disciplinary Hearing schedule. The court reporter was Sandra Rowland.

Disciplinary Hearings

Case Number. **2018-02-068**, Garrick VanCurren dba Infinity Towing, Recovery & Transport Inc.

Respondent violated Ark. Code Ann. § 27-50-1101 (a) (1) (C) by failing to obtain proper written authorization from the property owner or agent prior to removing a vehicle from private property. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) by overcharging for all services related to this unauthorized service. Respondent is ordered to pay civil penalties totaling \$10,000.00 and to pay restitution to the claimant in the amount of \$150.00.

Case Number. **2018-02-071**, Tammie Weise dba. Weise Towing & Auto Service LLC.

Respondent violated Ark. Code Ann. § 27-50-1203 (c) (1) and Board Rule 4.1 by failing to provide to the Board all documents in response to information requests by the Board pursuant to the investigation of consumer complaints against the permittee or licensee. Respondent violated Ark. Code Ann. § 27-50-1218(c)(3)(A) and Board Rule 4.1 by failing to respond to a request from the board for additional information relevant to the consumer complaint within ten (10) business days after receiving the request. (B) Failure to respond to a request by a towing company shall result in a daily fine of up to twenty-five dollars (\$25.00) per day until the information requested is received by the board. Respondent violated Ark. Code Ann. §27-50-1209 (b) (2) and Board Rule 4.1 by failing to sell the involved vehicle within ninety (90) days after perfection of the lien or forty-five (45) days after the release of any law enforcement hold or other official hold, whichever is later and Respondent violated Ark. Code Ann. §27-50-1209 d) (1) and Board Rule 4.1 by failing to obtain written verification that the Arkansas Crime Information Center records did not list the vehicle as having been reported stolen. Respondent is ordered to pay a total of \$4,300.00 in fines and civil penalties

Case Number. **2018-03-079**, Bob McCallie dba McCallie Wrecker Service Inc.

Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (E) and Board Rule 4.1 by failing to provide to the Board all documents in response to information requests by the Board pursuant to the investigation of consumer complaints against the permittee or licensee. Respondent violated Ark. Code Ann. § 27-50-1218(c)(3)(A) and Board Rule 4.1 by failing to respond to a request from the board for additional information relevant to the

consumer complaint within ten (10) business days after receiving the request. (B) Failure to respond to a request by a towing company shall result in a daily fine of up to twenty-five dollars (\$25.00) per day until the information requested is received by the board. Respondent is ordered to pay a civil penalty of \$200.00.

Business Meeting Reconvenes at 12:23 P.M.

The Minutes for the Board Meetings from February 20th 2018 were approved as mailed on a motion by Phillips. Second by Tibbs. Motion carried 7-0

In the Treasurers absence joe Spadoni reported expenditures for the month of March, \$2,758.51 and revenue for the month as \$29,086.56. The ending balance in the treasury account is \$343,425.29. Phillips made a motion to approve the Treasurer's Report as presented. Second by Meeks. Motion carried.7-0

Consent Agreements/Offer of Settlements

2018-01-061, John Eddleman dba. Daddy Rabbit Transport Inc. Following discussion the Board agreed to a reimbursement of \$1768.00 and a \$1,200.00 civil penalty. Motion was made by Phillips. Second by Tibbs. Motion carried 6-1.

2018-03-085, John Tolliver dba Discount Muffler. Given that Mr. Tolliver had renewed his license for the current and previous year the Board agreed to a civil penalty of \$250.00. Motion was made by Phillips. Second by Binns. Motion carried 6-0 with one abstention.

2018-04-092, Bent Wrench Complete Automotive. Following a brief discussion the Board agreed to a civil penalty of \$250.00. Motion was made by Phillips. Second by Spadoni. Motion carried 7-0.

Tracy Watson presented the Complaints Report for January [Attached]

Karen Wallace updated the Board on the status of any pending appeals.

Committee Reports

Inspection & Permits Committee . Chair Carrie Meeks shared copies of the revised inspection forms noting that even with board approval they would become part of rulemaking. After some discussion Joe Spadoni asked that the forms be shared with other tow owners for feedback before board approval, perhaps at the next meeting.

Legislative Committee . Chair joe Spadoni presented five (5) pieces of legislation for Board approval noting that the language was in draft form and could change once the bills were drafted by BLR or changes made by a potential sponsor. The motion be Joe Spadoni is attended to give authority to director, Steven rogers to move forward with the process of approval by the Governor's office and to initiate conversation with potential sponsors. The bills are: Requirement for a \$25,000 surety bond, allowing passengers in towed vehicles in emergency situations, elimination of consent only license, expanding the definition of a two business and the creation of an enhanced heavy duty tow license for participation in non-consent rotation. Second by Tibbs. Motion carried 7-0

Finance Committee. Chair Joe Spadoni made the following motions for board approval:

A make a motion that the \$67, 828.00 Operating Expense include the purchase of a new PC for the director and a monitor for the conference room. Second by Binns. Motion carried. 7-0



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A motion that the director begin the appropriation process to purchase two (2) ATRB state vehicles in FY 2019 through the use of a cash letter. Second by Meeks. Motion carried. 7-0

A motion that we begin the appropriation process to lease the space next to us on the north side of the building for an additional \$1,000/month and that the space be utilized to expand our conference room. Second by Phillips. Motion carried. 7-0

A motion that we hire a collection attorney (not a collection agency) to work on our behalf and that we authorize the director to hire Audrianna Grisham based in Maumelle. Second by Phillips. Motion carried. 7-0

In his Director's Report Rogers updated the Board on the recently held workshop, the Red Tape Reduction Committee appointed by Governor Hutchinson and the plan to expand the agency's enforcement efforts.

The next board meeting was scheduled for Tuesday, July 17th 2018, to be held at the Arkansas Towing & Recovery Board office in North Little Rock, Arkansas.

With no further business the meeting adjourned at 1:42 P.M.

Signed _____
Jerry Vint, Chair

Attest _____
Steven Rogers, Director

Approved _____ (Date)