

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
JIM OSTIE
d/b/a SOUTHSIDE TOWNG, LLC**

CASE NO. 2017-07-003

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on September 20, 2016 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Samantha Phillips, Mr. Ostie's daughter, appeared for Southside Towing, LLC ("Respondent"). Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent maintained a valid business license and safety permit at all times relevant to this incident. The relevant date is July 9, 2016. The business license expires on April 23, 2017.
2. On July 9, 2016, Respondent towed and stored a 2001 Mercury Grand Marquis without prior written authorization of the property owner, or an agent of the private property owner, from a business located off I-30 frontage road in Benton, Arkansas.
3. On July 9, 2016 the Respondent failed to notify local law enforcement of the removal of the vehicle within two (2) hours of taking possession of the vehicle.
4. Respondent billed and was paid \$283.40 for the towing and storage of the 2001 Mercury Grand Marquis on July 11, 2016.

CONCLUSIONS OF LAW

1. Respondent's actions, as set forth in Finding of Fact 2, constitute a violation of Ark. Code Ann. § 27-50-1101 (a) (1) (C) and Board Rule 6 by failing to obtain written authorization from the property owner or agent of prior to removing a vehicle from private property.
2. Respondent's actions, as set forth in Finding of Fact 3, constitute a violation of Ark. Code Ann. § 27-50-1101 (a) (2) (A) and Board Rule 6 by failing to notify local law enforcement of the removal of a vehicle from private property with two (2) hours of taking possession of the vehicle.
3. Respondent violated Ark. Code Ann. § 27-50-1101 (a) (2) (B) and Board Rule 6 by charging for storage for a vehicle prior to the required notification to local law enforcement.
4. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) and Board Rules 4.1 and 4.5 by overcharging for all services related to this incident.

ORDER

1. Respondent is ordered to pay a civil penalty totaling \$1,000.00, \$250.00 per each violation listed above in Conclusions of Law numbers 1-4.
2. Respondent is ordered to reimburse the Complainant, Christopher Larson, 17 Summerwood Drive, Benton, Arkansas 72019, \$283.40, the amount he was billed for towing and storage of his vehicle.

3. Respondent has fifteen (15) days after receipt of this Order to pay the penalty assessed.
4. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this 21st day of September 2016

ARKANSAS TOWING AND
RECOVERY BOARD

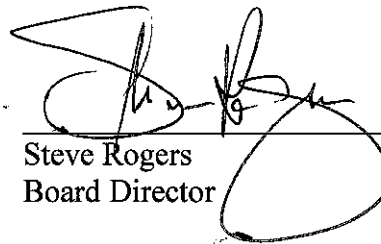


TOM BROWN
VICE CHAIRPERSON

CERTIFICATE OF SERVICE

I, Steve Rogers, Director of the Arkansas Towing and Recovery Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, by certified U.S. Mail, postage prepaid, on this 21st day of September 2016 to the following:

Jim Ostie
d/b/a Southside Towing LLC
P.O. Box 1977
Benton, Arkansas 72018
ATTN: Samantha Phillips



Steve Rogers
Board Director

BY BWD 09/21/16

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
YANCEY PRICE, ATLAS AUTO RECOVERY, INC.,
D/B/A
TWIN COUNTY TOWING, LLC**

CASE NO. 2017-08-011

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on October 18, 2016, 2016 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Yancey Price, owner, appeared for Atlas Auto Recovery, Inc., d/b/a Twin County Towing, LLC ("Respondent"). Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent maintained a valid non-consent tow license and safety permit at all times relevant to this incident. The relevant date is August 13, 2016. Respondent's license expires on April 5, 2017.
2. On August 13, 2016, Respondent towed Complainant's 1998 Ford Windstar from private property located at 1650 Sang Street, Springdale, Arkansas, the Encore Apartments, without a signed tow authorization. Neither the manager nor his designee of the Encore Apartments was ever notified of any vehicle being towed from the apartment complex prior to, during, or after the vehicle was towed.
3. Respondent billed and was paid \$137.19 for the tow. Respondent refunded the entire amount on August 22, 2016, during the Board's investigation.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 27-50-1101 (c) and Board Rule 4.1 by not obtaining prior written authorization for the tow outlined in Findings of Fact 2 above from the owner, manager, or designee of the private property known as the Encore Apartments in Springdale, Arkansas
2. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) by charging \$137.19 for towing the Complainant's vehicle without written authorization.

ORDER

1. Respondent is ordered to pay a civil penalty of \$500.00 for the violation as outlined in Conclusion of Law #2.
2. Respondent has fifteen (15) days after the date on the certificate of service attached to the Findings of Fact, Conclusions of Law, and Order to pay the civil penalty.
4. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this 25th day of October 2016.

**ARKANSAS TOWING AND
RECOVERY BOARD**



**JERRY VINT
CHAIRPERSON**

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
MIKE GRINDSTAFF
d/b/a HELLENBACK, LLC**

CASE NO. 2017-08-013

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on October 18, 2016, 2016 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Mike Grindstaff, owner, appeared for Hellenback, LLC ("Respondent"). Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent did not possess a valid non-consent/consent tow license and safety permit at all times relevant to this incident. The relevant dates are June 23, 2016 to September 7, 2016.
2. Respondent's tow license and safety permit were revoked by the Board on June 21, 2016. The Arkansas Attorney General's Office mailed a notice of revocation on June 23, 2016. Respondent's tow license and safety permits remained revoked until reinstatement on September 7, 2016. This license expires on September 21, 2017.
3. On July 19, 2016, a driver for Mike Grindstaff d/b/a Hellenback, LLC paid the outstanding fine of \$2,500.00. At that time, administrative staff advised that the tow and safety permits would remain in a revoked status until the required Board

insurance requirement was met. The requirements were not met until September 7, 2016, at which time a complete reinstatement was made.

4. On June 25, 2016, Respondent conducted a repossession of a 2006 black Humvee at the request of Car-Mart of Siloam Springs, Arkansas. Respondent towed the vehicle from 1627 Fletcher Road, Seligman, Missouri, to his facility in Springdale, Arkansas.
5. Evidence discovered during this investigation from the Springdale, Arkansas Police Department revealed that Respondent towed and stored an additional 44 vehicles during the period of time that his license was revoked.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (A) and Board Rules 6.1, 9.1, and 9.2 by towing the Humvee from private property located at 1627 Fletcher Road, Seligman, Missouri, to his facility located in Springdale, Arkansas while his tow license and safety permit were invalid due to board revocation and expired insurance coverage, as described in paragraphs A-1 through A-5.
2. Respondent violated Ark. Code Ann. § 27-50-1101 (a) (1) (A) and Board Rules 6.1, 9.1, and 9.2 by towing 44 vehicles within the State of Arkansas while his tow license and safety permit were invalid due to board revocation and expired insurance coverage, as described in paragraphs A-1 through A-5.

ORDER

1. Respondent is ordered to pay a civil penalty of \$5,000.00 for the violation as outlined in Conclusion of Law #1 above.

2. For the violation as outlined in Conclusion of Law #2 above, Respondent's tow license and safety permit are hereby suspended for seven (7) days to begin after the expiration of the thirty (30) day time period in which Respondent may appeal this decision of the Board. The seven (7) day suspension applies to both consent and non-consent tows. If the Respondent elects not to file an appeal, the seven (7) day suspension shall begin seven (7) days after the date on the certificate of service attached to the Findings of Fact, Conclusions of Law, and Order.
3. Respondent has fifteen (15) days after the date on the certificate of service attached to the Findings of Fact, Conclusions of Law, and Order to pay the civil penalty, unless he appeals this decision, in which case the civil penalty shall be paid fifteen (15) days after the resolution of the appeal.
4. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this 19th day of October 2016.

ARKANSAS TOWING AND
RECOVERY BOARD

Tom Brown

JERRY VINT
CHAIRPERSON

Vice Chairman
TOM BROWN

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
YANCEY PRICE, ATLAS AUTO RECOVERY, INC.,
D/B/A
TWIN COUNTY TOWING, LLC**

CASE NO. 2017-08-014

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on October 18, 2016, 2016 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Yancey Price, owner, appeared for Atlas Auto Recovery, Inc., d/b/a Twin County Towing, LLC ("Respondent"). Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent maintained a valid non-consent tow license and safety permit at all times relevant to this incident. The relevant date is August 13, 2016. Respondent's license expires on April 5, 2017.
2. On August 13, 2016, Respondent towed Complainant's vehicle from private property located at 1650 Sang Street, Springdale, Arkansas, the Encore Apartments, without a signed tow authorization. Neither the manager nor his designee of the Encore Apartments was ever notified of any vehicle being towed from the apartment complex prior to, during, or after the vehicle was towed.
3. Respondent billed and was paid \$137.19 for the tow. Respondent refunded the entire amount on August 22, 2016, during the Board's investigation.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 27-50-1101 (c) and Board Rule 4.1 by not obtaining prior written authorization for the tow outlined in Findings of Fact 2 above from the owner, manager, or designee of the private property known as the Encore Apartments in Springdale, Arkansas
2. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) by charging \$137.19 for towing the Complainant's vehicle without written authorization.

ORDER

1. Respondent is ordered to pay a civil penalty of \$500.00 for the violation as outlined in Conclusion of Law #2.
2. Respondent has fifteen (15) days after the date on the certificate of service attached to the Findings of Fact, Conclusions of Law, and Order to pay the civil penalty.
4. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this 25th day of October 2016.

**ARKANSAS TOWING AND
RECOVERY BOARD**



**JERRY VINT
CHAIRPERSON**

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
MIKE GRINDSTAFF
d/b/a HELLENBACK, LLC**

CASE NO. 2017-09-026

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on October 18, 2016, 2016 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Mike Grindstaff, owner, appeared for Hellenback, LLC ("Respondent"). Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent did not possess a valid non-consent/consent tow license and safety permit at all times relevant to this incident. The relevant dates are August 16, 2016 to September 12, 2016. Respondent's license was revoked on June 21, 2016, reinstated September 7, 2016, and will expire September 21, 2017.
2. On August 16, 2016, Respondent towed Complainant's 2006 Chrysler from private property located at 1017 Lloyd Street, Springdale, Arkansas, the Whisler Mobile Home and RV Park, without a signed tow authorization. Neither the manager nor his designee of the mobile home park were ever notified of any vehicle being towed from the mobile home park prior to, during, or after the vehicle was towed. Complainant was billed \$214.00 for the tow and storage.

3. On August 1, 2016, Respondent towed Complainant's 2014 Mazda from private property located at 1660 Whisler Street, Springdale, Arkansas, the Whisler Mobile Home and RV Park, without a signed tow authorization. Neither the manager nor his designee of the mobile home park were ever notified of any vehicle being towed from the mobile home park prior to, during, or after the vehicle was towed. Complainant was billed \$323.76.00 for the tow and storage.
4. On September 12, 2016, Respondent towed Complainant's 2000 Chevrolet from private property located at 1539 Purple Martin Drive, Springdale, Arkansas, the Whisler Mobile Home and RV Park, without a signed tow authorization. Neither the manager nor his designee of the mobile home park were ever notified of any vehicle being towed from the mobile home park prior to, during, or after the vehicle was towed. Complainant was billed \$125.00 for the tow.
5. On September 1, 2016, Respondent towed Complainant's 2007 GMC from private property located at 1079 Spruce Street, Springdale, Arkansas, the Whisler Mobile Home and RV Park, without a signed tow authorization. Neither the manager nor his designee of the mobile home park were ever notified of any vehicle being towed from the mobile home park prior to, during, or after the vehicle was towed. Respondent was billed \$50.00 to have his vehicle removed from Respondent's tow truck.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 27-50-1101 (A) (1) (C) and Board Rule 4.1 by not obtaining prior written authorization for the tows outlined in Findings of Fact 2-5 above from the owner, manager, or designee of the private property known as the Whisler Mobile Home and RV Park in Springdale, Arkansas

2. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) and Board Rule 4.1 by charging \$214.00 for towing the Complainant's 2006 Chrysler without written authorization, with a revoked license, and with no insurance coverage.
3. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) and Board Rule 4.1 by charging \$323.76 for towing the Complainant's 2014 Mazda without written authorization, with a revoked license, and with no insurance coverage.
4. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) and Board Rule 4.1 by charging \$50.00 for the release of Complainant's 2007 GMC without written authorization, with a revoked license, and with no insurance coverage.
5. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) and Board Rule 4.1 by charging \$125.00 for towing the Complainant's 2000 Chevrolet without written authorization.

ORDER

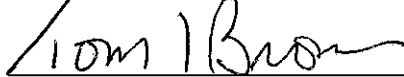
1. Respondent is ordered to pay a civil penalty of \$500.00 for the violation as outlined in Conclusion of Law #1.
2. For the violations as outlined in Conclusions of Law #3-5 above, Respondent shall reimburse the Complainant/owner of the 2006 Chrysler \$214.00, the Complainant/owner of the 2014 Mazda \$323.76, the Complainant/owner of the 2007 GMC \$50.00, and the Complainant/owner of the 2000 Chevrolet \$125.00 within thirty (30) days of the expiration of the appeal period.
3. Respondent has fifteen (15) days after the date on the certificate of service attached to the Findings of Fact, Conclusions of Law, and Order to pay the civil penalty,

unless he appeals this decision, in which case the civil penalty shall be paid fifteen (15) days after the resolution of the appeal.

4. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this 19th day of October 2016.

**ARKANSAS TOWING AND
RECOVERY BOARD**



**JERRY VINT
CHAIRPERSON**

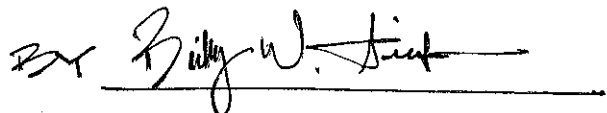
**VICE CHAIRMAN
TOM BROWN**

CERTIFICATE OF SERVICE

I, Steve Rogers, Director of the Arkansas Towing and Recovery Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, by regular mail and by certified U.S. Mail, postage prepaid, on this 19th day of October 2016 to the following: Mr. Mike Grindstaff, 1404 Westwood, Springdale, Arkansas 72764.



Steve Rogers
Board Director

BY 

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
JIM CHEEVER
d/b/a CHEEVER'S AUTO SERVICE**

CASE NO. 2017-09-030

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on March 21, 2017 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Jim Cheever ("Respondent") failed to appear. Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent did not maintain a valid tow license and safety permit at all times relevant to this incident. The relevant date is September 11, 2016. His tow license and safety permit expired May 12, 2016.
2. On September 11, 2016, Respondent towed and stored Complainant's 1997 Dodge Ram pickup from private property located at 437 Highway 62, Yellville, Arkansas, the Buffalo River Clinic.
3. Respondent billed and was paid \$290.89 for this service on September 17, 2016.
4. On September 22, 2016, Board investigator, Tracy Watson, mailed a request for information letter to Respondent pursuant to this investigation mail.

5. On November 18, 2016, Investigator Watson mailed a second request for information letter pursuant to this complaint.

CONCLUSIONS OF LAW

1. Pursuant to Ark. Code Ann. § 27-50-1203(e)(1), the Board is authorized to regulate the towing and recovery industry
2. Pursuant to Ark. Code Ann. § 27-0-1201(a) and Board Rule 1, as a person and entity engaged in the towing or storage of vehicles in Arkansas, Respondent is required to maintain a valid business license and safety permit.
3. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(E) and Board Rule 4.1 which requires all entities permitted, licensed, or regulated under this subchapter to provide to the Board all documents in response to information requests by the Board pursuant to the investigation of consumer complaints or Board complaints against the permittee or licensee.
4. Respondent violated Ark. Code Ann. § 27-50-1218(c)(3)(A) and (B) which states that a towing company shall respond to a request from the Board for additional information relevant to the consumer complaint within ten (10) business days after receiving the request. 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.

ORDER

1. Respondent is ordered to pay a civil penalty of \$1,500.00 for the violation listed above in Conclusion of Law number 2.
2. Respondent is ordered to pay a civil penalty of \$1,500.00 for the violation listed above in Conclusion of Law number 3.
3. Respondent is ordered to pay a civil penalty of \$4,275.00 for the time period of September 22, 2016 through March 21, 2017, for the violation listed above in Conclusion of Law number 4.
3. Respondent has fifteen (15) days after receipt of this Order to pay the civil penalties.
4. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this 11th day of April 2017.

ARKANSAS TOWING AND
RECOVERY BOARD



JERRY VINT
CHAIRPERSON

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
MIKE GRINDSTAFF
d/b/a HELLENBACK, LLC**

CASE NO. 2017-10-037

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on November 15, 2016, 2016 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Mike Grindstaff, owner, Hellenback, LLC ("Respondent") did not appear. Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent did not possess a valid non-consent/consent tow license and safety permit at all times relevant to this incident. The relevant date is August 31, 2016. Respondent's tow license and safety permit were revoked by the Board on June 21, 2016. The Arkansas Attorney General's Office mailed a notice of revocation on June 23, 2016. Respondent's tow license and safety permits remained revoked until reinstatement on September 7, 2016. This license expires on September 21, 2017.
2. On August 31, 2016, Respondent towed Complainant's 1993 Ford F-150 truck from private property located at 1485 Purple Martin Drive, Springdale, Arkansas, the Whisler Mobile Home and RV Park, without a signed tow authorization. Neither the manager of the park nor his designee were ever notified of any vehicle being towed from the park, prior to, during, or after the 1993 Ford F-150 truck was towed.

Respondent billed Complainant \$137.19 for the tow and storage of the 1993 Ford F-150 truck.

3. Respondent's tow license and safety permit were revoked by the Board on June 21, 2016. The Arkansas Attorney General's Office mailed a notice of revocation on June 23, 2016. Respondent's tow license and safety permits remained revoked until reinstatement on September 7, 2016. This license expires on September 21, 2017.
4. On July 19, 2016, a representative from Mike Grindstaff d/b/a Hellanback, LLC, paid an outstanding fine of \$2,500.00. At that time, administrative staff advised that the tow and safety permits would remain in a revoked status until the insurance requirement was met. The requirements were not met until September 7, 2016, at which time a complete reinstatement was made.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 27-50-1101 (a) (1) (C) and Board Rule 4.1 by not obtaining written authorization from the manager of the Whisler Mobile Home and RV Park, Springdale, Arkansas prior to the tow of the 1993 Ford F-150 truck, as outlined in Finding of Fact #2 above.
2. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) and Board Rule 4.1 by charging \$137.19 for towing the Complainant's 1993 Ford F-150 truck without prior written authorization as outlined in Finding of Fact #2 above.

ORDER

1. Respondent's tow license and safety permits, held in the following names, are hereby revoked effective immediately for the violations outlined in Conclusions of Law #1-2 above:
 - a. Mike Grindstaff, d/b/a Hellanback Tow and Recovery;
 - b. Hellanback Tow & Recovery, LLC; and
 - c. Hellanback, LLC.
2. Respondent is ordered to pay a civil penalty of \$1,000.00 for the violations as outlined in Conclusions of Law #1-2 above.
3. Respondent is ordered to reimburse the Complainant \$268.89 for the illegal tow and storage of the Honda Accord.
4. Respondent has fifteen (15) days after the date on the certificate of service attached to the Findings of Fact, Conclusions of Law, and Order to pay the civil penalty and to reimburse the Complainant.
5. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this _____ day of November 2016.

**ARKANSAS TOWING AND
RECOVERY BOARD**

JERRY VINT, CHAIRPERSON

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
MIKE GRINDSTAFF
d/b/a HELLENBACK, LLC**

CASE NO. 2017-10-044

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on November 15, 2016, 2016 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Mike Grindstaff, owner, Hellenback, LLC ("Respondent") did not appear. Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent did not possess a valid non-consent/consent tow license and safety permit at all times relevant to this incident. The relevant date is July 2, 2016. Respondent's tow license and safety permit were revoked by the Board on June 21, 2016. Respondent's tow license and safety permits remained revoked until reinstatement on September 7, 2016. This license expires on September 21, 2017.
2. On July 2, 2016, Respondent towed Complainant's 2004 Chevrolet Silverado truck from private property located at 674 Aspen Ridge Drive, Springdale, Arkansas, the Woodridge Estates Mobile Home and RV Park, without a signed tow authorization. Neither the manager of the park nor his designee were ever notified of any vehicle being towed from the park, prior to, during, or after the 2004 Chevrolet Silverado

truck was towed. Respondent billed Complainant \$387.00 for the tow and storage of the 2004 Chevrolet Silverado truck.

3. Respondent's tow license and safety permit were revoked by the Board on June 21, 2016. The Arkansas Attorney General's Office mailed a notice of revocation on June 23, 2016. Respondent's tow license and safety permits remained revoked until reinstatement on September 7, 2016. This license expires on September 21, 2017.
4. On July 19, 2016, a representative from Mike Grindstaff d/b/a Hellanback, LLC, paid an outstanding fine of \$2,500.00. At that time, administrative staff advised that the tow and safety permits would remain in a revoked status until the insurance requirement was met. The requirements were not met until September 7, 2016, at which time a complete reinstatement was made.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 27-50-1101 (a) (1) (C) and Board Rule 4.1 by not obtaining written authorization from the manager of the Woodridge Estates Mobile Home and RV Park, Springdale, Arkansas prior to the tow of the 2004 Chevrolet Silverado truck, as outlined in Finding of Fact #2 above.
2. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) and Board Rule 4.1 by charging \$387.00 for towing the Complainant's 2004 Chevrolet Silverado truck without prior written authorization as outlined in Finding of Fact #2 above.

ORDER

1. Respondent's tow license and safety permits, held in the following names, are hereby revoked effective immediately for the violations outlined in Conclusions of Law #1-2 above:
 - a. Mike Grindstaff, d/b/a Hellanback Tow and Recovery;
 - b. Hellanback Tow & Recovery, LLC; and
 - c. Hellanback, LLC.
2. Respondent is ordered to pay a civil penalty of \$1,000.00 for the violations as outlined in Conclusions of Law #1-2 above.
3. Respondent is ordered to reimburse the Complainant \$387.00 for the illegal tow and storage of the 2004 Chevrolet Silverado truck.
4. Respondent has fifteen (15) days after the date on the certificate of service attached to the Findings of Fact, Conclusions of Law, and Order to pay the civil penalty and to reimburse the Complainant.
5. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this _____ day of November 2016.

**ARKANSAS TOWING AND
RECOVERY BOARD**

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
MIKE GRINDSTAFF
d/b/a HELLENBACK, LLC**

CASE NO. 2017-01-077

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on April 18, 2017 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Mike Grindstaff, owner, appeared for Hellenback, LLC ("Respondent"). Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent maintained a valid business license and safety permit at all times relevant to this hearing. The relevant date is January 21, 2017.
2. On November 2, 2016, Respondent applied for a business license in which he identified his business's physical address as 1003 Sterwin Street, Springdale, Arkansas.
3. On January 30, 2017, Respondent applied for a business license in which he identified his business's physical address as 3427 S. Thompson Avenue, Springdale, Arkansas.
4. On January 21, 2017, Respondent was dispatched by the Washington County Sheriff's Department to an area near 20466 Sonora Road, Springdale, Arkansas to

recover, tow, and store a 2006 Kawasaki Vulcan motorcycle that had been involved in a single vehicle collision.

5. As the result of the collision, the motorcycle came to rest against a tree approximately fourteen (14) feet off the roadway down an embankment.
6. Respondent billed and was paid \$640.94 for this service on January 24, 2017.
7. Respondent engaged in tow company related services, releasing the motorcycle and receiving payment, at a location of 444 Old Wire Road, Springdale, Arkansas.
8. Respondent engaged in tow company related services by storing the motorcycle at a location of 3427 S. Thompson Avenue, Springdale, Arkansas.
9. On January 24, 2017, Respondent was mailed a request for information pursuant to a consumer complaint.
10. Respondent replied to the request for information by email on February 23, 2017.
11. The Order and Notice of Hearing was amended on the record in the hearing to include a violation of Ark. Code Ann. §27-50-1217, which requires all entities permitted, licensed, and regulated by the Board to post a sign notifying customers of the complaint process available under this subchapter.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) and Board Rule 3.5 by overcharging and being paid \$150.00 for a "winch fee."
2. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) and Board Rule 3.5 by billing and being paid \$140.00 for additional storage fees caused by Respondent's delay in releasing the motorcycle, at \$70.00 per day.

3. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) and Board Rule 3.5 by billing and being paid \$35.00 for a “clean-up fee,” when no clean-up services were provided.
4. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) and Board Rule 3.5 by billing and being paid \$35.00 for as “administrative fee, ” when no administrative services were provided.
5. Respondent violated Ark. Code Ann. § 27-50-1212(3) by engaging in non-consent towing services of a vehicle without first obtaining the proper tow business license as required by the rules of the Board. The motorcycle was released and the Respondent received payment at 444 Old Wire Road, Springdale, Arkansas. The Respondent’s sole business physical location licensed by the Board at the time of the tow was 1003 Sterwin St., Springdale, Arkansas.
6. Respondent violated Ark. Code Ann. § 27-50-1212(3) by engaging in non-consent towing services of a vehicle without first obtaining the proper tow business license as required by the rules of the Board. The motorcycle was stored at 3427 S. Thompson Avenue, Springdale, Arkansas. The Respondent’s sole business physical location licensed by the Board at the time of the tow was 1003 Sterwin, Springdale, Arkansas.
7. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(A) and Board Rule 1.23 (a) through (D) by operating a tow business located at 444 Old Wire Road, Springdale, Arkansas, which fails to meet the minimum Board criteria for a business location.
8. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(A) and Board Rule 1.23 (a) through (D) by operating a tow business located at 3427 S. Thompson, Springdale, Arkansas, which fails to meet the minimum Board criteria for a business location.

9. 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 information relevant to the consumer complaint within ten (10) business days after receiving the request. 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.
10. Respondent violated Ark. Code Ann. § 27-50-1217 for failure to post a sign notifying customers of the consumer complaint process.

ORDER

1. Respondent is ordered to pay a civil penalty of \$7,000.00 for the violations as outlined in Conclusions of Law #1, 2, 3, 4, 5, 6, and 8 above, \$1,000.00 for each of the seven (7) violations.
2. Respondent is ordered to reimburse the Complainant \$360.00, \$150.00 for the winch fee, \$35.00 for the cleanup fee, \$140.00 for additional storage, and \$35.00 for an administrative fee.
3. For failure to respond within ten (10) days to the Board's request for information relevant to the complaint, Respondent is fined \$25.00 per day for being twenty (20) days late, for a total fine of \$500.00.
4. For the violations as outlined in Conclusions of Law #1-10 above, Respondent's tow license and safety permit are hereby suspended for six (6) months (182 days).

5. Respondent has fifteen (15) days after the date on the certificate of service attached to the Findings of Fact, Conclusions of Law, and Order to pay the civil penalty of \$7,000.00 and the fine of \$500.00.
6. Respondent has thirty (30) days after the date on the certificate of service attached to the Findings of Fact, Conclusions of Law, and Order to reimburse the Complainant \$360.00.

Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

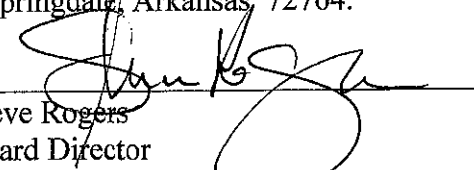
IT IS SO ORDERED this 9th day of May 2017.

**ARKANSAS TOWING AND
RECOVERY BOARD**

By Tom Brown Vice Chairman
JERRY VINT, CHAIRPERSON

CERTIFICATE OF SERVICE

I, Steve Rogers, Director of the Arkansas Towing and Recovery Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, by regular mail and by certified U.S. Mail, postage prepaid, on this 9th day of May 2017 to: Mr. Mike Grindstaff, 1404 Westwood, Springdale, Arkansas, 72764.



Steve Rogers
Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
STEVEN aka GARY STYERS
d/b/a ALL AMERICAN TOWING & RECOVERY**

CASE NO. 2017-02-081

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on March 21, 2017 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Steven aka Gary Styers ("Respondent") appeared personally and on behalf of All American Towing & Recovery. Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent did not maintain a valid tow license and safety permit at all times relevant to this incident. The relevant date is January 6, 2017. His tow license and safety permit expire on August 11, 2017.
2. On November 26, 2016, Respondent's liability insurance carried by Progressive Insurance was cancelled due to non-payment.
3. On January 6, 2017, Respondent was involved in a motor vehicle collision on Highway 35 North in Grant County, Arkansas while operating an uninsured 2001 International rollback, VIN #344261, on a public roadway.

4. On January 9, 2017, Respondent obtained a new liability insurance policy through National Liability and fire.

CONCLUSIONS OF LAW

1. Pursuant to Ark. Code Ann. § 27-50-1203(e)(1), the Board is authorized to regulate the towing and recovery industry
2. Pursuant to Ark. Code Ann. § 27-50-1203(e)(1)(A) and Board Rule 9, all businesses under this Act shall obtain, and keep in continuous effect, all insurance coverage required in Rule 9.2. Evidence of said insurance shall be filed with the Board in the form of a valid Certificate of Insurance.
3. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(A) and Board Rule 9 by operating a tow vehicle and towing business without valid liability insurance as mandated by statute and Board rule from November 29, 2016 and January 9, 2017.

ORDER

1. Respondent is ordered to pay a civil penalty of \$1,000.00 for the violation listed above in Conclusion of Law number 3.
2. Respondent has fifteen (15) days after receipt of this Order to pay the civil penalties.
3. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this 11TH day of April 2017.

ARKANSAS TOWING AND
RECOVERY BOARD



JERRY VINT
CHAIRPERSON

CERTIFICATE OF SERVICE

I, Steve Rogers, Director of the Arkansas Towing and Recovery Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, by certified U.S. Mail, and by regular U.S. Mail, postage prepaid, on this _____ day of April 2017 to the following: Mr. Gary Styers, 3246 Highway 167 North, Sheridan, Arkansas 72150.

Steve Rogers
Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Kevin Mahoney, d.b.a. Mahoney's Towing
2017-03-091**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on June 20, 2017, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Kevin Mahoney, owner, appeared *pro se* for Mahoney's Towing ("Respondent"). From all the evidence presented, the Board makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Respondent maintained a valid business license and safety permit(s) at all times relevant to this incident. The relevant time period, May 5, 2016 to current. Their License expires on September 3, 2017.
2. On May 5, 2016, the Respondent towed a 2015 Nissan, Altima, owned by McLarty Nissan, from 123 Pine view St., Beebe Arkansas without proper prior written authorization of the property owner or agent of.
3. On July 20, 2016 the Respondent sold the 2015 Nissan Altima to Leslie Mahoney and Kevin Mahoney for \$2,500.00 without the required notice of non-judicial public sale by newspaper publication.
4. On August 4, 2016, McLarty Nissan reported the vehicle stolen to the Little Rock Police Department.

CONCLUSIONS OF LAW

5. Respondent violated Ark. Code Ann. § 27-50-1101(a)(1)(C) by failing to obtain proper written authorization from the property owner or agent of prior to removing a vehicle from private property.
6. Respondent violated Ark. Code Ann. § 27-50-1209(f) by failing to foreclose on the lien by not publishing the required notice of public sale in a newspaper of general circulation in the county at least one (1) time at least ten (10) days prior to the sale.
7. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) and Board Rules 4.1 and 4.5 by overcharging for all services related to this incident.

ORDER

8. Respondent is ordered to pay a civil penalty of \$1,000.00 for the violation described in paragraph 5 above; and
9. Respondent is ordered to pay a civil penalty of \$1,000.00 for the violation described in paragraph 6 above; and
10. Respondent is ordered to pay a civil penalty of \$125.00 for the violation described in paragraph 7 above; and
11. Per Ark. Code Ann. § 27-50-1204(f)(1), the penalties must be paid no later than 45 days from the date Respondent receives this Findings of Fact, Conclusions of Law, and Order, unless Respondent appeals the Board's decision, in which case the penalties must be paid no later than fifteen (15) days from the conclusion of the appeals process.

Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit

Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this _____ day of June 2017.

**ARKANSAS TOWING AND
RECOVERY BOARD**

JERRY VINT, CHAIRPERSON

CERTIFICATE OF SERVICE

I, Steve Rogers, Director of the Arkansas Towing and Recovery Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, by regular mail and by certified U.S. Mail, postage prepaid, on this _____ day of June 2017 to:

Kevin Mahoney, d.b.a. Mahoney's Towing
814 McAfee Medical Circle
Beebe, AR 72012

Steve Rogers
Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Ervin Kindle Jr., d.b.a. Fire 2 Towing & Recovery
2017-03-096**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on June 20, 2017, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Ervin Kindle, Jr., owner, appeared *pro se* for Fire 2 Towing & Recovery ("Respondent"). From all the evidence presented, the Board makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Respondent maintained a valid business license and safety permit(s) at all times relevant to this incident. The relevant time period, June 2016 to current. Their License expires on November 30, 2017.
2. On November 19, 2016, the Respondent towed a 1997 Chevy, Camaro Z-28 from 5208 Alpha St., North Little Rock, Arkansas without prior written authorization of the property owner or agent of.
3. On November 13, 2016, the Respondent towed a 2003 Acura TL from 4509 Atkins St., North Little Rock, Arkansas without prior written authorization of the property owner or agent of.
4. Respondent failed to notify local law enforcement of the removal of both vehicles within two (2), hours of taking possession of the vehicle.
5. On November 5, 2016, the owner of the Chevy Camaro, Layman Ridenour reported the vehicle stolen from I-40 mile marker 150 to the Arkansas State Police.

6. On November 6, 2016, the owner of the Acura TL, Cheryl Dotson reported the vehicle stolen from I-40 mile marker 151 to the Arkansas State Police.
7. On April 4, 2017, the Chevy, Camaro was located two properties west of 119 Moring Glory St., North Little Rock, Arkansas. (Fire 2 Towing facility). The vehicle was subsequently impounded by the Pulaski County Sheriff's Office. The Acura TL was previously ordered returned to the owner by the Pulaski County Sheriff's Office.

CONCLUSIONS OF LAW

8. Respondent violated Ark. Code Ann. § 27-50-1101(a)(1)(C) by failing to obtain written authorization from the property owner or agent of prior to removing the vehicles from property.
9. Respondent violated Ark. Code Ann. § 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.

ORDER

10. Respondent is ordered to pay a civil penalty of \$5,000.00 for the violation described in paragraph 8 above; and
11. Respondent is ordered to pay a civil penalty of \$5,000.00 for the violation described in paragraph 9 above; and
12. For the violations described in paragraphs 8 and 9, Respondent's non-consent towing license is suspended for a period of ninety (90) days.
13. Per Ark. Code Ann. § 27-50-1204(f)(1), the penalties must be paid no later than 45 days from the date Respondent receives this Findings of Fact, Conclusions of Law, and Order, unless Respondent appeals the Board's decision, in which case the

Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this 27th day of June 2017.

**ARKANSAS TOWING AND
RECOVERY BOARD**

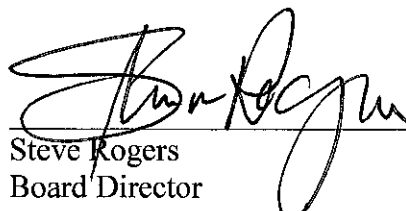


JERRY VINT, CHAIRPERSON

CERTIFICATE OF SERVICE

I, Steve Rogers, Director of the Arkansas Towing and Recovery Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, by regular mail and by certified U.S. Mail, postage prepaid, on this 27th day of June 2017 to:

Kevin Mahoney, d.b.a. Mahoney's Towing
814 McAfee Medical Circle
Beebe, AR 72012



Steve Rogers
Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
ERVIN KINDLE JR.
D/B/A
FIRE 2 TOWING & RECOVERY**

2017-09-099

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on August 15, 2017 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Ervin Kindle, d/b/a Fire 2 Towing and Recovery, appeared in person, and was represented by Sheila Campbell. ("Respondent"). The Board was represented by Julie Chavis, Assistant Attorney General. Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent maintained a valid business license and safety permit(s) at all times relevant to this incident. The relevant time period is June 2016 to current.

The license expires on November 30, 2017.
2. On June 16, 2016, the Respondent towed a Dodge Durango owned by EHI Holdings (Enterprise Rental Car), from 2522 Broadway, Little Rock, Arkansas 72206, without prior written authorization of the property owner or agent of the property owner.
3. On June 16, 2016, the Respondent failed to notify local law enforcement of the removal of the vehicle within two (2) hours of taking possession of the vehicle.

4. On July 20, 2016, EHI Holdings (Enterprise Rental car), reported the vehicle stolen to the Little Rock Police Department.
5. On or by June 26, 2016, Respondent failed to mail the required notice to the owner or owners and lienholders within the (2) two to (8) eight day timeframe as mandated by statute.
6. Respondent failed to obtain written verification from the Arkansas Crime Information Center that records did not list the vehicle as having been stolen.
7. On or by July 26, 2017, Respondent failed to mail the required notice of public sale to the owner, owners, and lienholders within the timeframe as mandated by statute.
8. On March 28, 2017, Respondent billed the owner, EHI Holdings (Enterprise Rental Car) \$13,177.00 for the towing and storage of the Dodge Durango.
9. On April 4, 2017, the vehicle was located two properties west of 119 Moring Glory St., North Little Rock, Arkansas, at the Fire 2 Towing facility. The vehicle was subsequently impounded by the Pulaski County Sheriff's Office. The vehicle was completely stripped when located.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 27-50-1101 (a) (1) (C) by failing to obtain written authorization from the property owner or agent of prior to removing a vehicle from private property.

2. Respondent violated Ark. Code Ann. § 27-50-1101 (a) (2) (A) by failing to notify local law enforcement of the private property removal of a vehicle with two (2) hours of taking possession of the vehicle.
3. 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.
4. 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.
5. 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.
6. 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.
7. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (D) by overcharging for all services related to this incident.

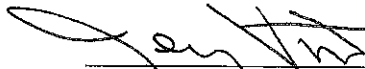
ORDER

1. Respondent's license and safety permit are hereby revoked effective immediately.

Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service of this order.

IT IS SO ORDERED this 18th day of August 2017.

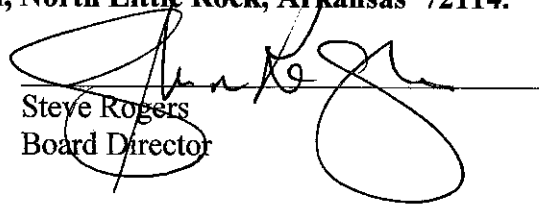
ARKANSAS TOWING AND
RECOVERY BOARD



JERRY VINT, CHAIRMAN

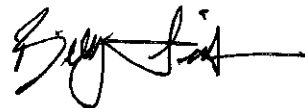
CERTIFICATE OF SERVICE

I, Steve Rogers, Director of the Arkansas Towing and Recovery Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, by certified U.S. Mail, postage prepaid, on this 18th day of AUGUST 2017, to Mr. Ervin Kindle, 79 Saxony Circle, Little Rock, Arkansas 72209, and to Sheila Campbell, Attorney at Law, 2510 Percy Machin, North Little Rock, Arkansas 72114.



Steve Rogers
Board Director

Certified # 7016 0750 0000
5733 4101



BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Genaro Cabrera, DBA Exclusive Auto Sales and Towing
2017-05-112**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Towing and Recovery Board ("Board") on June 20, 2017, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Genaro Cabrera owner, appeared *pro se* for Exclusive Auto Sales and Towing ("Respondent"). From all the evidence presented, the Board makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Respondent did not maintain a valid non-consent tow license and safety permit(s) at all times relevant to this incident. The relevant date, April 24, 2017. Respondent's license expired, April 11, 2017.
2. On April 24, 2017 the Respondent submitted paperwork to the Arkansas Towing and Recovery Board to renew their tow business license and vehicle safety permit. Respondents Tow Vehicle Safety Inspection Form was identical to the form that was submitted for business year 2016.
3. Lt. Ben Cross #262 with Arkansas State Police Troop H reviewed the submitted Tow Vehicle Safety inspection Form submitted by the Respondent for Business year 2017. Lt. Cross verified that it was a forgery, that he did not inspect the Respondents 1999 Nissan HD 1800 as the form showed.

CONCLUSIONS OF LAW

4. Respondent violated Arkansas code Ann. § 27-50-1212(a)(4) Criminal penalties. Give false or forged evidence to the board or to any member or an employee thereof for the purpose of obtaining a license or a tow vehicle safety permit; and Board Rule 6.3 by Submitting a forged Tow Vehicle Safety Equipment Inspection Form in an attempt to gain a tow business license and vehicle safety permit with the Arkansas Towing and Recovery Board.

ORDER

5. Respondent is ordered to pay a civil penalty of \$1,500.00 for the violation described in paragraph 4 above.
6. Per Ark. Code Ann. § 27-50-1204(f)(1), the penalty must be paid no later than 45 days from the date Respondent receives this Findings of Fact, Conclusions of Law, and Order, unless Respondent appeals the Board's decision, in which case the penalty must be paid no later than fifteen (15) days from the conclusion of the appeals process.

Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days of the date on the certificate of service attached to this Order.

IT IS SO ORDERED this 27th day of June 2017.

**ARKANSAS TOWING AND
RECOVERY BOARD**



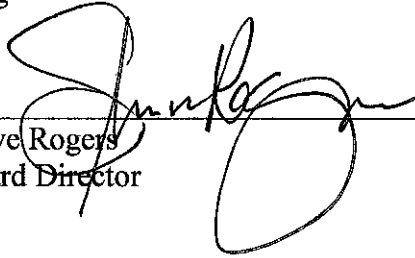
JERRY VINT, CHAIRPERSON

CERTIFICATE OF SERVICE

I, Steve Rogers, Director of the Arkansas Towing and Recovery Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, by regular mail and by certified U.S. Mail, postage prepaid, on this 27th day of June 2017 to:

Genaro Cabrera, DBA Exclusive Auto Sales and Towing
5301 Towson Ave.
Fort Smith, AR 72901

Steve Rogers
Board Director

A handwritten signature in black ink, appearing to read "Steve Rogers", is written over a horizontal line. The signature is stylized and cursive.