

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Nicholas Massey d/b/a TowStorm, LLC
2018-07-003**

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 19, 2017 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Nicholas Massey, owner of TowStorm, LLC ("Respondent") did not appear. The record reflects he was properly served via personal service on the manager of his business, Danny Thompson, as reflected in the testimony of Mr. Thompson and the Board's Investigator, Tracey Watson. Finding that proper notice was 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 July 12, 2017. Respondent's License expires on June 24, 2018.
2. On July 12, 2017, the Respondent towed and stored a 2008 Pontiac Grand Prix, owned by Carrie McMickle from 6510 Mablevale Cutoff, Little Rock, Arkansas, (Bella Vista Apartments) without proper prior written authorization of the property owner or its on-site agent.
3. On July 10, 2017, TowStorm LLC entered into a contract with Marshall Equity Investments to provide "Full Patrol Service" parking enforcement for Bella Vista Apartments. The contract provided that "[t]his agreement is appointing the

Contractor [TowStorm LLC] to be an agent of the Clients [Marshall Equity Investments]. The contract also stated that "Client hereby [sic] appoints the contractor as an authorized agent of the above property."

4. Danny Thompson, an employee and self-described manager/tow truck driver of TowStorm LLC, signed the private property removal authorization form to tow the Complainant's vehicle.
5. On July 12, 2017, The Respondent billed and was paid \$290.00 for the unauthorized service.

CONCLUSIONS OF LAW

6. 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.
7. Respondent violated Ark. Code Ann. § 27-50-1101(a)(1)(H) by paying compensation through employment to Respondent's employee, Danny Thompson, who signed the private property removal form as the requesting agent.
8. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) by overcharging for all services related to this unauthorized service.


ORDER

9. Respondent is ordered to pay a civil penalty of \$1,000.00 for the violation described in paragraph 6 above; and
10. Respondent's non-consent towing license is hereby immediately revoked for the violation described in paragraph 7 above; and

11. For the violation described in paragraph 8 above, pursuant to Ark. Code Ann. § 27-50-1218(d), Respondent is ordered to fully reimburse Carrie McMickle the full \$290.00 she paid for the unauthorized service.
12. 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 by filing a petition for judicial review in 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 17 day of October, 2017.

ARKANSAS TOWING & 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 18 day of October, 2017, to:

Nicholas Massey d/b/a TowStorm, LLC
7821 Zeuber Road
Little Rock, AR 72206



Steve Rogers, Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Nicholas Massey d/b/a TowStorm, LLC
2018-07-004**

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 19, 2017 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Nicholas Massey, owner of TowStorm, LLC ("Respondent") did not appear. The record reflects he was properly served via personal service on the manager of his business, Danny Thompson, as reflected in the testimony of Mr. Thompson and the Board's Investigator, Tracey Watson. Finding that proper notice was 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 July 12, 2017. Respondent's License expires on June 24, 2018.
2. On July 14, 2017, the Respondent towed and stored a 2004 Ford Expedition, owned by Eric Scroggins from 6510 Mablevale Cutoff, Little Rock, Arkansas, (Bella Vista Apartments) without proper prior written authorization of the property owner or its on-site agent.
3. On July 10, 2017, TowStorm LLC entered into a contract with Marshall Equity Investments to provide "Full Patrol Service" parking enforcement for Bella Vista Apartments. The contract provided that "[t]his agreement is appointing the

Contractor [TowStorm LLC] to be an agent of the Clients [Marshall Equity Investments]. The contract also stated that "Client hereby [sic] appoints the contractor as an authorized agent of the above property."

4. Danny Thompson, an employee and self-described manager/tow truck driver of TowStorm LLC, signed the private property removal authorization form to tow the Complainant's vehicle.
5. On July 14, 2017, The Respondent billed and was paid \$290.00 for the unauthorized service.

CONCLUSIONS OF LAW

6. 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.
7. Respondent violated Ark. Code Ann. § 27-50-1101(a)(1)(H) by paying compensation through employment to Respondent's employee, Danny Thompson, who signed the private property removal form as the requesting agent.
8. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) by overcharging for all services related to this unauthorized service.

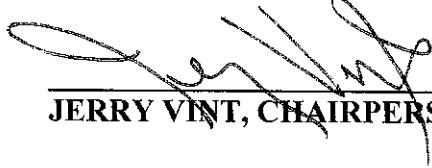
ORDER

9. Respondent is ordered to pay a civil penalty of \$1,000.00 for the violation described in paragraph 6 above; and
10. Respondent's non-consent towing license is hereby immediately revoked for the violation described in paragraph 7 above; and

11. For the violation described in paragraph 8 above, pursuant to Ark. Code Ann. § 27-50-1218(d), Respondent is ordered to fully reimburse Eric Scroggins the full \$290.00 he paid for the unauthorized service.
12. 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 by filing a petition for judicial review in 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 17 day of October, 2017.

ARKANSAS TOWING & RECOVERY BOARD

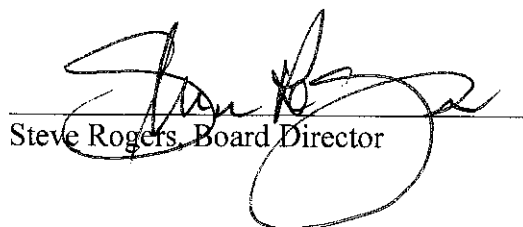


JERRY VINT, CHAIRPERSON

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 18 day of October, 2017, to:

Nicholas Massey d/b/a TowStorm, LLC
7821 Zeuber Road
Little Rock, AR 72206



Steve Rogers, Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Nicholas Massey d/b/a TowStorm, LLC
2018-07-006**

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 19, 2017 at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Nicholas Massey, owner of TowStorm, LLC ("Respondent") did not appear. The record reflects he was properly served via personal service on the manager of his business, Danny Thompson, as reflected in the testimony of Mr. Thompson and the Board's Investigator, Tracey Watson. Finding that proper notice was 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 July 12, 2017. Respondent's License expires on June 24, 2018.
2. On July 08, 2017, the Respondent towed and stored a 2016 Dodge Dart, owned by Percy Moore from 5001 W. 65th Street, Little Rock, Arkansas, (Spanish Jon's Apartments) without proper prior written authorization of the property owner or its on-site agent.
3. On July 05, 2017, TowStorm LLC entered into a contract with Spanish Jon's Apartments to provide "Full Patrol Service" parking enforcement. The contract provided that "[t]his agreement is appointing the Contractor [TowStorm LLC] to

be an agent of the Clients [Spanish Jons Apartments]. The contract also stated that "Client hearby [sic] appoints the contractor as an authorized agent of the above property."

4. Danny Thompson, an employee and self-described manager/tow truck driver of TowStorm LLC, signed the private property removal authorization form to tow the Complainant's vehicle.
5. On July 11, 2017, The Respondent billed and was paid \$350.00 for the unauthorized service.

CONCLUSIONS OF LAW

6. 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.
7. Respondent violated Ark. Code Ann. § 27-50-1101(a)(1)(H) by paying compensation through employment to Respondent's employee, Danny Thompson, who signed the private property removal form as the requesting agent.
8. Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) by overcharging for all services related to this unauthorized service.

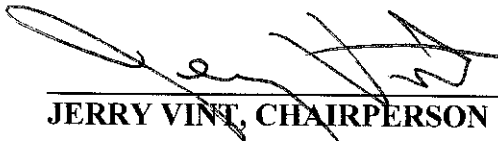
ORDER

9. Respondent is ordered to pay a civil penalty of \$1,000.00 for the violation described in paragraph 6 above; and
10. Respondent's non-consent towing license is hereby immediately revoked for the violation described in paragraph 7 above; and

11. For the violation described in paragraph 8 above, pursuant to Ark. Code Ann. § 27-260-1218(d), Respondent is ordered to fully reimburse Percy Moore the full \$350.00 he paid for the unauthorized service.
12. 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 by filing a petition for judicial review in 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 17 day of October, 2017.

ARKANSAS TOWING & 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 October, 2017, to:

Nicholas Massey d/b/a TowStorm, LLC
7821 Zeuber Road
Little Rock, AR 72206



Steve Rogers, Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Paul Vujicic d.b.a. Classic 24 hr. Towing & Recovery
2018-11-040**

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 February 20, 2017, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Paul Vujicic, owner of Classic 24 hr. Towing & Recovery ("Respondent"), appeared in person. Finding that proper notice was 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 consent/non-consent towing license and safety permit(s) at all times relevant to this hearing. The relevant time period being November 16, 2017.
2. On November 16, 2017, the Respondent towed a red, Dodge, Durango, AR# DV33878, at the request of Mallory Mann, the vehicle owner.
3. On November 16, 2017 the respondent billed and was paid \$50.00 for the tow service.
4. Two (2) tow vehicles were located at 334 Mason St., Hot Springs, Arkansas, (Home residence of Paul Vujicic). A 1988 GMC rollback, AR# B294887 and a Cab-over UD, wrecker AR# C81871. Neither truck displays a "tow vehicle"

sticker on the license plate. The GMC displayed an expired permit # 15025. The UD cab-over displayed a fabricated hand drawn forgery of a safety permit.

5. The Respondent has maintained a website advertising towing and related services since at least September 2016.

CONCLUSIONS OF LAW

6. Respondent violated Ark. Code Ann. § 27-50-1201 (a) and Board rule 6.1 and 6.2, by towing a vehicle within the State of Arkansas without first obtaining/maintaining a valid consent/non-consent towing license and safety permit.
7. Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (A) and Board Rule 4.1 by overcharging for all unlicensed and unpermitted services related to this tow.

ORDER

8. Respondent is ordered to pay a civil penalty of \$5,000.00 for each of the violations described in paragraphs 6 and 7 above, for a total civil penalty of \$10,000.00; the total civil penalty must be paid before Respondent will be allowed to obtain any towing license from the board.
9. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil 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 by filing a petition for judicial review in 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 ____ day of February, 2018.

ARKANSAS TOWING & RECOVERY BOARD

TOM BROWN, VICE-CHAIR

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
February, 2018, to:

Paul Vujicic
d.b.a. Classic 24 Hr. Towing & Recovery
334 Mason St.
Hot Springs, AR 71913

Steve Rogers, Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Car Martin d.b.a. Martin's Wrecker Service
2018-12-052**

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 February 20, 2017, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Carl Martin, owner of Martin's Wrecker Service ("Respondent"), did not appear in person but, instead, sent his son to represent him and the business at the hearing with an authorization form. Finding that proper notice was 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 consent/non-consent towing license and safety permit(s) at all times relevant to this hearing. The relevant time period being November 16, 2017.
2. On December 04, 2017, the Respondent impounded and stored a 2016, Chevy Pickup, AR# 787UXP, at the request of the Hamburg Police Department subsequent to the arrest of the two occupants, Johnny Carver (registered owner's son) and Angela Cessor (unknown to the registered owner).
3. The 2016, Chevy pickup, AR# 787UXP is registered solely to Ms. Christine Capps.
4. On December 05, 2017 the respondent accepted \$163.50 in cash and released the vehicle to Mr. David Poole. Mr. Poole was not the registered owner and had no

ownership or other interest in the vehicle. His involvement was solicited by Angela Cessor because he had a valid driver's license.

5. On December 05, 2017, the registered owner, Ms. Capps went to the Respondent's facility. She was informed of the prior release of the vehicle to Mr. Poole and Ms. Cessor, both unknown to Ms. Capps. Ms. Capps reported the vehicle stolen to the Hamburg Police Department.
6. On December 06, 2017, the vehicle was recovered by the El Dorado Police Department and subsequently towed and stored y Carson's Garage.
7. On December 06, 2017, the vehicle was recovered from Carson's Garage after paying \$241.45. The vehicle was severely damaged and numerous items of personal property were missing.

CONCLUSIONS OF LAW

8. Respondent violated Ark. Code Ann. § 27-50-1201 (a) and Board rule 4.1 by releasing the involved vehicle to an unrelated person without requiring proof of ownership or by other written arrangement between the owner or lienholder and the towing and storage firm..

ORDER

9. Respondent is ordered to pay a civil penalty of \$500.00 for the violation described in paragraph 8 above, and
10. Respondent or his agent is required to take a rules and regulations class from the Board's director or inspectors within 30 days from the date of service of this Order.

11. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil 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 by filing a petition for judicial review in 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.

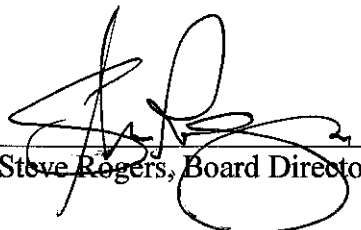
IT IS SO ORDERED this 9th day of ~~February~~^{March}, 2018.

ARKANSAS TOWING & RECOVERY BOARD


TOM BROWN, VICE-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 regular mail and by certified U.S. Mail, postage prepaid, on this 9th day of ~~February~~^{March}, 2018, to:


Steve Rogers, Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Big Daddy Bail Bonds Inc. Unlimited Recovery Towing
#2018-02-065**

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 July 17, 2018, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Respondent appeared by its counsel, Ben Honaker, and by its executive director, Kevin W. Caldwell. The Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 Respondent, did not maintain a valid consent/non-consent towing license and safety permit(s) during all time periods relevant to this hearing the relevant time period being August 2017 to the present. The Respondent's license expired June 18, 2015.
- F-2 On August 11, 2017, Respondent towed and stored a 2007 sportliner pop up camper. The vehicle was reported stolen in Tennessee on August 17, 2017.
- F-3 On January 27, 2018, the Respondent billed \$100.00 for the unlicensed tow, \$1900.00 for the unlicensed storage, and \$125.00 in tax on those services.
- F-4 On February 5, 2018, the Respondent was mailed a request for information pursuant to a consumer complaint. Respondent replied only with a short letter received by the Board on February 28, 2018, that did not provide all of the information requested.

CONCLUSION OF LAW

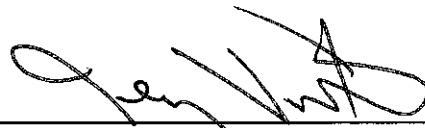
C-1 Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (E) and Board Rule 4.1 by failing to provide to the Board all documents in response to information requests by the Board pursuant to the investigation of consumer complaints against it.

ORDER

1. Respondent is ordered to pay a civil penalty of \$2,500.00 for the violation described in Conclusions of Law C-1;
2. Respondent is ordered to produce all documents requested by the Board, including those in the possession of its attorney(s) at the time of the hearing, within 15 days of service of this Order upon his attorney in this action; and
3. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty must be paid no later than 45 days from the date Respondent receives this Finding of Fact, Conclusions of Law, and Order, unless Respondent appeals the Board's decision by filing a petition for judicial review in 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 ^{August} 17 day of ~~July~~, 2018.

ARKANSAS TOWING & RECOVERY BOARD



JERRY VINT, CHAIRPERSON

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Garrick VanCurren d.b.a. Infinity Towing, Recovery & Transport, Inc.
2018-02-068**

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 26, 2019, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. The Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 On May 15, 2018, the Board held a hearing pursuant to a complaint filed against Respondent regarding the Respondent's nonconsensual towing of the complainant's vehicle.
- F-2 Despite receiving legally-sufficient notice, Respondent failed to attend the hearing.
- F-3 After consideration of the evidence submitted, the Board found that Respondent violated Ark. Code Ann. § 27-50-110(a)(1)(C) by failing to obtain proper written authorization from the property owner or agent prior to removing a vehicle from private property.
- F-4 The Board also found that Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) by overcharging for all services related to this unauthorized tow.
- F-5 The Board ordered Respondent to pay civil penalties totaling \$10,000.00 (\$5,000 for the violation described in A-3 above and \$5,000.00 for the violation described in A-4 above). The Board also ordered Respondent to pay restitution to the

complainant in the amount of \$150.00 pursuant to Ark. Code Ann. § 27-50-1218(d).

- F-6 Per Ark. Code Ann. § 27-50-1204(f)(1), the Board ordered Respondent to pay the civil penalties and restitution no later than 45 days from the date Respondent received the Board's Findings of Fact, Conclusions of Law, and Order, unless Respondent filed an appeal.
- F-7 On June 5, 2018, Respondent was served with the Board's Findings of Fact, Conclusions of Law, and Order.
- F-8 Respondent has not filed an appeal.
- F-9 Respondent has not paid the penalties or restitution as ordered by the Board.

CONCLUSIONS OF LAW

- C-1 Respondent did not file a petition for appeal of the Board's May 15, 2018, Findings of Fact, Conclusions of Law, and Order in circuit court in the time specified by the Arkansas Administrative Procedures Act §§ 25-15-201, et. seq. and Ark. Code Ann § 27-50-1204(e).
- C-2 Respondent violated Ark. Code Ann. § 27-50-1204(f)(1) by not paying the civil penalties and restitution ordered by the Board within 45 days of Respondent's receipt of the Board's Findings of Fact, Conclusions of Law, and Order.

ORDER

- 1. Per Ark. Code Ann § 27-50-1203(e)(1) and Board Rule 6.8, the Respondent's expired license shall not be renewed until the civil penalty and restitution is paid in full.

2. Per Ark. Code Ann § 27-50-1204(f)(3), the Board shall provide written notice of the failure to pay the fine within the time required to the Office of Motor Vehicle, which shall then suspend the tow vehicle license plate and registration. The Board shall also notify local law enforcement and city officials in the area where Respondent does business.
3. Per the Arkansas Administrative Procedures Act §§ 25-15-201, et. seq. and Ark. Code Ann § 27-50-1204(e), the Respondent may appeal the Board's decision by filing a petition for judicial review in 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 March, 2019

ARKANSAS TOWING & RECOVERY BOARD


~~SECRET, CHAIRPERSON~~

TOM BROWN VICE. CHAIRMAN

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Big Daddy Bail Bonds Inc. Unlimited Recovery Towing
#2018-02-070**

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 July 17, 2018, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Respondent appeared by its counsel, Ben Honaker, and by its executive director, Kevin W. Caldwell. The Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 Respondent, did not maintain a valid consent/non-consent towing license and safety permit(s) during all time periods relevant to this hearing the relevant time period being February 2018. The Respondent's license expired June 18, 2015.
- F-2 On/around February 2018, the Respondent towed and stored a 2012 Hyundai Sonata with the primary use of a trailer. The vehicle was reported stolen in Kentucky on October 6, 2017.
- F-3 On February 9, 2018, the Respondent billed \$1,472.00 for the unlicensed service.
- F-4 On February 12, 2018, the Respondent was mailed a request for information pursuant to a consumer complaint.
- F-5 On March 1, 2018, the Respondent was mailed a second request for information pursuant to a consumer complaint.

CONCLUSIONS OF LAW

- C-1 Respondent violated Ark. Code Ann. § 27-50-1201 (a) and Board Rules 6.1 and 6.2 by towing a vehicle within the State of Arkansas without first obtaining/maintaining a valid consent/non-consent towing license and safety permit(s).
- C-2 Respondent violated Ark. Code Ann. § 27-50-1203(e) (1) (D) and Board Rule 4.1 by billing \$1,472.00 for the unlicensed service.
- C-3 Respondent violated Ark. Code Ann. § 27-50-1203 (e) (1) (A) and Board Rule 7.4 (4) by utilizing an un-permitted trailer as a primary tow vehicle for non-consent towing.
- C-4 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 it.
- C-5 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.

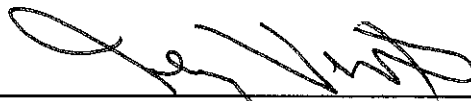
ORDER

1. Respondent is ordered to pay a civil penalty of \$5,000.00 for the violation described in Conclusion of Law C-1;
2. Respondent is ordered to pay a civil penalty of \$1,500.00 for the violation described in Conclusion of Law C-2;

3. Respondent is ordered to pay a civil penalty of \$1,500.00 for the violation described in Conclusion of Law C-3;
4. Respondent is ordered to pay a civil penalty of \$2,500.00 for the violation described in Conclusion of Law C-4;
5. Respondent is ordered to pay a civil penalty of \$2,500.00 for the violation described in Conclusion of Law C-5; and
6. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty must be paid no later than 45 days from the date Respondent receives this Finding of Fact, Conclusions of Law, and Order, unless Respondent appeals the Board's decision by filing a petition for judicial review in 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 17 ^{August} day of ~~July~~, 2018.

ARKANSAS TOWING & RECOVERY BOARD



JERRY VINT, CHAIRPERSON

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Tammie Weise d.b.a. Weise Towing & Auto Service, LLC.
2018-02-071**

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 May 15, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. The Respondent did not appear. After determining that Respondent was properly served with notice of the hearing, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 Respondent, maintained a valid consent/non-consent towing license and safety permit(s) until expiration on January 26, 2018. The relevant time period concerning this hearing is November 23, 2016 to February 5, 2018.
- F-2 On November 23, 2016, the Respondent towed and stored a 1998 red Dodge Ram pickup at the request of and with the authorization of the Benton Police Department.
- F-3 On June 7, 2017, the owner, Christopher Wynn, reported the vehicle stolen to the Saline County Sheriff's Department.
- F-4 On February 2, 2018, the Respondent sold the vehicle to Samantha Butler for \$1,200.00.
- F-5 On February 5, 2018, the 1998 Dodge Ram was stopped and impounded by Sgt. Plouch of the Arkansas State Police due to its being reported stolen.

- F-6 On February 22, 2018, the Respondent was mailed a request for information pursuant to a consumer complaint.
- F-7 On March 19, 2018, the Respondent was mailed a second request for information pursuant to a consumer complaint.
- F-8 On March 20, 2018, Arkansas Towing & Recovery Board Chief Investigator Watson went to the Respondent's facility located at 900 S. Second St. Benton, Arkansas and contacted Owner, Tammie Weise. Ms. Weise supplied an invoice, interactive title search, and a Benton Police impound report. Ms. Weise said she had no other paperwork requested pursuant to this investigation.

CONCLUSIONS OF LAW

- C-1 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.
- C-2 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.
- C-3 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.

- C-4 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.

ORDER

1. Respondent is ordered to pay a total of \$4,300.00 in fines and civil penalties as follows:

\$500.00 civil penalty for the violation described in C-1 above;

\$1,800.00 fine (72 days x \$25 per day) for the violation described in C-2 above;

\$1,000.00 civil penalty for the violation described in C-3 above; and

\$1,000.00 civil penalty for the violation described in C-4 above.
2. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalties and fines 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 by filing a petition for judicial review in 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 ____ day of May, 2018.

ARKANSAS TOWING & RECOVERY BOARD

JERRY VINT, CHAIRPERSON

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Bob McCallie d.b.a. McCallie Wrecker Service, Inc.
2018-03-079**

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 May 15, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Bob McCallie, owner of McCallie Wrecker Service, Inc. ("Respondent"), appeared in person. The Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 Respondent, maintained a valid consent/non-consent towing license and safety permit(s) during all time periods relevant to this hearing, the relevant time period being February 28, 2018. The Respondents license expires August 5, 2018.
- F-2 On February 28, 2018, the Respondent towed and stored a 2010 Honda Accord at the request of the Arkansas State Police after it was involved in a multi-vehicle collision. The vehicle sustained minor/moderate rear end damage and came to rest in a grass median on I40.
- F-3 The Complainant, Karen McCall alleged the fees billed by the Respondent were unreasonable under the circumstances. The Complainant was billed and paid a total of \$715.00 for the entire service which included \$100.00 for a second consent tow, ordered by the Complainant.

F-4 On March 6, 2018, the Respondent was mailed a request for information pursuant to a consumer complaint.

F-5 On March 21, 2018, the Respondent was mailed a second request for information pursuant to a consumer complaint. The Respondent never provided the information requested by the investigator.

CONCLUSIONS OF LAW

C-1 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.

C-2 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.

ORDER

1. Respondent is ordered to pay a civil penalty of \$200.00 (\$100.00 for each of the violations described in Conclusions of Law C-1 and C-2 above); and
2. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil 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 by filing a petition for judicial review in 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 ____ day of May, 2018.

ARKANSAS TOWING & 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 May, 2018, to:

Bob McCallie
McCallie Wrecker Service, Inc.
865 East Frontage Road
Lonoke, AR 72086

Steve Rogers, Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Lancam Towing & Transportation / Auto Sales LLC.
#2018-05-099**

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 September 18, 2018, at the Office of the Arkansas Attorney General, 323 Center St., Suite 200, Little Rock, AR 72201. The Respondent appeared by its representative, Kevin Langel. The Board was represented by Assistant Attorney General Karen Virginia Wallace. The Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 The Respondent maintained a valid consent/non-consent towing license and safety permit(s) during all time periods relevant to this hearing, the relevant time period being January 2018 to present. The Respondent's license expires April 17, 2019.
- F-2 On or around early January 2018, the Respondent towed and stored a 1997 Freightliner FLD semi-truck that had been parked at a property at 4525 Barraque St. Pine Bluff, AR. The vehicle was owned by Complainant Alvern Wells-Batemon and her husband, Billy Batemon.
- F-3 Respondent towed the semi-truck without proper prior written authorization of the property owner or the vehicle owners.
- F-4 Respondent has refused to release the truck to the vehicle owners until he is paid \$175.00 towing fee for the unauthorized service.

CONCLUSIONS OF LAW

- C-1 Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) and Board Rule 4.1 by overcharging the complainant a total of \$175.00 for an unnecessary and unreasonable tow fee.
- C-2 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.

ORDER

1. For the violation stated in Conclusion of Law C-1, Respondent is ordered to release the truck to Complainant Alvern Wells-Batemon within five days of the date of this Order; and
2. For the violation stated in Conclusion of Law C-2, Respondent is ordered to pay a civil penalty in the amount of \$2,500; and
3. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty must be paid no later than 45 days from the date Respondent receives this Finding of Fact, Conclusions of Law, and Order, unless Respondent appeals the Board's decision by filing a petition for judicial review in 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 ____ day of September, 2018.

ARKANSAS TOWING & RECOVERY BOARD

TOM BROWN, VICE CHAIR (ACTING CHAIR)