# METROPOLITAN NASHVILLE-DAVIDSON COUNTY TRANSPORTATION LICENSING COMMISSION

#### Minutes of

### March 27, 2007

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Courthouse. The Commissioners present were Chair Holly Sharp, Vice Chair Helen Rogers, and Commissioners Ray Dayal, Kim Thompson, Tom Turner, and James Utley (6). Also attending were Metro Legal advisors Tom Cross and Scott Neely, Commission staff members Milton Bowling and Lisa Steelman, and Brian McQuistion, Director-Executive Secretary to the Commission.

**Chair Holly Sharp** called the meeting to order and read the Notice of Appeal statement, advising of the right to appeal decisions of the Transportation Licensing Commission.

The minutes of the February 27, 2007 meeting were unanimously approved.

Director McQuistion introduced Mr. Cross and Mr. Neely, new Metro Legal Advisors.

# WRECKER COMPANY LICENSE APPLICATION - CHAMPION TOWING:

Director McQuistion informed Commissioners that Champion Towing, a company in LaVergne, had applied for a general wrecker license. He explained that the application had been forwarded to the Commission because the company's owners were also the owners of City Towing, and because Commission staff had some concerns about the company. He reminded Commissioners that City Towing's license had been revoked in 2006, and that the Commission had suspended City Towing's license at the January 23, 2007 meeting – a suspension that was rescinded on February 7, 2007 when it was discovered that the January meeting lacked an official quorum. He noted that the Commission had placed City Towing on probation at the February 27, 2007 meeting. Director McQuistion stated that, in addition to concerns about the companies' ownership, Commission staff was concerned about Champion Towing's recent activities in Davidson County. He asked Transportation Licensing Inspector Bowling to report on those activities.

Inspector Bowling reported that following the suspension of City Towing on January 23 Champion Towing began operating in Davidson County using City Towing wreckers, employees, and storage lot. He noted that the designated representative of SunTrust Bank in Hillsboro Village called City Towing's telephone number on January 31 to have unauthorized vehicles towed from private property, but that Champion Towing responded instead. He also reported that Champion Towing towed a vehicle for Discount Motors on February 2 to 2300 Charlotte Avenue, which is City Towing's address and storage lot. He stated that on February 7 he stopped a wrecker operated by Christopher Morris, a City Towing driver; the wrecker had a decal issued to City Towing, but it was lettered Champion Towing.

Director McQuistion stated that these activities showed that Champion Towing had already been operating in Davidson County, using City Towing vehicles and drivers during a period when City Towing should not have been operating at all. He added that he considered this as relevant to Champion Towing's application for a license.

Michael Myers, co-owner of Champion Towing, appeared before the Commission with counsel Michael McGovern. Mr. McGovern stated that the Champion towing application was for a general wrecker permit and that the application was complete. He argued that remarks concerning City Towing were inappropriate and irrelevant to the application by Champion Towing, and that he believed that the company should be issued a license based on the information provided in the application.

Vice Chair Helen Rogers stated that a concern of the Commission was whether a wrecker company owner who is disciplined by the Commission should be able to avoid sanctions simply by moving his operations to a new company. She stated that she would want assurances that the practices which caused problems at City Towing would not recur at Champion Towing. Mr. Myers replied that, in applying for a license, he was being straightforward, not hiding anything or attempting to use anyone else to front for him. Commissioner James Utley asked Mr. Myers if he had not attempted to skirt the law a bit; Mr. Myers stated that he had not. Vice Chair Rogers asked Mr. Myers why he wanted to license a new company, when City Towing was already licensed: Mr. Myers replied that Champion Towing was already operating in LaVergne, and that a license in Davidson County would open up new opportunities for the company. Commissioner Utley asked about the location of the Champion Towing storage lot; Mr. Myers responded that it would be in LaVergne. Director McQuistion clarified that vehicles towed without the owner's consent could not be removed from the county, and that Champion Towing would not be allowed to perform nonconsent towing if it did not have a storage lot within Davidson County. He added, however, that some companies based out of Davidson County were able to perform nonconsent towing because they secured additional storage lots within the county.

Chair Holly Sharp stated that ability and means did not automatically qualify a company for a license. She stated that Mr. Myers' past history, especially in communicating with the public, was a concern. Mr. Myers responded that, considering the great number of vehicles towed by City Towing, the number of complaints represented a very small percentage, which was unavoidable if the company was to serve its customers. Chair Sharp disagreed that the complaints which had come before the Commission had been unavoidable. Mr. McGovern commented that the very nature of the nonconsent towing business will generate complaints. Inspector Bowling stated his concern about the immediate shift of business to Champion Towing after the suspension of City Towing's license.

Mr. McGovern stated that the wrecker ordinance did not prohibit an owner from applying for a license to operate more than one company, and that Mr. Myers had done nothing wrong. He pointed out that Mr. Myers had shown integrity in applying for the license himself, instead of using relatives or associates to hide his intentions. He stated that the Commission had to have good reason if they were to deny the granting of a license, and that he had heard nothing to justify such action.

**Commissioner Tom Turner** asked if Champion Towing had performed nonconsent tows in Davidson County. Director McQuistion stated that the aforementioned towing of vehicles from SunTrust Bank had been nonconsensual.

**Vice Chair Rogers** moved to grant Champion Towing a license. The motion failed for lack of a second.

Mr. McGovern suggested that Mr. Myers would be willing to accept a probationary period as part of a license. **Vice Chair Rogers** moved to grant the license with six month probation.

The motion failed for lack of a second.

**Commissioner Tom Turner** moved to disapprove the application. **Commissioner Utley** seconded, and the motion passed (5-0).

# WRECKER DRIVER PERMIT APPLICATIONS:

**Michael Coffey:** Mr. Coffey appeared before the Commission. **Chair Holly Sharp** asked him to address the offenses revealed by his background check, and to give reason why the Commission should grant him a permit. Mr. Coffey admitted that he had been guilty of the charges on his record, and stated that he had paid the penalty. He added that they had been many years ago, and that driving a wrecker was the only thing he knew how to do. **Chair Sharp** asked Inspector Bowling if he had any comments; Inspector Bowling stated that Mr. Coffey been cited for operating an unlicensed wrecker, but had come in immediately afterward to meet all the requirements. He noted that Mr. Coffey had been very cooperative, and had made full disclosure on his application. **Commissioner Ray Dayal** moved to approve Mr. Coffey's application for a wrecker driver permit. **Commissioner Tom Turner** seconded, and the motion passed (5-0).

David Crowson: Mr. Crowson appeared before the Commission. Chair Holly Sharp asked him to address the offenses revealed by his background check, and to give reason why the Commission should grant him a permit. Mr. Crowson stated that he had been arrested for computer harassment, and had been placed on probation for a year. **Chair Sharp** asked why he had not disclosed this offense on his application; Mr. Crowson replied that he thought it had been removed from his record, because he had completed his probation. Director McQuistion asked Mr. Crowson to clarify whether this was a 2006 charge revealed by the background check; Mr. Crowson replied that it was. Commissioner Ray Dayal asked Mr. Crowson where he would be working; Mr. Crowson stated that he had applied with Bailey's and A.B. Collier. Commissioner Dayal asked Inspector Bowling if he had any comments. Inspector Bowling stated that his concerns in reviewing Mr. Crowson's background check were convictions for stalking and for harassment - repetitive calls. Mr. Crowson asked Inspector Bowling about the date of the stalking conviction; Inspector Bowling replied that it had been in 1995. Mr. Crowson explained the single incident that led to that charge. Director McQuistion noted that the conviction had been for stalking - previous conviction, same victim. Mr. Crowson stated that he thought the charge had been dismissed; Director McQuistion noted that the record indicated Mr. Crowson had pled guilty. Chair Sharp stated that she had concerns for public safety, especially as Mr. Crowson had failed to disclose. Commissioner Dayal agreed, and moved to disapprove Mr. Crowson's application. Vice Chair Helen Rogers seconded, and the motion passed (5-0).

**Michael Copeland:** Robert Vaughn, counsel representing Mr. Copeland, appeared before the Commission. He asked that Mr. Copeland's application be withdrawn. **Chair Holly Sharp** directed that the application be withdrawn.

## **WRECKER COMPANY DISCIPLINARY HEARINGS:**

**All Tow Master, J's Towing:** Bernard Teffeteller, owner of All Tow Master, appeared before the Commission with counsel Robert Vaughn. Officer Shawn Taylor, MNPD, also appeared.

Director McQuistion informed Commissioners that Officer Taylor had appeared before the Commission before concerning nonconsent towing violations, was well-informed about the requirements of the law concerning wreckers; and that the incident leading to this hearing was the result of a report received from Officer Taylor in December.

Officer Taylor stated that he had responded to a call on the night of December 19, 2006, when vehicle owners complained about their vehicles being towed from the adult book store at 822 Fifth Avenue South. Officer Taylor stated that he asked Mr. Teffeteller for copies of the tow authorization slips; but he could not read the signature of the person authorizing the tows, and Mr. Teffeteller refused to identify who had signed the slips.

Officer Taylor stated that he went to the adult book store the next day, and spoke with Rex Eustice the manager, who told him that he had not authorized the tows. He stated that Mr. Eustice also told him that there was an agreement between the adult book store and The Muse nightclub nearby to allow their customers to park in the book store lot.

Officer Taylor stated that on December 21 he talked with Richard Green, an employee of the book store and with Gary Meadows, an employee of The Muse; he learned that both employees' vehicles had also been towed on the night of December 19. Mr. Green told him that Mr. Teffeteller had brought his vehicle back. Mr. Meadows told him that several customers had tried to get their vehicles dropped before they were towed, but were chased away by Mr. Teffeteller.

Mr. Vaughn noted that this issue was being heard for a second time, noting that the Commission had held a disciplinary hearing in January, and had suspended All Tow Master's license for thirty days. He stated that the company had subsequently been notified that the decision had been set aside. During the interim, All Tow Master had been out of business for about two weeks.

Mr. Vaughn stated that the company admitted that the tows had been improper. He explained that Mr. Teffeteller had been approached by Mr. Eustice on the morning of December 19, and was asked to make up some signs indicating "no parking – you will be towed"; Mr. Teffeteller had the signs made and posted that day at the adult book store lot. Mr. Vaughn stated that Mr. Teffeteller was under the impression at the time that he was to watch the parking lot, which is near All Tow Master, to tow vehicles belonging to customers from the nightclub who were using the adult book store's parking spaces. Mr. Vaughn stated that Mr. Teffeteller now understood and admitted that his approach, in removing the vehicles without previously-signed tow slips, was wrong. Mr. Vaughn stated that Mr. Teffeteller's actions resulted from his zeal to serve his customer.

Mr. Vaughn asked the Commission to consider that Mr. Teffeteller now understood the violation, would not repeat the offense in the future, and admitted his wrongdoing. He also reminded the Commission that Mr. Teffeteller had already paid a penalty for this issue, and asked for the Commission's consideration of a lesser disciplinary action, such as probation. He noted that All Tow Master had previously been on probation, but that had expired.

Commissioner Ray Dayal asked Mr. Teffeteller how long he had been in business; Mr. Teffeteller replied that he had been in the wrecker and towing business for about forty-five years. Commissioner Dayal asked how long he had been the owner of All Tow Master. Mr. Vaughn produced a copy of the company charter, effective May 11, 2006. Director McQuistion stated that the first application received by the Commission from Mr. Teffeteller for All Tow Master was dated October 2005.

**Chair Holly Sharp** asked Officer Taylor if criminal charges had been filed against Mr. Teffeteller for this incident. Officer Taylor replied that none of the vehicle owners whose cars were towed had followed up to press their complaints. He also stated that the two owners of the adult book store likewise had not filed complaints. **Chair Sharp** asked Officer Taylor if he

had observed similar behavior by wrecker companies; Officer Taylor responded that he had. **Commissioner Dayal** asked Officer Taylor if he thought Mr. Teffeteller would be likely to comply with a suspension; Officer Taylor answered that he believed so.

Vice Chair Helen Rogers asked Mr. Vaughn if Mr. Teffeteller had been on probation at the time of the incident. Mr. Vaughn responded that he was. Vice Chair Rogers expressed concern about Mr. Teffeteller's behavior while on the earlier probation, and asked Mr. Vaughn about what assurances the Commission could have if he were to be placed on another probation. Mr. Vaughn responded that in the two months since the Commission had heard this issue the first time, Mr. Teffeteller had been out of business for part of that time, and that he had done nothing in the two months that could cause the Commission to doubt his intentions to comply with the law.

Commissioner Dayal asked Inspector Bowling if he could provide any information that might relate to this matter. Inspector Bowling stated that there was information that was to be presented concerning J's Towing that was relevant, and that he would address his observations in chronological order. He noted that All Tow Master had been placed on suspension on January 23 for thirty days. He stated that on January 24, Mr. James Morris had applied for a general wrecker license as J's Towing; on January 29, Mr. Morris returned to the Commission offices, indicating that he had decided to do nonconsent towing. Inspector Bowling stated that he inspected Mr. Morris' wrecker on February 2, and told him it needed to be lettered. On February 14, Inspector Bowling observed Mr. Teffeteller driving a J's Towing wrecker on Dickerson Road. On February 16, Inspector Bowling stopped James Mullins, who was driving a wrecker that the Inspector recognized as an All Tow Master wrecker, but which was lettered J's Towing. He noted that Mr. Mullins had been permitted as an All Tow Master driver. On February 22, he observed a wrecker with a magnetic All Tow Master sign. Inspector Bowling summarized that it appeared that All Tow Master had changed to J's Towing after being placed on suspension in January.

Chair Sharp asked Mr. Teffeteller if he had anything to say; Mr. Teffeteller responded that he did not own J's Towing. Mr. Vaughn asked Mr. Teffeteller about All Tow Master telephone numbers; Mr. Teffeteller stated that the company had two telephone numbers, and that he had sold one of them to James Morris. Mr. Vaughn asked Mr. Teffeteller what happened to his employees while All Tow Master was out of business; Mr. Teffeteller replied that he had told them they would have to find other work. Mr. Vaughn asked what would happen during the suspension if a call came in on the remaining All Tow Master telephone line; Mr. Teffeteller stated that he would tell the caller that he could not make the tow.

**Commissioner Dayal** asked Mr. Teffeteller if there had been any changes concerning his vehicles during the period. Mr. Teffeteller stated that he sold one truck; that Mr. Morris had given him two thousand dollars as a down payment, and Mr. Morris had taken possession of the truck and had it lettered. He added that after Mr. Morris' financing fell through, the truck had been returned.

Mr. Vaughn suggested that the Commission hear from Mr. Morris. **Chair Sharp** agreed, and James Morris appeared before the Commission. Mr. Morris stated that he was the owner of J's Towing. He stated that he did not know much about the All Tow Master situation, except that he had returned Mr. Teffeteller's truck. **Vice Chair Rogers** asked about the reports of others driving the truck with J's Towing lettered on it; Mr. Morris stated that he did not know anything about this. **Vice Chair Rogers** asked if Mr. Teffeteller was working for J's Towing on February 14; Mr. Morris answered that he had no knowledge that Mr. Teffeteller was working for him at the time. He stated that the only time he knew that Mr. Teffeteller had been at his J's Towing storage lot was when he had possession of Mr. Teffeteller's truck; and restated that he had no knowledge of Mr. Teffeteller working for him.

Director McQuistion asked Mr. Morris if he knew Michael Copeland; he replied that he knew the name. Director McQuistion asked Mr. Morris if he had any connection, including any financial arrangements, with Mr. Copeland; Mr. Morris stated that he did not. **Chair Sharp** asked if Mr. Mullins was employed by Mr. Morris; Mr. Morris replied that he was not.

Mr. Vaughn asked Director McQuistion to verify the date on which All Tow Master was notified that they could go back in business; Director McQuistion responded that this was done on February 7. Mr. Vaughn noted that Mr. Mullins had been observed driving the truck on February 16, after it had been returned by Mr. Morris. Inspector Bowling noted that it was registered to All Tow Master, but had been lettered J's Towing at the time. Mr. Vaughn stated that there appeared to be a period of time when All Tow Master was trying to go back into business, and there may have been a few days when the company had the wrong name on the door. He noted that the lettering issue had been corrected.

Inspector Bowling stated that one of the main problems was that neither Mr. Teffeteller nor Mr. Morris had come to the Commission to add or delete the truck from their license. Mr. Morris noted that after the deal for Mr. Teffeteller's truck had fallen through he had purchased another wrecker and obtained the proper decal; this was confirmed by Inspector Bowling. **Commissioner Dayal** asked Mr. Morris how long he had Mr. Teffeteller's truck before it was returned; Mr. Morris said it might have been a month or two. **Commissioner Dayal** asked why he had not come in to get it licensed; Mr. Morris stated that it was not in shape to be on the road.

Chair Sharp called attention to the requirements for wrecker permits in the Metropolitan Code, and read Sections 6.80.210 and 6.80.230(B), which specify that no wrecker may be used without a wrecker permit, and that no wrecker permit may be transferred from one licensee to another. She stated that it was clear that there were clear violations in this case. She also called attention to the fact that the previous probation of All Tow Master had been for violation of the same code: towing without proper authorization.

Mr. Vaughn questioned whether All Tow Master should have been considered under any requirement to notify the Commission of the conveyance of the vehicle during a period when his license was under suspension. Director McQuistion stated that there would still be a violation by J's Towing, because Mr. Morris had not obtained a wrecker permit for the vehicle. Director McQuistion asked Mr. Morris if he could explain how Mr. Teffeteller and Mr. Copeland had keys to his storage lot. Mr. Morris replied that he did not believe they had keys; he stated that only one other individual should have those keys. He added that there are a number of companies that may bring vehicles to his lot as part of normal operations, because vehicles are brought there to be fixed or stored.

**Vice Chair Rogers** moved to suspend the license of All Tow Master for six months, effective this date. **Commissioner James Utley** seconded, and the motion passed (5-0).

Vice Chair Rogers asked if Mr. Morris had complied with requirements prior to this time. Director McQuistion responded that he had only had a license since January 24. Mr. Morris stated that he had held a license until a couple of years before; he had held that license for three or four years, and had never been in trouble with the Commission before. He explained that he had worked another job until he could save enough money to start his new business. Chair Sharp asked Mr. Morris if he knew James Mullins. Mr. Morris responded that he thought he was a driver for All Tow Master. When asked if he knew Mr. Copeland, Mr. Morris stated that, because he had been around the wrecker business, he knew many people in the industry. Chair Sharp asked if there was anything he would do differently; Mr. Morris stated that he had been reading the ordinance and rules, and was trying to improve.

Director McQuistion asked Mr. Morris if he was doing any nonconsent tows yet; he stated that he had not done any. Director McQuistion asked if he had any contracts to do nonconsent towing; Mr. Morris said he did not.

Vice Chair Rogers moved to suspend the license of J's Towing for thirty days, effective this date. Commissioner Ray Dayal asked for a friendly amendment, extending the suspension to six months. Vice Chair Rogers did not accept the friendly amendment, and the motion remained. Commissioner Utley seconded, and the motion passed (5-0).

# **OTHER BUSINESS**

**Status of Legislation:** Director McQuistion provided updates on two bills introduced by the Commission in 2006 to amend the wrecker ordinance:

- Following up on a Commission public hearing held at the March 28, 2006 meeting, an amendment was approved on February 8, 2007 to authorize the Commission to increase the fee for background checks on wrecker driver permit applicants, from ten dollars to forty dollars. Director McQuistion reported that the higher fee would enable a statewide criminal background check through the Tennessee Open Records Information System (TORIS), and that this process would be put into effect on July 1, 2007.
- At a public hearing held on July 26, 2006 the Commission approved an amendment increasing wrecker rates, adding a processing fee for lien holder notification, and clarifying some other sections of the ordinance. Director McQuistion reported that the bill had not been forwarded to the Metro Council, and would have to be restarted in the fall.

Letter Commending Taxi Driver Bryant Raines: Commissioner Ray Dayal read a letter sent by a visitor to Nashville concerning his experiences with taxicabs during his stay, and commending Yellow Cab driver Bryant "Mickey" Raines for his professionalism and excellent service.

**ADA-Accessible Taxicabs:** Yellow Cab President Doug Trimble reported that, despite his earlier reluctance to place ADA-Accessible taxicabs in service, customer demand had increased so much that more were needed. He asked Commissioners to consider allowing companies a number of additional optional permits, to be used exclusively for the purpose of adding ADA –Accessible vehicles to their fleets. Director McQuistion stated that he would meet with taxi company owners to develop a proposal for a public hearing on this subject.

There was no further business, and the meeting was adjourned.

ATTEST:	APPROVED:
Brian E. McQuistion Director-Executive Secretary	Holland Conner Sharp Chair