

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
John Ransom d.b.a. Red Oak Auto Clinic
2019-11-049**

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 16, 2019, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. Red Oak Auto Clinic ("the Respondent") appeared by its counsel, Tom Barron, and by its owner, John Ransom. 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's consent-only business license and safety permit(s) expired on July 13, 2012.
- F-2 On October 1, 2018, the Respondent towed a 2015 Chrysler 200 to their facility at 11202 Highway 365 in Little Rock, Arkansas at the request of the registered owner. The Respondent conducted four subsequent tows of the same vehicle.
- F-3 On October 5, 2018, the Respondent billed for the original tow and four additional tows, totaling \$385.00. The Respondent mailed an invoice and lien notification to the Complainant, Arrivo Acceptance LLC, pursuant to Ark. Code Ann. § 27-50-1208.
- F-4 On December 18, 2018, the Respondent admitted in writing to conducting a consent tow at the request of a long-time customer.

CONCLUSIONS OF LAW

C-1 The Respondent violated Ark. Code Ann. § 27-50-1201(a) and Board Rules 6.1 and 6.2 by towing Complainant's vehicle for compensation without first possessing and maintaining a valid tow business license and safety permit(s) as stated in Findings of Fact F-1—F-4.

ORDER

1. The Respondent is ordered to pay a civil penalty in the amount of \$1,500.00 for the violation stated in Conclusion of Law C-1.
2. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty must be paid no later than 45 days from the date the Respondent receives this Finding of Fact, Conclusions of Law, and Order, unless the 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 19th day of July, 2019

ARKANSAS TOWING & RECOVERY BOARD



JOSEPH SPADONI, CHAIR

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Jeff Riner d.b.a. Bigboy's Towing
2019-03-083**

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 21, 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 Respondent maintained a valid non-consent tow license and safety permit(s) at the time of this incident.
- F-2 Between February 26 and March 12, 2019, Respondent towed and stored thirteen (13) vehicles from parking lot of the Harp's Food Store (hereinafter "Harp's") located at 1300 North Thompson Street in Springdale, Arkansas.
- F-3 Respondent failed to obtain proper written authorization from either the vehicle's owner(s) or from an authorized employee at Harp's prior to towing the vehicle on all thirteen (13) occasions.
- F-4 Respondent towed two (2) of the vehicles on March 12 without receiving any request to remove the vehicles from any Harp's employee.
- F-5 Respondent towed the other eleven (11) vehicles at the request of employees at Harp's. On one occasion, a Harp's employee inquired if written authorization was required, but Respondent told her that she did not have to provide it.

F-6 Respondent admitted during his testimony that he does not maintain a permanent office location for his business and that his place of business does not meet the facility standards specified on his Application Information sheet, despite self-certifying that he did so.

CONCLUSIONS OF LAW

C-1 Respondent violated Ark. Code Ann. § 27-50-1101(c) on thirteen (13) separate occasions by towing thirteen (13) vehicles without obtaining proper written authorization from the property owner(s) or agent prior to removing the vehicles from private property as stated in Findings of Fact F-2 through F-5.

C-2 Respondent violated Board Rule 6.3.A.(1) by improperly self-certifying sufficiency of his facilities on his Application Information Sheet as stated in Finding of Fact F-6.

ORDER

1. Respondent is ordered to pay fines in the amount of \$6,500 (\$500 for each violation) for the violations stated in Conclusion of Law C-1. Respondent is further ordered to pay restitution in the amount of \$1,080 for the eleven (11) tows for which he provided invoices as part of Respondent's Exhibit 1.
2. Respondent's non-consent license is hereby suspended for the violation stated in Conclusion of Law C-2. Respondent may seek to have his license reinstated once his towing facility is in compliance with the Rules of the Board.
3. The restitution must be paid forty-five (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.

4. The fine must be paid no later than six (6) months from the date Respondent receives this Finding of Fact, Conclusions of Law, and Order, unless Respondent appeals the Board's decision

IT IS SO ORDERED this ____ day of May, 2019

ARKANSAS TOWING & RECOVERY BOARD

TOM BROWN, ACTING CHAIR

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
CT Spee-D-Lube LLC., d.b.a. Big Wrecker Towing.
2019-05-089**

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 19, 2019, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. The Respondent appeared by and through its representative, Ronnie Adcock. The Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 Respondent maintains a valid non-consent tow license and safety permit(s) and did so at all times relevant to this complaint.
- F-2 On February 8, 2019, the Respondent was dispatched to the scene of a vehicle collision by the Arkansas State Police. The Respondent arrived, recovered, towed and stored a 2019 International semi-tractor and flatbed trailer (hereinafter "vehicle"). The vehicle was owned and operated by Billy Barnes Enterprises (hereinafter "Complainant").
- F-3 The Respondent billed a total of \$53,659.19 for the service.
- F-4 The Complainant paid a total of \$48,000.00 and agreed to give the respondent the cargo, which consisted of lumber, in order to secure the release of their equipment and avoid the accumulation of additional storage fees.
- F-5 The Complainant filed this complaint, alleging the fees charged above were excessive and unnecessary under the circumstances. The Complainant based this

upon the location of the vehicle after the collision, the amount of labor used, the amount of lumber that did remained on the vehicle, and the \$2,000 line item for clean-up ordered by the property owners.

CONCLUSIONS OF LAW

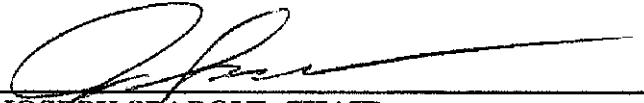
- C-1 Respondent violated Ark. Code Ann. § A.C.A. §27-50-1203(e)(1)(D) and Board Rule 4.1 by charging excessive and unnecessary fees as stated in Findings of Fact F-1 through F-5 above.

ORDER

1. Respondent is ordered to pay a civil penalty in the amount of \$5,000 for the violation stated in Conclusion of Law C-1.
2. Further, the Board has determined a reasonable fee for the services provided to be \$27,475.91 (*see Attachment 1 for a line-by-line breakdown*). Respondent is therefore ordered to pay restitution to the Complainant in the amount of \$20,524.09. Respondent shall provide proof of payment to the Board. Respondent shall keep the lumber transferred to it by Complainant as part of their agreement.
3. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty and restitution 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 24 day of November, 2019

ARKANSAS TOWING & RECOVERY BOARD

A handwritten signature in black ink, appearing to read 'Joseph Spadoni', written over a horizontal line.

JOSEPH SPADONI, CHAIR