

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Daryll Patton d.b.a. Phoenix Towing & Recovery
2020-09-033**

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 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 maintains a valid non-consent tow license and safety permit(s) and did so at all times relevant to this complaint.
- F-2 On September 20, 2019, the Complainant left her 2019 Jeep Cherokee (hereinafter “vehicle”) parked and unattended in a handicap space located at Brodie Creek Apartments in Little Rock, Arkansas.
- F-3 On September 21, 2019 the Respondent conducted a private property removal of the vehicle. At the time of the tow, the Respondent failed to obtain proper written authorization from either the owner or an authorized agent at Brodie Creek Apartments prior to towing the vehicle.
- F-4 On September 21, 2019 the Respondent billed and was paid \$175.00 for the unauthorized service. Complainant filed this complaint and the investigation followed.

- F-5 During the investigation, the manager at Brodie Creek Apartments stated that neither she nor her staff authorized the removal of this vehicle or signed a removal form prior to its removal. She said the Respondent patrols the parking lot and tows vehicles found in violation of the complex's parking rules. She also said that she was unaware of the statutory requirements concerning private property removals and that the Respondent misled her during their solicitation to perform the removals by telling her that a signature would not be required for each individual removal.
- F-6 On October 4, 2019, Respondent responded to the complaint, but did not provide any form of written authorization to tow the vehicle signed by either the owner or an authorized agent of Brodie Creek Apartments.

CONCLUSIONS OF LAW

- C-1 Respondent violated Arkansas Code Ann. § 27-50-1101(a)(1)(C) by conducting a non-consent private property removal of the vehicle without first obtaining a written authorization for the removal from the owner or an authorized agent of Brodie Creek Apartments as stated in Findings of Fact F-1 through F-6 above.
- C-2 Respondent violated Ark. Code Ann. § A.C.A. §27-50-1203(e)(1)(D) and Board Rule 4.1 by charging an excessive and unnecessary fee of \$175.00 for the unauthorized tow as stated in Findings of Fact F-1 through F-6 above.

ORDER

1. 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. Respondent shall not be ordered to pay restitution for the violation stated in Conclusion of Law C-2 due to Respondent already having refunded the \$175 to the Complainant.
3. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty must be paid no later than 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.

IT IS SO ORDERED this ____ day of November, 2019

ARKANSAS TOWING & RECOVERY BOARD

JOSEPH SPADONI, CHAIR

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Tracy Gafner d.b.a. Steve's Auto Center of Conway
2020-08-017**

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 17, 2020, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. The Respondent appeared in person and with legal counsel, Lorie Mason. 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 May 1, 2019, Respondent towed and stored a 2018 Volvo S90 (hereinafter "vehicle") displaying a Florida license plate from America's Best Value Inn in Conway, AR at request of the Conway Police Department (CPD).
- F-3 CPD provided Respondent a vehicle tow report listing the vehicle's registered owner and license plate information at time of the tow.
- F-4 The Respondent did not send certified letters via the US Postal Service to the registered owner and/or lien holder of the vehicle.
- F-5 On May 18, 2019, the Respondent ran an advertisement in lieu of notice, in the Log Cabin Democrat. The vehicle and its vehicle identification number (VIN) were listed in that advertisement.

- F-6 On July 14, 2019, the Respondent ran a Notice of Foreclosure Lien advertisement in the Log Cabin Democrat. This advertisement stated that the Respondent would hold a “public auction” on July 23, 2019. The vehicle and its VIN were listed in that advertisement.
- F-7 On July 24, 2019, the Respondent obtained a title to the vehicle through the Arkansas Department of Motor Vehicles.

CONCLUSIONS OF LAW

- C-1 Respondent violated Ark. Code Ann. § A.C.A. §27-50-1101 (a)(2)(E)(ii) by failing to make a good faith effort to locate documents or other evidence of ownership and lienholder information after taking possession of the vehicle as stated in Findings of Fact 1-7.
- C-2 Respondent violated Arkansas Code Ann. § ACA 27-50-1208(b)-(c) by attempting to gain title to the vehicle without following the statutory possessory lien process as stated in Findings of Fact 1-7.

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. Respondent is ordered to pay a civil penalty in the amount of \$5,000 for the violation stated in Conclusion of Law C-2.
3. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty and restitution must be paid no later than 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.

IT IS SO ORDERED this ____ day of March, 2020

ARKANSAS TOWING & RECOVERY BOARD

JOSEPH SPADONI, CHAIR

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Daryll Patton d.b.a. Phoenix Towing & Recovery
2020-09-033**

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 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 maintains a valid non-consent tow license and safety permit(s) and did so at all times relevant to this complaint.
- F-2 On September 20, 2019, the Complainant left her 2019 Jeep Cherokee (hereinafter “vehicle”) parked and unattended in a handicap space located at Brodie Creek Apartments in Little Rock, Arkansas.
- F-3 On September 21, 2019 the Respondent conducted a private property removal of the vehicle. At the time of the tow, the Respondent failed to obtain proper written authorization from either the owner or an authorized agent at Brodie Creek Apartments prior to towing the vehicle.
- F-4 On September 21, 2019 the Respondent billed and was paid \$175.00 for the unauthorized service. Complainant filed this complaint and the investigation followed.

- F-5 During the investigation, the manager at Brodie Creek Apartments stated that neither she nor her staff authorized the removal of this vehicle or signed a removal form prior to its removal. She said the Respondent patrols the parking lot and tows vehicles found in violation of the complex's parking rules. She also said that she was unaware of the statutory requirements concerning private property removals and that the Respondent misled her during their solicitation to perform the removals by telling her that a signature would not be required for each individual removal.
- F-6 On October 4, 2019, Respondent responded to the complaint, but did not provide any form of written authorization to tow the vehicle signed by either the owner or an authorized agent of Brodie Creek Apartments.

CONCLUSIONS OF LAW

- C-1 Respondent violated Arkansas Code Ann. § 27-50-1101(a)(1)(C) by conducting a non-consent private property removal of the vehicle without first obtaining a written authorization for the removal from the owner or an authorized agent of Brodie Creek Apartments as stated in Findings of Fact F-1 through F-6 above.
- C-2 Respondent violated Ark. Code Ann. § A.C.A. §27-50-1203(e)(1)(D) and Board Rule 4.1 by charging an excessive and unnecessary fee of \$175.00 for the unauthorized tow as stated in Findings of Fact F-1 through F-6 above.

ORDER

1. 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. Respondent shall not be ordered to pay restitution for the violation stated in Conclusion of Law C-2 due to Respondent already having refunded the \$175 to the Complainant.
3. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty must be paid no later than 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.

IT IS SO ORDERED this ____ day of November, 2019

ARKANSAS TOWING & RECOVERY BOARD

JOSEPH SPADONI, CHAIR

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Phillips Brothers Towing & Recovery, LLC
2021-07-001**

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 27, 2020, 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, Christian Niles. 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 operates a towing business based in North Little Rock, Arkansas and currently holds a valid non-consent towing business license and safety permit(s).
- F-2 On May 8, 2020, the Respondent towed and stored Complainant’s 2019 Dodge Charger with Texas license plates (hereinafter “vehicle”) at the request and direction of the North Little Rock Police.
- F-3 On June 17, 2020, the Respondent mailed a lien notice via certified U.S. Mail, return receipt requested to the Complainant.
- F-4 The Respondent published a notice of this abandoned vehicle in the *Arkansas Democrat-Gazette* on June 21, 2020, announcing intent to sell it and other vehicles within forty-five (45) days of the date of tow.
- F-5 The certified lien notice letter was delivered to Complainant on June 21, 2020.

- F-6 The Respondent did not request records from the State of Texas to help determine potential owners or lienholders of the vehicle at any point while it possessed the vehicle.
- F-7 On June 29, 2020, the Complainant secured the release of this vehicle after paying a total of \$3,437.83 to the Respondent. This complaint followed.
- F-8 Investigation determined the following charges to be excessive: \$1,935.00 for storage, 43 days of the 53 days billed; \$75.00 admin, one of two admin fees billed; \$75.00 picture fee; \$250.00 picture fee; and \$69.30 mileage. The excessive fees totaled \$2,404.30.

CONCLUSIONS OF LAW

- C-1 The Respondent violated Ark. Code Ann. § 27-50-1208(b)(3)(C) by failing to request motor vehicle records from the State of Texas as stated in Findings of Fact F1-F8 above.
- C-2 The Respondent violated Ark. Code Ann. § 27-50-1208(c) (1) by failing to mail the mandatory notice not sooner than two (2) business days but within eight (8) business days after the date that the Respondent received the vehicle as stated in Findings of Fact F1-F8 above.
- C-3 The Respondent violated Ark. Code Ann. § 27-50-1203(e)(1)(D) and Board Rule 4.1 by billing and being paid for excessive or unnecessary fees totaling \$2,404.30 as stated in Findings of Fact F1-F8 above.

ORDER

1. Respondent is ordered to pay a civil penalty in the amount of \$500.00 for the violation stated in Conclusion of Law C-1.

2. Respondent is ordered to pay a civil penalty in the amount of \$500.00 for the violation stated in Conclusion of Law C-2.
3. Respondent is ordered to pay a civil penalty in the amount of \$250.00 for the violation stated in Conclusion of Law C-3. Respondent is further ordered to pay restitution to the Complainant in the amount of \$2556.83. Proof of payment shall be provided to the Board.
4. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty and restitution must be paid no later than 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.

IT IS SO ORDERED this ____ day of October, 2020

ARKANSAS TOWING & RECOVERY BOARD

JOSEPH SPADONI, CHAIR

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
East End Towing Inc.
2021-09-005**

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 January 19, 2021, 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, Patrick McIntire, and its legal counsel, William Watt. The Board, from all the evidence presented and the stipulations of the parties, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 The Respondent operates a towing business based in Little Rock, Arkansas and currently holds a valid non-consent towing business license and safety permit(s).
- F-2 On July 1, 2020, the Respondent towed and stored Complainant’s 2019 Hyundai Elantra with Georgia license plate #CIE5490 (hereinafter “vehicle”) at the request and direction of an employee of Old Mill Bakery located in Little Rock Arkansas.
- F-3 On July 1, 2020, the Respondent called The Little Rock Police Communications Center to report this vehicle as a private property impound. During the call the Respondent identified the vehicle by the Georgia License plate affixed to the vehicle.

- F-4 On July 1, 2020 the Respondent made an inquiry to the Arkansas ITRL system for registration and lien records in the state of Arkansas with use of the vehicle's VIN. The system revealed "no" Arkansas records found.
- F-5 The Respondent did not request records from the State of Georgia to help determine potential owners or lienholders of the vehicle at any point while it possessed the vehicle.
- F-6 On July 21, 2020, the Respondent published a notice of this abandoned vehicle in the *Daily Record* announcing their intent to sell it and other vehicles within forty-five (45) days of the date of tow.
- F-7 On August 18, 2020 the Respondent published a notice of non-judicial public sale of this abandoned vehicle in the *Daily Record*. The notice documents the sale date of August 19, 2020.
- F-8 On August 19, 2020, the Respondent sold this vehicle to M Auto Sales for ten thousand dollars (\$10,000.00). The Respondent submitted a notarized affidavit to the Arkansas Department of Motor Vehicles stating all statutory requirements had been met in order to sell the vehicle.
- F-9 Prior to the sale, the Respondent did not send via certified mail to Complainant notice of the initial possessory lien or the non-judicial sale.
- F-10 On September 10, 2020, the Respondent requested a stolen vehicle check of the ACIC system. The ACIC check documented this vehicle as "not stolen".

CONCLUSIONS OF LAW

- C-1 The Respondent violated Ark. Code Ann. § 27-50-1208(b)(3)(C) by failing to request motor vehicle records from the State of Georgia to determine ownership

even though the vehicle had a Georgia license plate and information of ownership was not found otherwise as stated in Findings of Fact F1-F10 above.

- C-2 The Respondent violated Ark. Code Ann. § 27-50-1208(c) (1) by failing to mail the mandatory notice not sooner than two (2) business days but within eight (8) business days after the date that the Respondent received the vehicle as stated in Findings of Fact F1-F10 above.
- C-3 The Respondent violated Ark. Code Ann. § 27-50-1209(e)(1) by failing to send the notice of sale via certified mail, return receipt requested to the last known registered owner at least fifteen (15) days prior to the sale date as stated in Findings of Fact F1-F10 above.
- C-4 The Respondent violated Ark. Code Ann. § 27-50-1209(f) by failing to publish the notice of non-judicial public sale in a newspaper of general circulation at least ten (10) days before the sale as stated in Findings of Fact F1-F10 above.
- C-5 The Respondent violated Ark. Code Ann. § 27-50-1209(d)(1) by failing to request stolen vehicle information from the Arkansas Crime Information Center prior to the sale of this vehicle as stated in Findings of Fact F1-F10 above.
- C-6 The Respondent violated Ark. Code Ann. § 27-50-1210(c)(1)-(2) by falsely submitting an affidavit of compliance of the statutory sale procedure in order to obtain a title for this vehicle from the Arkansas Department of Motor vehicles as stated in Findings of Fact F1-F10 above.

ORDER

1. Respondent is ordered to pay a civil penalty in the amount of \$2,500.00 for the violation stated in Conclusion of Law C-1.
2. As sanction for the violations in Conclusions of Law C-2 to C-6, Respondent is ordered to have at least one (1) of its employees complete any remedial training deemed necessary by the Director of the Board.
3. Respondent is further ordered to provide to the Board proof of payment \$3,500.00 in restitution to the Complainant that Respondent had previously agreed to pay prior to the hearing.
4. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty must be paid and proof of payment of restitution be provided no later than 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.

IT IS SO ORDERED this ____ day of January, 2021

ARKANSAS TOWING & RECOVERY BOARD

JOSEPH SPADONI, CHAIR

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Helton's Wrecker Service LTD.
2021-12-012**

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 20, 2021, 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 representatives, Bill Helton and Shelley Young, and its legal counsel, Tona DeMers. The Board was represented by Assistant Attorney General Samuel J. West. The Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 Respondent operates a tow business in Conway, Arkansas and maintains a valid non-consent tow license and safety permit(s) and did so at all times relevant to this complaint.
- F-2 On August 7, 2020, Respondent was contacted to conduct a private property removal in Conway, Arkansas. The Respondent towed and stored a 2015 Toyota Camry (hereinafter "the vehicle") owned by Summer Payton (hereinafter "the Complainant"). The Complainant had previously reported the vehicle as stolen to the Maumelle Police Department.
- F-3 On the date of the private property removal, Respondent failed to notify either the Conway Police Department or the Faulkner County Sheriff's Office of the removal within two (2) hours of taking possession of the vehicle. Additionally,

Respondent failed to request/receive ownership information from either the Office of Motor Vehicle or Arkansas Criminal Information Center (ACIC).

- F-4 On December 4, 2020—one hundred nineteen (119) days after the initial tow—Respondent mailed the first and only lien notification letter to the Complainant. The notification letter detailed the removal of the vehicle and stated that fees were due in the amount of \$10,023.14. Instead of paying the requested fees, the Complainant filed this complaint with the Board.
- F-5 On December 28, 2020, Respondent released the vehicle to the Complainant without charge.

CONCLUSIONS OF LAW

- C-1 Respondent violated Ark. Code Ann. § 27-50-1101(a)(2)(A) by failing to notify law enforcement of the private property removal of this vehicle within two (2) hours of the removal as stated in Findings of Fact F1-F5 above.
- C-2 Respondent violated Ark. Code Ann. § 27-50-1208(c)(1) by failing to mail the mandatory notice not sooner than two (2) business days but within eight (8) business days after the date that the Respondent received the vehicle as stated in Findings of Fact F1-F5 above.
- C-3 Respondent violated Ark. Code Ann. § 27-50-1208(d)(1) by failing to request information about potential owners or lienholders from the Office of Motor Vehicle or ACIC after not being able to obtain said information within forty-eight (48) hours of taking possession of the vehicle as stated in Findings of Fact F1-F5 above.

ORDER

1. Respondent is ordered to pay a civil penalty in the amount of \$2,000.00 for the violation stated in Conclusion of Law C-1.
2. Respondent is ordered to pay a civil penalty in the amount of \$2,000.00 for the violation stated in Conclusion of Law C-2.
3. Respondent is ordered to pay a civil penalty in the amount of \$2,000.00 for the violation stated in Conclusion of Law C-3.
4. It is further ordered that Respondent's license to operate a nonconsent towing business is suspended for a period of sixty (60) days, effective immediately. Respondent's ability to perform consent tows is not affected.
5. Per Ark. Code Ann. § 27-50-1204(f)(1), the civil penalty must be paid and proof of payment of restitution be provided no later than 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.

IT IS SO ORDERED this ____ day of July, 2021

ARKANSAS TOWING & RECOVERY BOARD

JOSEPH SPADONI, 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 July, 2021 to:

Helton's Wrecker Service LTD
710 S. Harkrider
Conway, AR 72032

And

Tona DeMers
PO Box 2332
Benton, AR 72018

Steve Rogers, Board Director

BEFORE THE ARKANSAS TOWING AND RECOVERY BOARD

**IN THE MATTER OF
Jeff Riner d.b.a. BigBoy's Towing
2021-04-024**

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 20, 2021, at the Office of the Arkansas Towing and Recovery Board, 7418 North Hills Blvd., North Little Rock, Arkansas 72116. The Respondent did not appear. The Board was represented by Assistant Attorney General Samuel J. West. The Board, from all the evidence presented and the stipulations of the parties, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F-1 Respondent operates a tow business in Springdale, Arkansas and does not maintain a valid consent or non-consent tow license and/or safety permit(s) and did not at all times relevant to this complaint. Respondent's license has been suspended following a Board Order issued on May 21, 2019. He has made no attempt to renew his license or safety permit(s) or comply with the Board's Order.
- F-2 On January 13, 2021, the Respondent was contacted by Honk Technologies to conduct a tow in Bella Vista, Arkansas on behalf of Farmers Insurance Roadside Service. The Respondent responded and towed a 2013 Jeep Wrangler (hereinafter "the vehicle") owned by Alissa Larking (hereinafter "the Complainant") to a repair shop. The Complainant witnessed the vehicle fall off the Respondent's wrecker as the wrecker left the property. The wrecker was being operated by Respondent.

- F-3 On April 24, 2021, Andrea Hall of Honk Technologies confirmed that Respondent did conduct the tow service related to this complaint and provided a list documenting approximately one hundred and twenty-six (126) additional tow related services conducted and billed by the Respondent during the 2020 calendar year. She also stated that Honk Technologies subcontracts towing services for Farmers Insurance and that Respondent had been an approved towing contractor in Arkansas since May 2015. The aforementioned contract stipulates compliance with all local and state licensing and insurance rules.
- F-4 Between April 7, 2021, and June 20, 2021, Respondent has failed to respond to several phone calls, requests for information pursuant to this investigation and notices of violations for unlicensed activity.

CONCLUSION OF LAW

- C-1 The Respondent violated Ark. Code Ann. § 27-50-1201(a) and Board Rules 6.1 and 6.2 by charging for the towing and storage of a vehicle subject to registration within the State of Arkansas without first possessing and maintaining a valid tow business license and safety permit(s) as stated in Findings of Fact F1-F4 above.

ORDER

1. Respondent is ordered to pay a civil penalty in the amount of \$5,000.00 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 and proof of payment of restitution be provided no later than 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.

IT IS SO ORDERED this ____ day of July, 2021

ARKANSAS TOWING & RECOVERY BOARD

JOSEPH SPADONI, CHAIR