



Oregon

Tina Kotek, Governor

State Board of Towing

1905 Lana Ave, NE

Salem, OR 97314

Phone: (503) 871-5481

Email Address: info@towboard.oregon.gov

Web Site: www.sbot.oregon.gov

OREGON STATE BOARD OF TOWING Board Meeting Minutes July 12, 2023

Meeting Location:

Oregon DMV HQ
1905 Lana Avenue, Rm 316
Salem, OR 97314

Attending Board Members:

Sen. Chuck Riley, Chair
Trent Hanson, Vice Chair
Bruce Anderson, Tower
Lt. Jason Lindland, OSP
Gary McClellan, Tower
Jason Shaner, Tower

Board and DMV Staff:

Torey McCullough, SBOT Administrator
Linda Beukens, DMV Program Srvs Mgr
Lindsey Frey, DMV Business Analyst

Absent Board Members:

Kevin Baker, Tower
Chris Coughlin, Consumer Advocate

Guests and members of the public:

Tom Holt, The Holt Company
Althea Cullen, AAG - DOJ Civil Enforcement Division
Serena Hewitt, AAG - DOJ General Counsel

Chair Riley called the meeting to order at 1:05 p.m. Self-introductions were made by those present.

Agenda

The meeting Agenda was reviewed and approved by Board vote:

In Favor: Anderson, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None.

Minutes

The Minutes of the February 7, 2023, Board Meeting were reviewed and approved with no corrections or changes by Board vote:

In Favor: Anderson, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None.



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Designation of Administrative Officer

The Board reviewed the Proposed Order designating Torey McCullough as the Administrative Officer for the Board. Board Member Hanson and Anderson moved to accept the Designation, seconded by Board Member Shaner. Motion carried. *In Favor: Anderson, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None.*

The Order was signed by Chair Riley and will be recorded with the Oregon Secretary of State's Office.

Reports

McCullough presented the Administrator and Compliance reports to the Board.

The Board will maintain a cubical at DMV HQ in Program Services for records and to conduct board business as needed; the Board's phone hours will be 8 – 5, Monday – Friday.

Board members can contact McCullough via the Board phone number or by email; McCullough will also provide weekly emails to the Board member to provide work-in-progress updates and other information.

The Board is waiting for the State Data Center to assign a domain name; once created, work will begin on the Board's website.

Public Comment

No correspondence was submitted for Board review, and no members of the public present wished to make comments to the Board.

Dept. of Justice Presentation

Asst. Attorney General (AAG) Cullen presented information and overview of the Dept. of Justice (DOJ) Enforcement Division and complaint process. AAG Cullen noted DOJ received approximately 352 tow complaints since January 2022, and tow complaints consistently rank in the top 10 of the consumer complaints filed with DOJ. AAG Hewitt discussed the resources available to the Board through General Counsel.

DOJ will provide the Board with two abatements and one current active complaint, and copies of the consumer complaints filed with DOJ from 2022 to date.

Work Session

Board's Purpose and Goals

The Board discussed the Board's purpose, Mission Statement and Goals, including:

- Address consumer complaints.
- Reduce the number of complaints by addressing the causes of complaints.
- Ensure fairness and continuity within the industry.

- Raise the level of professionalism amongst tow companies, ensure standardization of practice.
- Ensure a baseline level of training and expectations.
- Consistencies across the municipalities and local governments across Oregon regarding towing standards.

Board Member Recruitment

- Board Members Hanson and Shaner agreed to continue with the Board for second terms. McCullough will coordinate the reappointments once the Workday authorization has been transferred.
- Position 7, the Chief of Police/Sheriff position, remains vacant. Lt. Lindland offered to reach out to law enforcement contacts for potential interest in the position.

Draft Rules

- Discussion of possible certification/ minimum requirements of tow drivers. Oregon State Police are creating driver-specific requirement rules for their program; the Board may consider similar requirements for all tow drivers in the future, which may require a change in the Board's statutes.
- Currently the only requirement for an Oregon tow certificate is proof of insurance; it was brought to Beukens attention by Board members that DMV offices are not always requiring the insurance forms at time of registration, creating issues with the certificate holders and OSP.
- McCullough will coordinate with PSM Beukens and DMV-BA Frey to create a realistic timeline to draft rules for implementing a \$100 service fee under SB 300. The fee will be imposed on each tow certificate issued or renewed, and will be collected at the time of renewal of the tow certificate. The target date for implementing the fee is January 1, 2024.

Next Steps

- Chair Riley and McCullough will meet with DOJ on July 24th to discuss DOJ's process in anticipation of transitioning complaints to the Board.
- Copies of DOJ's complaints to be prepared for review and discussion at the Board's September Board meeting.
- Draft rules for the \$100 annual service fee to be prepared for review at the September Board meeting.
- A list of suggested training for McCullough, including Ride Alongs, TIM training, meeting with Executive contacts, classes and shadowing were recommended and will be scheduled.
- Lt. Lindland will reach out to law enforcement contacts regarding the vacant position.
- Program Services Beukens will follow up with insurance requirements at the time of renewal.

Announcements

- The next Board meeting is scheduled for September 19, 2023, 1 – 3 p.m. at DMV HQ.
- Oregon Tow Truck Association (OTTA) Meeting October 7, 2023, in Eugene.

There being no further business before the Board, the meeting was adjourned at 2:47 p.m.

Documents Considered by the Board

- Agenda
- Proposed Order of Designation
- March 7, 2023, Board Meeting Minutes
- Administrator/ Compliance Report
- Presentation by DOJ – Civil Enforcement
- Tow/Recovery Vehicles Fee Schedule
- Board Member Roster and State Map
- DOJ Complaint Summaries
- ORS 98.852-98.859; ORS 822.200-822.290; ORS 822.700 and ORS 822.995

Minutes prepared by Torey McCullough

Minutes APPROVED by Board vote: September 19, 2023



Oregon

Tina Kotek, Governor

State Board of Towing

1905 Lana Ave., NE

Salem, OR 97314

Phone: (503)

Fax: (503)

www.Oregon.gov/

OREGON STATE BOARD OF TOWING
Board Meeting Agenda
July 12, 2023

AGENDA ITEM	PRESENTER	TIME
1. Call Meeting to Order	Chair	1:00
2. Introductions (<i>Board Member, Staff, and the Public</i>)	All	1:05
3. Approve Agenda	Board	
4. Designation of Administrative Officer for the Board	Board	1:15
5. Approve Minutes of February 7, 2023 Board Meeting	Board	
6. Reports	McCullough	1:20
a. Administrator Report – <i>report on administrative and financial status of the Board</i>		
b. Compliance Report - <i>report on Compliance issues and cases of the Board</i>		
c. Other Board Updates and Reports		
7. Public Comments and Correspondence	Public	1:30
8. Board Business/Work Session	All	1:45
a. Board Purpose, Mission Statement and Goals		
b. Expectations and First Priorities/Focus		
c. Civil Penalties; Review of DOJ Disciplinary Actions		
d. Truck and Certification Fees		
e. Member Recruitment and Training		
f. Other tasks and logistics		
9. Public Comments (<i>Comments related to work session items, 3-5 minutes time limit</i>)	Public	2:45
10. Executive Session - <i>if Needed</i>		
11. Board vote on Action Items – <i>if Needed</i>		
12. Next Steps	All	2:55
a. Review Work Assignments and Direction to Staff		
b. Announcements		
c. Next Board Meeting		
13. Adjourn Board Meeting	Chair	3:00



BEFORE THE
STATE BOARD OF TOWING
FOR THE STATE OF OREGON

In the Matter of

The Administrative Officer for the Board

)
)
)
)

ORDER OF DESIGNATION

WHEREAS this matter came before the Oregon State Board of Towing on July 12, 2023, for consideration of appointing Torey McCullough as the State Board of Towing Administrative Officer,
and

WHEREAS the Board being advised of the qualifications and experience of Torey McCullough;
and

WHEREAS the appointment of Torey McCullough as the State Board of Towing Administrative Officer has been approved the Office of Oregon Governor Tina Kotek as required by ORS 822.260 (1);

The Board hereby issues this ORDER OF DESIGNATION appointing Torey McCullough as the State Board of Towing Administrative Officer pursuant to ORS 822.260 (3).

Dated this _____ day of July, 2023.

State Board of Towing

Charles Riley, Board Chair



Oregon

Tina Kotek, Governor

State Board of Towing

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July 12, 2023

Administrator and Compliance Report

Thank you for offering me the privilege of serving as the first Administrator of the State Board of Towing in Oregon.

As of July 12, 2023:

- The Board has
 - A mailing address and phone number.
 - Board phone hours will be 8-5, M-Friday.
 - The Board has a cubicle at DMV being used to conduct business and keep official Board records.
- A request for a Board domain/website was submitted. Once the Data Center completes the request:
 - Construction of the Board's website will begin.
 - Board members will be assigned Board email addresses to conduct Board business.
- I've reached out to
 - Governor's Executive Appointment folks to discuss training and filling the vacant positions.
 - DOJ for a brief overview of the DOJ Consumer Complaint Process.
 - Preliminary meetings with folks within DMV who will assist the Board in achieving its goals.
 - Workday account coordination and transfer expected to be concluded by next week.

Consumer Protection

Oregon Department of Justice

Civil Enforcement Division

Oregon Department of Justice

Divisions

Office of the Attorney General

Administrative Services

Appellate

Child Advocacy

Child Support

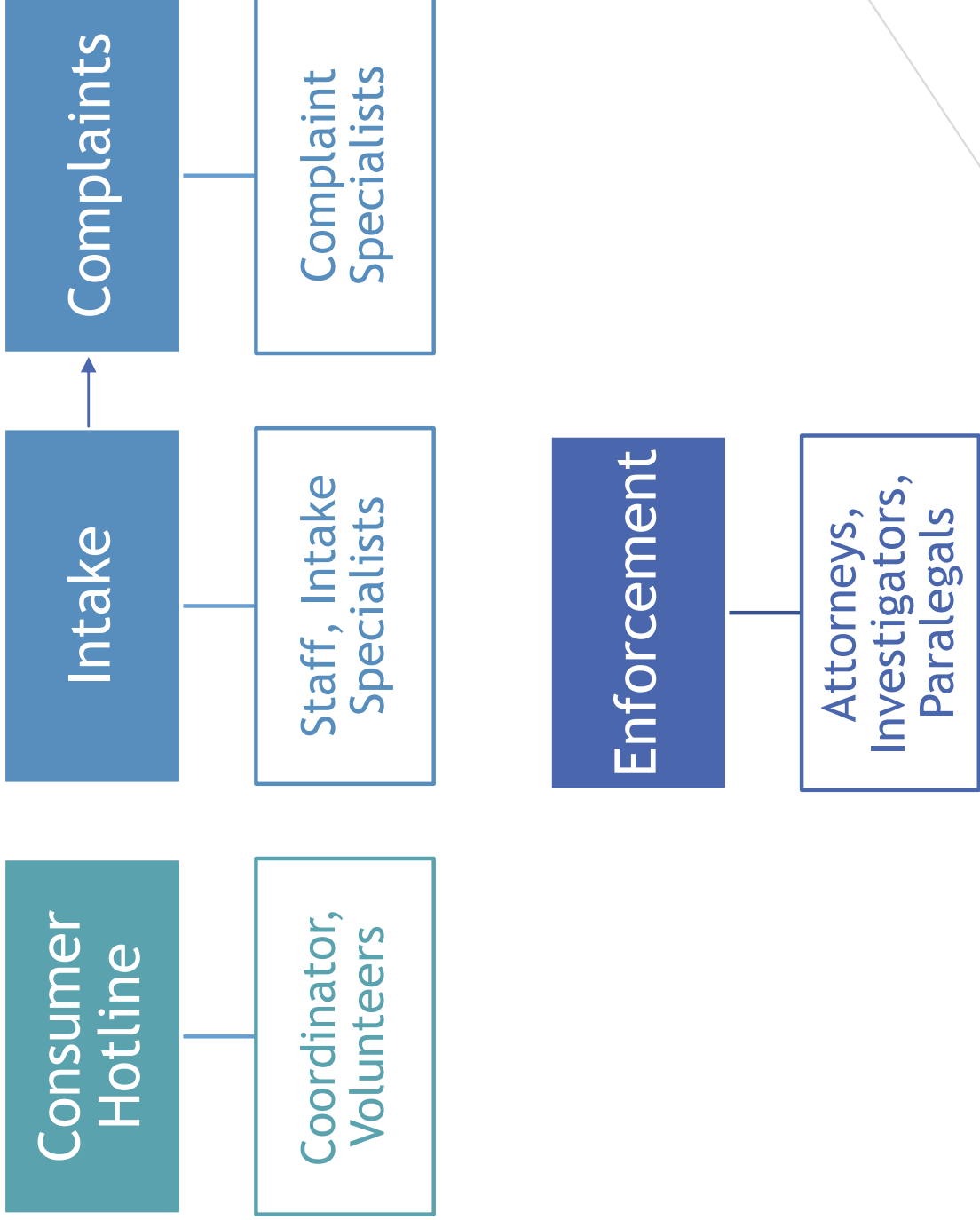
Civil Enforcement

Crime Victims and Survivor Services

Criminal Justice

Trial

Section Overview



Consumer Hotline

(877-877-9392)

What is the Consumer Hotline?

- Toll-free hotline available 8:30a to 4:30p weekdays
- Staffed by dedicated team of volunteers

What the volunteers can do

- Help callers file complaints
- Connect callers with other resources
- Provide basic information

What the volunteers cannot do

- Give legal advice
- Accept public records requests
- Provide information about an open investigation

Intake

What does intake process?

- Consumer complaints
- Mandatory notices

How do we receive complaints?

- Online submissions at oregonconsumer.gov
- Mail, fax, email

What does intake do with complaints?

- Enter and code new complaints
- Generate form letters
- Refer to other departments or agencies

Complaint Process

Voluntary, collaborative process

- Goal is to reach a resolution of the complaint
- Not an administrative action or investigation

What is a “consumer complaint specialist”?

- A non-attorney staff member who works with both parties to resolve a consumer’s concerns

What are the limitations?

- No legal advice
- No findings of fact or conclusions of law
- No authority to levy penalties or order relief

Does it work?

- Consumers receive free help, useful information, and recover millions of dollars every biennium

Enforcement

What does enforcement do?

- Investigate and prosecute UTPA violations
- Often in collaboration with other agencies

How do we investigate UTPA violations?

- Civil investigative demands
- Written discovery and sworn interviews

How do we prosecute UTPA violations?

- Most violations resolved by an assurance of voluntary compliance or a stipulated judgment
- A court may award injunctive relief, restitution and civil penalties up to \$25,000 per willful violation

How do we find and select cases?

- Agency referrals, consumer complaints, media reports, whistleblowers, interest groups, workgroups

Enforcement Activities

Oregon-only and joint investigations

- Local and regional issues
- Local actors or local impact
- High impact cases

Multistate investigations

- High profile regional or national issues
- Complex, high value cases
- Resource sharing, grants

Multistate letters and comments

- Federal rulemakings, federal legislation, matters of common concern

Post-settlement actions

- Contempt actions
- Multistate monitoring

UTPA Scope

Real estate, goods and services

- Primarily for personal, family or household use
- Includes loans and extensions of credit

Telephone solicitations

- Goods and services for personal or business use
- Excludes certain professionals, financial institutions, etc.

Business opportunities

- Franchises, distributorships and “other similar business opportunities”

Exclusions

- Landlord-tenant
- Insurance
- State-regulated lenders (subordinate authority)

UTPA “Laundry List”

Over 90 categories of UTPA violations

- Employing unconscionable tactics
- Misrepresentations about the characteristics, benefits, uses, qualities, standard, quality, or grade of goods and services
- Misrepresentations about the nature of a transaction
- Misleading statements about a prize, contest or promotion
- Misrepresentations about pricing or discounts
- Failing to disclose known material defects
- Failing to comply with requirements relating to home and telephone solicitation sales
- Violating detailed rules about motor vehicle sales and advertising
- And more...

UTPA “Laundry List”

Includes a wide range of business practices

- Auctions
- Automatic renewals
- Data security
- Debt collection
- Discounts and “free” offers
- Gas price advertising
- Gift cards
- Facsimile spam
- Foreclosure consultants
- Going out of business sales
- Health spas
- Home solicitations
- Odometers
- Phishing
- Privacy policies
- Price gouging
- Pyramid clubs
- Recalled products
- Referral compensation
- Rent-to-own
- Robocalls
- Student privacy
- Self-service storage
- Shipping fees
- Sweepstakes
- Telephone sales
- Towing
- Vehicle repair shops

Other Section Work

Statutory Duties

- Registering telephonic sellers
- Supervising the Oregon Foreclosure Avoidance Program
- Reviewing class action settlements for fairness

Legislation

- Proposing and reviewing new consumer laws

Rulemaking

- Issuing and updating administrative rules

Responding to Public Requests

- Responding to records requests and media inquiries

Outreach and Education

- Speaking engagements and conferences

Recent Cases

Google Privacy Settlement

Oregon helps drive largest AG-led consumer privacy settlement in U.S. history over Google location tracking

Oregon will receive a \$14.8 million settlement from Google as part of a consumer privacy case because the tech giant misled users about tracking their location through their accounts, Oregon Attorney General Ellen Rosenblum announced on Monday.

The settlement is Oregon's share of \$391.5 million Google agreed to pay in a case that involves 39 other states who sued over its location tracking practices. Rosenblum and Nebraska Attorney General Doug Peterson led the investigation and negotiations.

The Oregon Justice Department said the settlement was "the largest attorney general-led consumer privacy settlement ever."

Recent Cases

JUUL Deceptive Marketing Settlement

HealthWatch: Oregon leads \$438-million JUUL settlement for targeting youth

By: Jerry Howard **Sep 6, 2022** Updated **Mar 30, 2023**   0

This comes after a two-year [investigation](#) into the company's marketing practices led by the Oregon Department of Justice alongside Texas and Connecticut. The lawsuit states the company attracted young customers with launch parties, advertisements, social media posts and free samples.

In addition to Oregon, Juul has to pay at least \$438 million dollars to 33 other states and territories.

Recent Cases

Opioids Settlements

Oregon AG: Opioid settlements with 4 drug makers, pharmacies will provide \$220 million for crisis response

SALEM, Ore. (KTVZ) -- Attorney General Ellen Rosenblum announced Friday the final acceptance of \$17.3 billion in opioid agreements by drug makers Teva and Allergan and pharmacies CVS and Walgreens. Oregon is anticipated to receive nearly \$219.4 million over the next 15 years, with funds starting to arrive to state and local governments by the end of this year.

Recent Cases

COVID Testing Litigation

Oregon sues COVID test company, millions of dollars pocketed

SALEM, Ore. (AP) — The state of Oregon accused owners of an Illinois-based COVID-19 testing company of stealing millions of dollars in federal funds and insurance money in a lawsuit filed Thursday and said they boasted about buying a mansion and expensive sports cars.

Oregon Attorney General Ellen Rosenblum sued the Center for Covid Control, or CCC, and its testing partner, Doctors Clinical Laboratory, for deceptively marketing testing services and for violating Oregon's Unlawful Trade Practices Act.

Towing Cases

Sergeants Towing (2018)

State orders Sergeants Towing to halt 'predatory' practices in settlement

Published: Jan. 03, 2018, 8:56 p.m.

On Wednesday, Oregon's Attorney General Ellen F. Rosenblum announced a settlement with the towing business, requiring Sergeants to pay \$75,000 in fines, with \$50,000 suspended if it meets all conditions. If not, it must pay the full sum.

The company also must pay \$4,456 in restitution to seven consumers.

Towing Cases

Discount Towing & Recovery (2018)

Oregon Attorney General goes after Salem towing company after KGW investigation

PORTLAND, Ore.— A Salem towing company agreed to settle with the state Attorney General's office after a series of consumer complaints about excessive charges and unfair treatment.

Discount Towing & Recovery agreed to pay \$15,000 to the Oregon Department of Justice, according to documents filed in Marion County circuit court. Under the terms of the deal, Discount Towing will only have to pay \$2,000 unless the company fails to comply with the agreement.

Towing Cases

Retriever Towing Litigation (2023)

Retriever Towing sued by state over illegal tows, 'predatory towing practices'

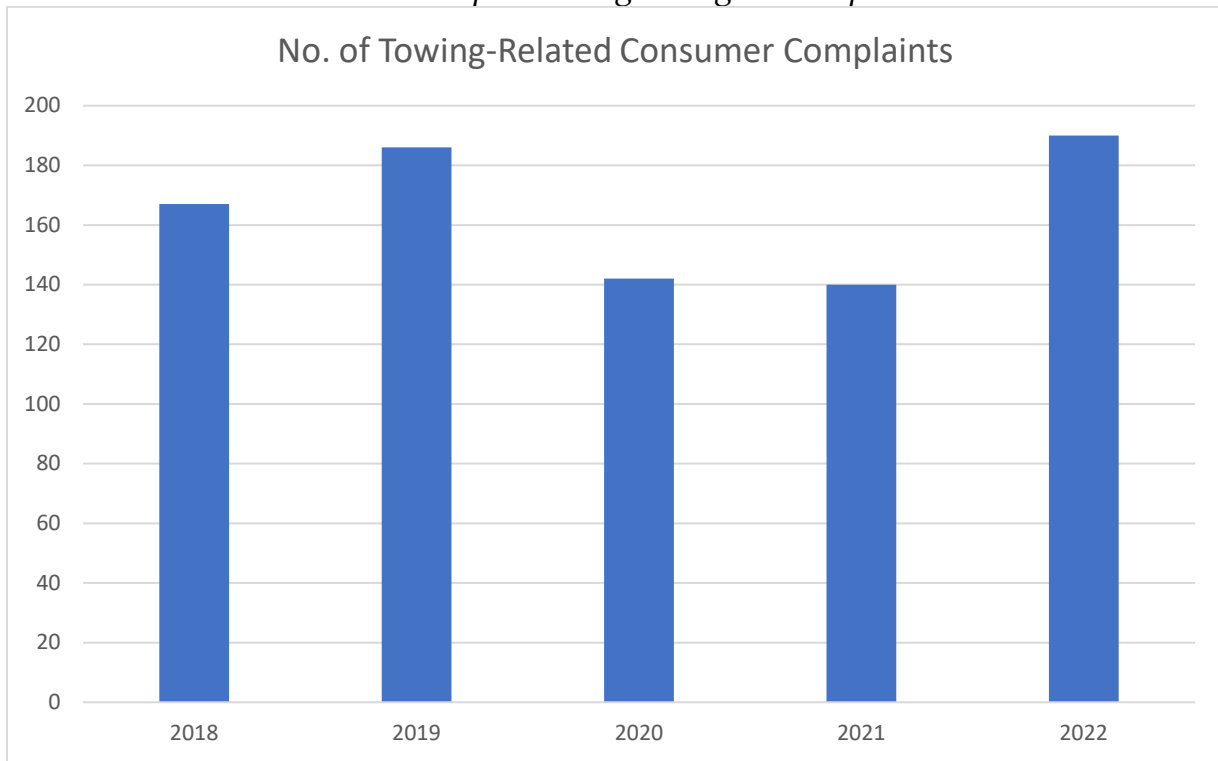
by KATU Staff | Tue, January 17th 2023, 12:02 PM PST

SALEM, Ore. — The Oregon Department of Justice Consumer Protection Section has filed a lawsuit against Retriever Towing, alleging the company illegally towed cars without authorization.

In 2017, the Oregon legislature passed reforms that forbid towing cars from parking facilities unless the towing company got signed permission to tow the car from the owner of the parking facility.

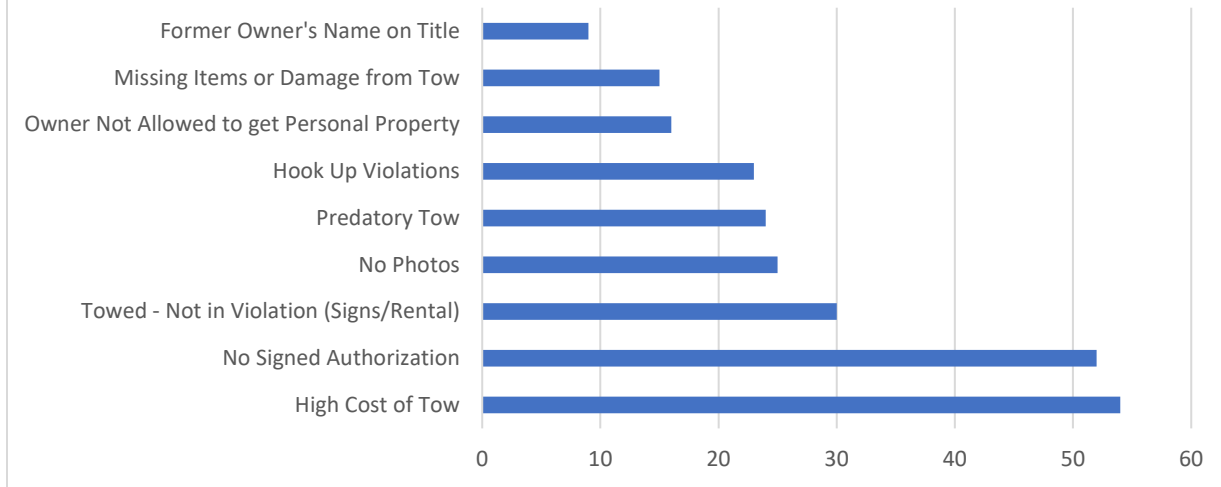
Retriever Towing is one of the largest towing operations in Oregon. In the lawsuit, which was filed on January 17, the Oregon Attorney General alleges Retriever Towing was not complying with Oregon law. The lawsuit states that Retriever Towing was towing cars without parking facility owners' authorization, going against the law.

Total number of towing-related complaints
received by Dept. of Justice between 2018 - 2022.
Includes complaints regarding municipal tows.



Calendar Year	No.
2018	167
2019	186
2020	142
2021	140
2022	190

Top Complaints Submitted 2018-2019

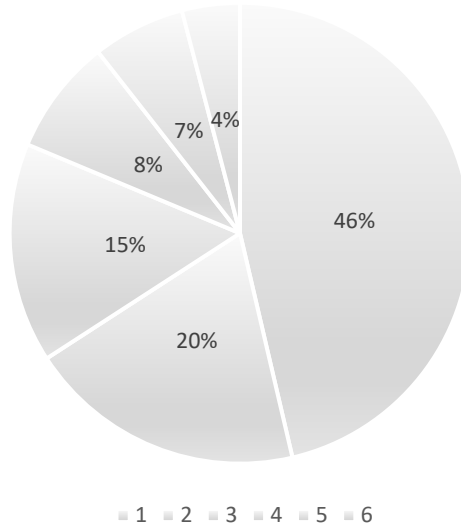


DOJ Consumer Hotline in 2018 and 2019

Does not include written complaints

Nature of Complaint	Number
High Cost of Tow	54
No Signed Authorization	52
Towed - Not in Violation (<i>Signs/Rental</i>)	30
No Photos	25
Predatory Tow	24
Hook Up Violations	23
Owner Not Allowed to get Personal Property	16
Missing Items or Damage from Tow	15
Former Owner's Name on Title	9
Did Not Send Notice After Tow (<i>Owner not present</i>)	6
Not Allowed to Get to Vehicle	5
Did Not Provide Info - Location of Vehicle or Costs	5
Charged Gate Fee During Regular Hours	4
Car Not Stored in County Towed in	1
Did not Provide Price Sheet (<i>Owner present at time of tow</i>)	1
	270

2018 - 2019 DOJ Complaints by Companies



# Complaints Filed 2018-2019 per Company		
#	%	Company
57	46.3%	Retriever Towing
24	19.5%	Companies with One Complaint
19	15.4%	21st Choice Towing
10	8.1%	Pro Tow
8	6.5%	Companies with Two to Five Complaints
5	4.1%	Companies with Six to Nine Complaints
123		Total No. Individual Companies

DOJ Complaints re: Excessive Fees

