



Oregon

Tina Kotek, Governor

Oregon State Board of Towing

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OREGON STATE BOARD OF TOWING Investigation and Complaint Review Notes January 13, 2026

Location:

ODOT – Bldg K
455 Airport Rd, SE
Salem, OR

Attending Board Member:

Bruce Anderson
Kevin Baker
Chris Coughlin
Lt. Jason Lindland
Gary McClellan
Jason Shaner
Trent Hason, Vice Chair
Chuck Riley, Chair

Board Staff:

Torey McCullough, Board Administrator

Agenda:

Chief Clerk Wood

Partners and Guests:

In person: Lt. Randall Walker, Oregon State Police; Tow Certificate Holders: Caveman Towing – John Keener, Nelson Tires – Kenny Brown; Chris Drew, Tow Help; Doug Place, member of the public.

Virtual attendance:

Partners and Advisors: City of Portland: Tim Moore; DMV Business Regulations: Dina Delaros, Esther Martinez, Jessica Miller, John Collins, Josh Boatner, Kelly Garcia; DMV Customer Services: Byron Gross; ODOT: Rob Riscoe (Portland Board Vice Chair); Oregon Consumer League: Michelle Druce; Oregon Tow Truck Association: Chelsie Kemp; Oregon State Police: Lt. Randall Walker; Towers: Advanced Recovery & Towing - Tyler Manthei, Beaverton Towing - Jean, Elite Towing - Max Kenworthy, Gales Towing, Gerlock Towing - Donny Callahan (Portland Board Chair), Litsis Towing - Crystal Litsis, North Valley Scrap and Towing - Josh & Jessica Smith, River City Recovery - Ashley and Brian, Wiltse Towing. Other Attendees: IS Manager, Larry Bricker, Metro Family Housing. Matt Michael, Mike W., Scott

Purpose of Meeting:

The purpose of the meeting was public discussion of the complaints and investigation reports in a public forum for education and transparency.

- In addition to determining appropriate action, the Board is reviewing complaints identifying gray areas of the law or lack of compliance enforcement authority by the State of Oregon or local governments.
- Submission of a complaint or conducting an investigation is not an indication of violations by the tower.
- Allegations of a complaint may or may not be violations of Oregon's laws.
- Review of the complaint materials may identify possible violations not identified in the complaint. Because of this, towers are requested to provide the information required under Oregon law to verify compliance with the towing event.
- Not all investigations may require a response or documentation from a tower. In most complaints, the complainant provides documentation demonstrating either a tower's compliance with Oregon's law or allegations of violations outside the Board's authority to administer. The Board may still review the complaint and investigation materials in public session to identify roles, gray areas, and resolution of compliance enforcement and protection of the public.
- Towers with active tow business certificates at the time of the tow are contacted for information, documentation, or a statement when a possible violation of Oregon's laws are found. In these cases, Board staff make several requests for information as time allows. Illegal tow operations, or businesses operating tow vehicles without an active tow business certificate, may not be extended the same courtesies.

Under Oregon laws:

- The Oregon State Board of Towing may only issue disciplinary or corrective action against a tower by Board vote in a regularly scheduled meeting.
- The Board administers the laws assigned to the Board to administer; not all towing events or towing laws have been assigned to the Board to administer.
- The Board does not regulate property managers or owners, vehicle owners, law enforcement, or other government agencies.
- The Board does not represent vehicle owners or towers and does not mediate disputes between a tower and a vehicle owner.
- The Board may assess civil penalties or take other actions but cannot require or compel a tower to reimburse towing charges, pay restitution, or pay for damages. This remains a civil dispute.

Meeting Agenda:

Board vote to approve agenda. In favor: Anderson, Baker, Coughlin, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None. Agenda approved.

Welcome and Introductions:

Self-introduction of the Board members and staff made.

Update: Laws and Rules Effective January 1, 2026

Effective - SB1036: Senate Bill 1036, removing the exemptions under ORS 98.853 (1) and clarifying the signed authorization requirements under ORS 98.854 (2), are effective January 1, 2026.

All tows in Oregon must be pre-authorized, and the vehicle identified prior to the tow. The laws prohibiting towers, their employees or contractors in identifying and authorizing the vehicle to be towed were not changed and remain in effect.

Administrative Rules: Rules adopted by the Board after two public hearings focusing on implementation of ORS 98.853, 98.854, and 98.856 are now effective and available on the Board's website. More information will be provided at the next regular board meeting, scheduled for February 10, 2026.

Case Review:

Attachment A lists the cases reviewed and Board vote.

Correspondence Review:

Attachment B lists the correspondence and complaints reviewed by the Board for discussion.

The Board briefly discussed the amount of staff time required to correspond with complainants not familiar with Oregon's laws and the Board's role as well as responding to AI generated complaints and allegations, many allegations and statute references not found in Oregon law or not assigned to the Board to administer.

The Board will continue to monitor and review complaints and consider possible outreach materials that can be provided to the public to answer the most common complaints.

Next steps:

The Board is issuing six Subpoena Duces Tecums for documents required for investigations.

- Compliance in most towing events can be confirmed with pre-tow photos, signed authorization, written statement of fees, itemized invoice, copies of correspondence, and the Notice of Lien (when required).
- Board staff makes multiple attempts to get documentation from towers to verify the facts of the tow and compliance with Oregon's laws.
- The towers receiving the Subpoenas were contacted to provide information, and either failed or refused to provide the requested information after multiple requests were made.
- A Subpoena Duces Tecum generally includes more documentation than the original requests to confirm compliance with Oregon's laws due to the tower's lack of response to previous requests for information.

Letters and notices from today's meeting should be sent to the parties within the next 7 – 10 board business days (during the week beginning January 26, 2026).

Complainants will receive status updates and copies of the notices as appropriate.

Notices of proposed actions have a due process requirement which may include a request for settlement conference, request for hearing at the Office of Administrative Hearings, or other due process. It may take several months before a Board action becomes a formal and final disciplinary action.

Final disciplinary actions are available to the public through the Board's website.

Kansas City ordinances:

Documents regarding the Kansas City, MO bill of rights were presented. The Board may discuss this further at the February board meeting.

Final Board Comments:

Mr. Shaner asked about tower compliance with investigations. Ms. McCullough provided the following overview:

- Tower compliance is represented in the cases presented to the Board:
- Most complaints can be resolved by the tower providing the required information, the signed authorization, photos, rate sheet, and notice of lien.
- The majority of towers are responsive to Board requests for information.
- Lack of response is indicative of a tower's failure to comply with requirements.

The Board had a brief discussion regarding the expectation of integrity and the benefit of a tower admitting to a mistake or lack of knowledge instead of defending actions that are violations of Oregon's laws.

Public Comment

The floor was open to public comment.

Doug Place, a member of the public, asked a series of questions including:

- If Board members review videos and recordings submitted with the complaints.
Answer: Board members have access to complaint materials relevant to the case.
- The Board's authority in determining reasonable fees and compelling or requiring the tower to refund excessive fees.
Answer: There is no state law regulating fees and the Board does not have the authority to regulate fees or compel refund of charges.
- Tow Hearings required under ORS 819.160.
Answer: The requirements for a hearing under ORS 819.160 are for specific impounds conducted by law enforcement and government agencies.
- Requirements of a tower.
Answer: Towers are required to provide signed authorizations, pre-tow photos and rate sheets under the law. Failure to provide information may be a civil matter.

Brian Forsyth, River City Recovery, had questions regarding the signed authorization requirements. The Board confirmed:

- An electronic authorization for a tow is appropriate.

- Email or online form is appropriate if it is time and date stamped and shows the email was sent to the tower from the property owner prior to the tow.
- Text is not accepted as a text message does not typically show the name of the person authorizing the tow, the date of the request, and time of the request.
- Mr. Forsyth noted that maintenance personnel do not have access to company email. The Board discuss the various options available to the private property owners when allowing agents to authorize tows.
- An email with the photo of the vehicle from the property owner or their agent to the tower is sufficient for identification of the vehicle to be towed.
- The law does not specify how long the request for tow is valid; at this time the Board considers within 24 hours reasonable. The Board will be reviewing and monitoring complaints to identify possible gray areas and compliance issues.
- A tower must comply with federal and state laws, and local ordinances. State law is broad and apply across the state. Local requirements are specific to the local jurisdiction; a tower must comply with both sets of requirements.
- Tim Moore, from the City of Portland, offered to speak with Mr. Forsyth to clarify specifics with the Portland tow program and identify possible concerns. Mr. Moore noted that the City of Portland is reviewing its rules and possibly city ordinances related to towing.

Next Meeting:

- Regular board meeting to conduct board business
- February 10, 2026 at ODOT on Airport Road in Salem.

Adjourned

There being no further business before the Board, the Board meeting was adjourned at 3:02 p.m.

Documents Considered by the Board

- Agenda
- Case Reports
- Correspondence
- Kansas City Ordinance and Bill of Rights

Minutes prepared by Torey McCullough

Minutes APPROVED by Board vote:

Case Review:

Case No.	Description
2025-05-35	<u>Complaint Allegations:</u> Unethical Collection Practices Tower allegedly attempted to collect towing charges previously refunded to a vehicle owner through threat of filing a possessory lien. Board action: No action taken; the Board reviewed the complaint as a mitigating factor for Case 2025-12-003.
2025-12-003	<u>Complaint Allegations:</u> unauthorized tow, deliberate and willful property damage, excessive fees, unfair collection practices, other unethical practices. <u>Board discussion:</u> The Board discussed the mitigating circumstances of the case, the requirements of the laws assigned to the Board to administer, and the tower's failure to respond to the information requests as part of the board investigation.
	<u>Board action:</u> Motion: Lt. Lindland, seconded by Vice Chair Hanson. 1. Letter of Education reminding the tower of the requirements of: <input type="checkbox"/> ORS 98.853 (1), pre-tow photographs required for PPI <input type="checkbox"/> ORS 98.854 (2), signed authorization requirement <input type="checkbox"/> ORS 98.856 (1), 98.854 (5) and lien requirements related to charging of tow fees, <input type="checkbox"/> ORS 822.605, knowingly making a false statement, affirmation, or affidavit in a vehicle related business. 2. Letter of correction: Tower to correct tow business certificate and business documentation to accurately reflect tower's place of business within 30 days. 3. Notice of proposed action for a \$500 civil penalty for violation of OAR 750-070-030 for failure to fully cooperate with a Board investigation. In favor: Anderson, Baker, Coughlin, Lindland, Hanson, Riley. Opposed: None. Motion approved.
	<u>Comment for the record:</u> Board member Coughlin noted for the record that the vote on this case and in consideration of the Board's focus of education, as a learning stage for the towing industry, and is not a long term precedent for similar cases, violations, or Board decisions. The remaining Board members concurred with this statement. The Board may reopen the investigation if the tower fails to comply with the letter of correction or if additional complaints are investigated.
2024-03-009	<u>Complaint Allegations:</u> Unauthorized tow. Board action: Case combined with Case No. 2025-08-015 as a mitigating factor for Board consideration. <i>The circumstances of the tow may be compliant with the requirements of ORS 98.853 (1) and 98.854 (2) at the time of the tow; letter of education to the tower re: amendments per SB1036 and the legal requirements as of 01/01/2026.</i>
2025-04-004	<u>Complaint Allegations:</u> Unauthorized tow, failure to provide documentation. Board action: Case combined with Case No. 2025-08-015 as a mitigating factor for Board consideration. <i>The circumstances of the tow may be compliant with the requirements of ORS 98.853 (1) and 98.854 (2) at the time of the tow. Reminder of the release of information to the vehicle owner or operator at the time of the request.</i>

2025-04-006	<p><u>Complaint Allegations:</u> Unauthorized tow, failure to provide documentation. Board action: Case combined with Case No. 2025-08-015 as a mitigating factor for Board consideration. <i>The circumstances of the tow may be compliant with the requirements of ORS 98.853 (1) and 98.854 (2) at the time of the tow. Reminder of the release of information to the vehicle owner or operator at the time of the request.</i></p>
2025-08-015	<p><u>Complaint Allegations:</u> Unauthorized tow, failure to provide documentation, failure to provide exact change. <u>Board discussion:</u> While the circumstances of the tow may be compliant with the requirements of ORS 98.853 (1) and 98.854 (2) at the time of the tow, the Board had significant concerns that the tower delayed providing exact change to the vehicle owner for several weeks, and there is documented evidence that the tower did not respond to requests for the authorization and pre-tow photos for over a week, in violation of ORS 98.853 and 98.854.</p>
	<p><u>Board action:</u> Motion: Mr. Shaner, seconded by Mr. Anderson: Combine cases 2024-03-009, 2025-004-009 and 006, and 2025-08-015::</p> <ol style="list-style-type: none"> 1. Issue a letter of education for <ul style="list-style-type: none"> <input type="checkbox"/> Laws and rules effective January 1, 2026, for pre tow photographs and signed authorization requirements <input type="checkbox"/> Releasing information upon request required under ORS 98.853 (2) and 98.854 (2). 2. Issue a Notice of Proposed Action: <ul style="list-style-type: none"> <input type="checkbox"/> Assessing civil penalties in the amount of \$500 for violation of ORS 98.853 (2) for failure to provide pre-tow photographs upon request <input type="checkbox"/> Assessing civil penalties in the amount of \$500 for violation of ORS 98.854 (2) for failure to provide signed authorization upon request <input type="checkbox"/> Assessing civil penalties in the amount of \$500 for violation of ORS 98.854 (2) for failure to provide exact change by the next business day. <input type="checkbox"/> For total civil penalties in the amount of \$1500. <p>In favor: Coughlin, Lindland, McClellan, Shaner, Riley. Abstained: Hanson. Opposed: None. Motion approved.</p>
2025-07-011	<p><u>Complaint Allegations:</u> ORS 822.200 – operating an illegal tow operation. <u>Board discussion:</u> Tow Company operating tow vehicles without active and valid tow business certificates or vehicle registration issued to tow company in violation of ORS 822.200.</p>
	<p><u>Board action:</u> Motion: Lt. Lindland, seconded by Mr. Baker: <input type="checkbox"/> Issue a cease and desist letter to both company until compliance with the tow business certificate registration is met; 30 day letter of correction requiring 30 days for compliance.</p> <p>In favor: Anderson, Baker, Lindland, Hanson, Riley. Excused: Coughlin. Opposed: None. Motion approved.</p>
2025-09-011	<p><u>Complaint Allegations:</u> ORS 822.200 – operating an illegal tow operation. <u>Board discussion:</u> Tow company continued to tow vehicles under an expired tow business certificate and with a suspended license. Circuit Court case pending.</p>
	<p><u>Board action:</u></p>

	<p>Motion: Mr. Shaner, seconded by Vice Chair Hanson:</p> <ol style="list-style-type: none"> 1. Issue a letter of concern for: <input type="checkbox"/> Compliance with board investigations. 2. Issue a Notice of Proposed Action: <input type="checkbox"/> Assessing civil penalties in the amount of \$350 for violation of ORS 822.200. <input type="checkbox"/> For civil penalties in the amount of \$350. <p>In favor: Anderson, Baker, Lindland, Hanson, Riley. Excused: Coughlin. Opposed: None. Motion approved.</p>
2025-11-008	<p><u>Complaint Allegations:</u> ORS 822.200 – operating an illegal tow operation.</p> <p><u>Board discussion:</u> Tow company continued to operate after business certificates expired for at least two months; tow company owner explanation is owner was out of town with personal matters. Law enforcement agencies contacted. Tow business certificates renewed prior to Board letter of compliance.</p>
	<p><u>Board action:</u></p> <p>Motion: Mr. Anderson, seconded by Lt. Lindland:</p> <ol style="list-style-type: none"> 1. Issue a letter of concern for release of personal items of an emergency nature. 2. Issue a Notice of Proposed Action: <input type="checkbox"/> Assessing civil penalties in the amount of \$250 for violation of ORS 822.200. <input type="checkbox"/> For civil penalties in the amount of \$250. <p>In favor: Lindland, McClellan, Shaner, Hanson, Riley. Excused: Coughlin. Opposed: None. Motion approved.</p>
2025-07-021	<p><u>Complaint Allegations:</u> Complaint alleged unauthorized tow and illegal towing practices.</p> <p><u>Board discussion:</u> Lawful tow. Vehicle owner knowingly left vehicle on private property with several notices to remove vehicle prior to tow. Tower offered to release vehicle at discounted price prior to auctioning vehicle.</p>
	<p><u>Board action:</u></p> <p>Motion: Mr. Baker, seconded by Vice Chair Hanson:</p> <input type="checkbox"/> Issue a letter of education reminding tower of the PPI requirements. <p>In favor: Anderson, Baker, Coughlin, Lindland, Hanson, Riley. Opposed: None. Motion approved.</p>

Correspondence

The Board receives many emails a day with general compliance questions and complaint inquiries not providing substantiated violations of Oregon's laws assigned to the Board to administer. Inquiries not substantiating violations may be brought before the Board to consider.

Subject	Description
HOA Authority to impound vehicles	<p><u>Question:</u> Can an HOA authorize tows from roads in the HOA that are owned individually by the homeowners of each lot?</p> <p><u>Board Discussion:</u> The Board's authority is if the tower has a signed authorization to tow the vehicle. The authority of the HOA to have the vehicle towed is determined by several factors including, but not limited to: the HOA agreements, plot ownership, and the requirements of the city or county jurisdiction. Given current laws, the Board defers to the local jurisdiction. With no defining local ordinances, this is a civil matter and the correspondent is referred to legal counsel.</p>
PPI: Towing of trailer from private property	<p><u>Question:</u> Who holds responsibility for the towing of a trailer from private property?</p> <p><u>Board Discussion:</u> This event is a contractual dispute not involving the tower. The trailer subject to the complaint had not been properly registered in the State of Oregon. The property owner provided the alleged owner with photos of the trailer displaying a notice of tow as an email attachment to the alleged owner with a notice of tow if not removed within 72 hours. The Board found the property owner provided adequate notice, and any disputes remain between the property owner and the alleged trailer owner.</p> <p><u>Board suggestion:</u> Affirming with the tower the requirements under the abandoned vehicle statute.</p>
PPI: Towing of vehicle from private property	<p><u>Question:</u> Who holds responsibility for the lien when towing a vehicle from private property?</p> <p><u>Board Discussion:</u> The towing event was a result of the vehicle owner's contract dispute. As noted by Board member McClellan: the lien included over 60 days of storage. Board consensus is a Letter of education to the tower and lien processor with a reminder of the statutory initiation appropriate.</p> <p>The Board will continue to monitor lien disputes and complaints for compliance.</p>
Civil court verdict awarding civil penalties against a tower.	<p><u>Question:</u> Can the Board assist in recovery of a civil verdict against a tower?</p> <p><u>Answer:</u> No. At this time, the Board has the ability to assess civil penalties or action for violations of non-payment of a government penalty, but no authority for civil actions. Complainant will be referred to civil collection options; the Board will consider if outstanding civil judgments is relevant to a tow business license issued by the Board once the business license is approved by the legislature.</p>
Additional Correspondence:	Board members had no additional discussion regarding correspondence received by the Board.