

# Licensing Division

## Staff Report for the Towing and Storage Advisory Board February 2, 2022

### Statistics

Tow Trucks	New	Renewed	Online Renewal	Population
FY 2021	3389	7177	99%	11573
FY 2022 (1 <sup>st</sup> Qtr)	928	1880	98%	11709

Tow Companies	New	New % Online	Renewed	Online Renewal	Population
FY 2021	997	93%	6798	94%	4339
FY 2022 (1 <sup>st</sup> Qtr)	309	94%	1685	93%	4397

### Active Tow Company and Tow Truck Population Numbers by Type of Towing

Type of Towing	Company	Tow Truck
Consent	1883	3610
Private Property	178	402
Incident Management	1971	7725
Total**	3940	11737

\*\*As of 1/18/2022

Vehicle Storage Facilities	New	New % Online	Renewed	Renewed % Online	Population
FY 2021	149	83%	3101	91%	1890
FY 2022 (1 <sup>st</sup> Qtr)	66	83%	793	90%	1948

Tow Operators	New	New % Online	Renewed	Renewed % Online	Population
FY2021	3705	98%	9274	99%	14746
FY2022 (1 <sup>st</sup> Qtr)	1360	98%	2998	99%	14935
FY2021 Consent	1646	99%	2473	99%	4902
FY2022 (1 <sup>st</sup> Qtr)	474	99%	639	99%	4949
FY2021 Private Property	76	97%	191	100%	313
FY2022 (1 <sup>st</sup> Qtr) Private Property	22	100%	48	100%	313
FY2021 Incident Management	1983	97%	6610	99%	9531
FY2022 (1 <sup>st</sup> Qtr) Incident Management	569	98%	1585	99%	9650

Vehicle Storage Facility Employees	New	New % Online	Renewed	Renewed % Online	Population
FY2021	725	99%	1667	99%	2537
FY2022 (1 <sup>st</sup> Qtr)	76	99%	373	99%	2589

## Current Projects

Tow and VSF email counts

FY 2022

September	267
October	275
November	190
December	199
<b>Total</b>	<b>931</b>

# CUSTOMER SERVICE DIVISION

## Staff Report for the Towing and Storage Advisory Board February 2, 2022

### **Personnel Updates**

The Customer Service Division hired seven new Customer Service Representatives (CSRs) and one Quality Training and Performance Analyst (QTPA). These CSRs and QTPA began their new roles at TDLR on October 1<sup>st</sup>.

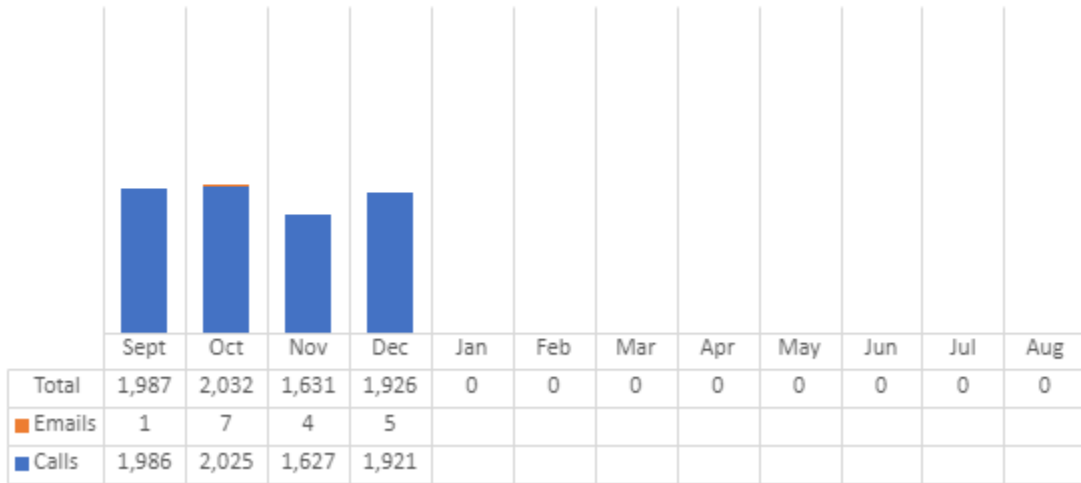
The CSRs selected were trained to follow a preset call workflow, use the Nice inContact phone system to take calls, and update our Dynamics 365 Customer Relationship Management (CRM) system with notes for customer inquiries that require in depth research which will be completed by their Team Leads. The details CSRs include in these notes also help identify recurring pain points that point toward trends in customer experience and process improvement opportunities.

The QTPA will join a team of two others in creating and producing reports for our division, developing, and delivering onboard training for our CSRs and will assist with special projects and day to day technical troubleshooting.

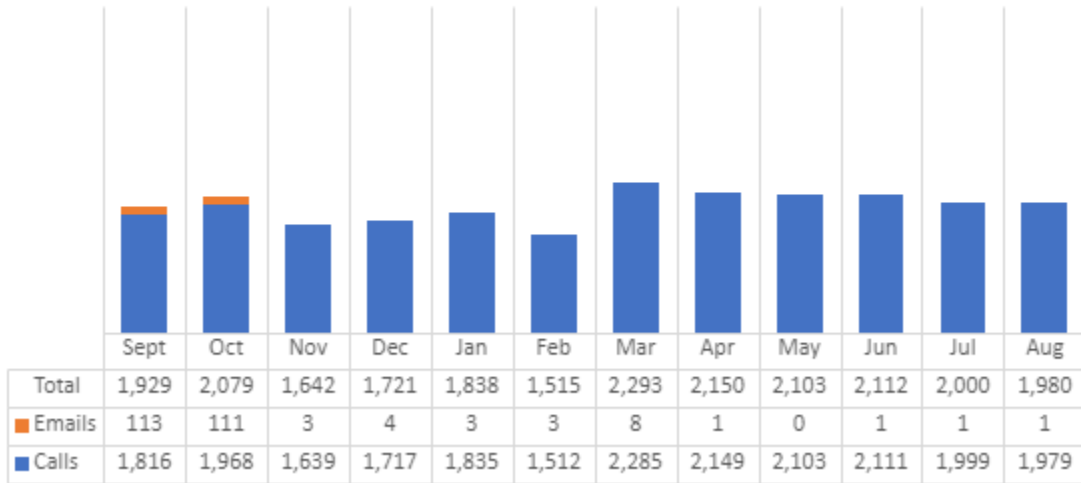
A posting to fill a Customer Service Manager position is coming soon.

# Statistics

## TOW/VSF CUSTOMER SERVICE CONTACTS FISCAL YEAR 2022



## TOW/VSF CUSTOMER SERVICE CONTACTS FISCAL YEAR 2021



# Enforcement Division

## Staff Report for the Towing and Storage Advisory Board

February 2, 2022

### Personnel Updates:

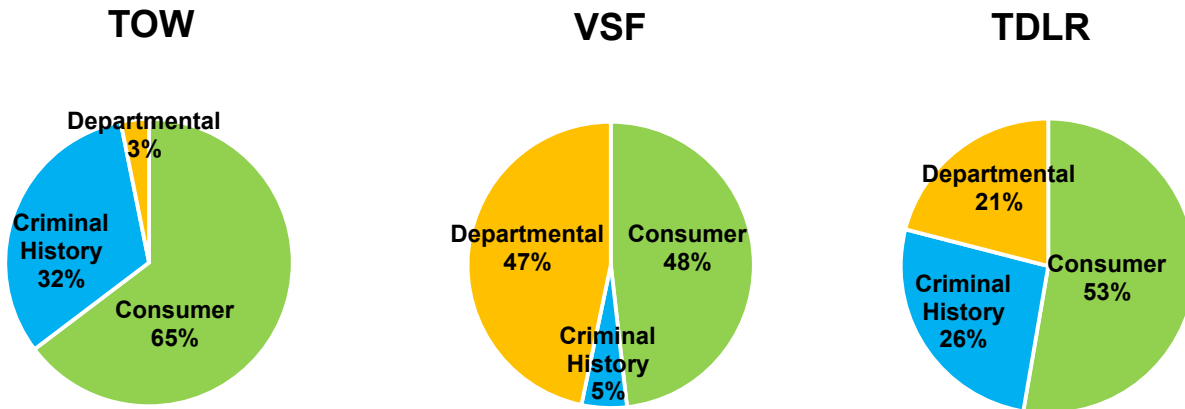
- On September 15, 2021, Kimberly (Kim) Ferreiro Mitchell was promoted to Management Analyst III. Kim has worked for TDLR for 13 ½ years, previously serving as a Legal Assistant III and Legal Assistant II.
- On September 15, 2021, Estella Ramos was promoted to Senior Legal Assistant in our Intake Section. Estella has worked for TDLR for over 6 years, previously serving as an Intake Administrative Assistant and Legal Assistant II.

### Statistics Fiscal Year 2022:

Shown below are the Enforcement Performance Measures and key statistics for the Towing (TOW) and the Vehicle Storage Facility (VSF) programs and for all TDLR programs combined for **Fiscal Year 2022 through November of 2021:**

Key Statistic	TOW	VSF	TDLR
Cases opened	286	137	2,787
Cases closed	366	153	2,935
Average time to close (days)	287.04	351.57	230.54
% of cases resolved within 6 months	39.62%	26.80%	57.14%
% of cases resulting in disciplinary action	9.29%	15.03	11.86
Cases pending at end of November 2021	853	449	6,487

## Source of cases opened for Fiscal Year 2022 through November 2021



Case Outcomes	TOW	VSF	TDLR
Commission Orders	2	0	10
Default Orders	17	10	114
Agreed Orders	23	18	214
Penalties Assessed	\$59,450.00	\$46,775.00	\$897,450.00
Penalties Collected	\$20,450.00	\$11,275.00	\$519,855.00
Licenses Revoked (Disciplinary)	2	1	20
Licenses Suspended	3	1	5
Licenses Denied/Revoked (Criminal History)	5	0	62
Cease & Desist Orders	0	0	5
Informally Resolved*	322	125	2,559

*Informally Resolved break down	TOW	VSF	TDLR
Insufficient Evidence	141	58	907
Percentage of cases closed for Insufficient Evidence	38.52%	37.91%	30.90%
Warning Letter	65	57	731
Complaint Withdrawn	4	0	20
Informally resolved	7	3	96
OTHER (CH Evaluations, reviews Applications/Renewals, Business closed, etc.)	105	7	805
<b>Total</b>	<b>322</b>	<b>125</b>	<b>2,559</b>

## Top 10 TOW Alleged Violations at Opening for Fiscal Year 2022 through November 2021

Alleged Violation:	Count
Without authority or illegal tow	120
Criminal history	88
Tow without proper signage	19
Charged more than allowed for tow	16
No tow company license	12
Lacks honesty, trustworthiness, and integrity	7
Did not tow in a safe or competent manner	5
Did not provide complete list of fees	4
Failed to have proper information on ticket	4
Failed to offer to drop vehicle	4

## Top 10 TOW Violations Resulting in Disciplinary Action for Fiscal Year 2022 through November 2021

Violation:	Count
Without authority or illegal tow	8
Criminal History	6
Failed to cooperate with Department	4
Lacks honesty, trustworthiness, and integrity	4
Tow without proper signage	4
Charged more than allowed for tow	3
No tow operator license	2
Failed to make documents available upon request	2
Expired tow company license	2
Failed to maintain insurance	2

## Top 10 VSF Alleged Violations at Opening for Fiscal Year 2022 through November 2021

Alleged Violation:	Count
Did not establish or follow drug policy	25
Failed to timely send or publish notice	25
Failed to secure a vehicle to prevent theft	18
Failed to maintain required records for 2-years	18
Vehicle not available for release	14
Sign violations	13
Unlicensed company	13
No all-weather surface or overgrown with vegetation	11
Required information not on invoice or receipt	11
Failed to release with proper documents and money	11

## Top VSF Violations Resulting in Disciplinary Action for Fiscal Year 2022 through November 2021

Violation:	Count
Failed to timely send or publish notice	8
Did not cooperate with Department inspector	3
Charged unauthorized fee	2
Failed to include required information on notice	2
Owner could not get identification documents from the car	2
Overcharged notification fee	2
Did not accept cash, debit, or credit card	1
Lacks honesty, trustworthiness, and integrity	1
Failed to completely enclose with a 6-foot fence	1
Owner could not get personal item from car	1
Lacks honesty, trustworthiness, and integrity	1
No reasonable efforts to store	1
Did not maintain required records for 2-years	1
Charged for over 5-days without notice	1
Charged impound without stating the services or date	1
Moved a vehicle in violation of law	1
Insurance violations	1
Unlicensed Company	1
Failed to give notice of rights	1
Failed to notify Department of company changes	1
Operated 2 Vehicle Storage Facilities in same area	1
Overcharged for daily storage	1

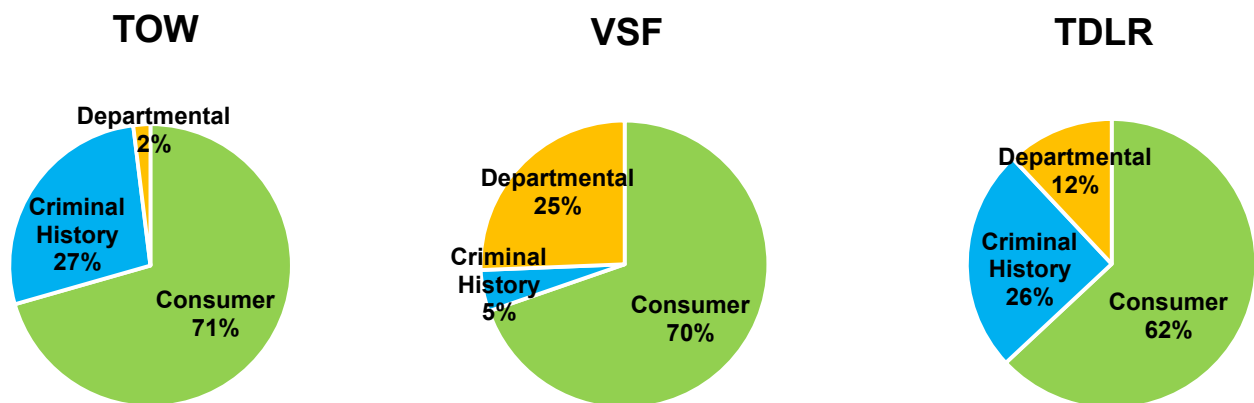


## Statistics Fiscal Year 2021:

Shown below are the Enforcement Performance Measures and key statistics for the Towing (TOW) and the Vehicle Storage Facility (VSF) programs and for all TDLR programs combined for **Fiscal Year 2021**:

Key Statistic	TOW	VSF	TDLR
Cases opened	1,213	492	10,121
Cases closed	1,105	446	9,335
Average time to close (days)	285.03	344.05	209.86
% of cases resolved within 6 months	43.98%	30.94%	60.00%
% of cases resulting in disciplinary action	6.97%	11.88%	13.41%
Cases pending at end of FY2021	933	465	6,627

### Source of cases opened for Fiscal Year 2021



Case Outcomes	TOW	VSF	TDLR
Commission Orders	10	3	44
Default Orders	36	10	455
Agreed Orders	67	48	711
Penalties Assessed	\$133,125.00	\$128,900.00	\$2,570,716.00
Penalties Collected	\$68,275.00	\$82,225.00	\$1,140,068.95
Licenses Revoked (Disciplinary)	8	10	103
Licenses Suspended	2	0	8
Licenses Denied/Revoked (Criminal History)	19	2	240
Cease & Desist Orders	0	0	19
Informally Resolved**	986	384	7,976

<b>**Informally Resolved break down</b>	<b>TOW</b>	<b>VSF</b>	<b>TDLR</b>
Insufficient Evidence	511	197	2,765
Percentage of cases closed for Insufficient Evidence	46.24%	44.17%	29.62%
Warning Letter	105	148	1,768
Complaint Withdrawn	14	3	132
Informally resolved	33	6	404
OTHER (CH Evaluations, reviews Applications/Renewals, Business closed, etc.)	323	30	2,907
<b>**TOTAL</b>	<b>986</b>	<b>384</b>	<b>7,976</b>

### **Top TOW Alleged Violations at Opening for Fiscal Year 2021**

<b>Alleged Violation:</b>	<b>Count</b>
Towed without authority or illegal tow	486
Criminal history	320
Charged more than allowed for tow	102
Towed without proper signage	96
Lacks honesty, trustworthiness, and integrity	59
Did not tow in safe or competent manner	43
No tow company license	30
Failed to issue ticket	25
Failed to take to licensed Vehicle Storage Facility	20
Failed to offer to drop vehicle	19
Expired tow company license	19
Failed to have proper information on ticket	19

### **Top TOW Violations Resulting in Disciplinary Action for Fiscal Year 2021**

<b>Violation:</b>	<b>Count</b>
Charged more than allowed for tow	15
Without authority or illegal tow	15
Criminal history	14
Employed unlicensed person	9
Lacks honesty, trustworthiness, and integrity	7
No tow operator license	7
No tow company license	6
Failed to comply with an order	5
Towed without proper signage	4
Charges not related to tow	3
Failed to issue ticket	3
Failed to take to licensed Vehicle Storage Facility	3
Failed to have each truck permitted	3

## Top 10 VSF Alleged Violations at Opening for Fiscal Year 2021

Alleged Violation:	Count
Failed to timely send or publish notice	83
Charged unauthorized fee	57
Vehicle not available for release	44
Failed to release with proper documents and money	44
Charged impound without services or date	38
Failed maintain required records for 2 years	36
Failed to include required information on notice	35
Did not accept cash, debit, or credit cards	35
Unlicensed company	33
Overcharged for daily storage	26

## Top VSF Violations Resulting in Disciplinary Action for Fiscal Year 2021

Violation:	Count
Charged impound without services or date	12
Failed to include required information on notice	11
Lacks honesty, trustworthiness, and integrity	7
Failed to timely send or publish notice	7
Failed to maintain required records for 2 years	7
Unlicensed company	4
Did not cooperate with Department Inspector	4
Charged unauthorized fee	4
Did not establish or follow drug policy	3
Overcharged for daily storage	3
Nonconsent tow ticket incomplete	3
Vehicle not available for release	3
Failed to secure vehicle to prevent theft	3

### Case Highlights:

- **CNS Investments LLC d/b/a Haulin Iron** TOW20190004223 and TOW202000000995

An Agreed Order was issued on September 20, 2021, assessing Respondent an administrative penalty of \$3,000 and suspending the tow company's license for 1 year, probated. Restitution of \$1,946.50 was also ordered and Respondent agreed to additional compliance terms to help protect consumers from flipping. Respondent performed two incident management tows and by use of dishonesty, Respondent participated in a course of action resulting in the vehicles being transferred to a body shop resulting in unnecessary charges.

- **Carla J. Bateman and Stacy P Bateman d/b/a Bateman Services LLC d/b/a P & O Motor**

**Co. TOW20200005957**

A Default Order was issued November 7, 2021, assessing Respondent an administrative penalty of \$9,000 and revoking Respondent's tow company license for failing to maintain liability insurance for each tow truck for about 4 months and failed to cooperate with a Department Investigator in the performance of a tow investigation by repeatedly failing to provide requested documents.

- **Shawn L. Hancock d/b/a H&H Recovery Services a/k/a H & H.R.S.** TOW20190014443

A Default Order was issued on November 1, 2021, assessing Respondent an administrative penalty of \$5,000 for performing tow operating without being appropriately licensed and for operating a tow company without being appropriately licensed.

- **Jody Wade Enterprises LLC** VSF20190011397

A Default Order was issued September 20, 2021, assessing Respondent an administrative penalty of \$11,500 and revoking the VSF's license for: failing to timely send a notification letter for an out-of-state registered vehicle; using an impounded vehicle for personal use while being observed by law enforcement; attempted to improperly obtain ownership of an impounded vehicle; and conducted VSF operations with honesty, trustworthiness, and integrity.

- **Tasco Storage Lot Inc** VSF20200001318

An Agreed Order was issued on October 14, 2021, assessing Respondent an administrative penalty of \$2,250 suspending the tow company's license for 1 year, probated. Respondent also agreed to additional compliance terms to help protect consumers from flipping. Respondent used dishonesty to induce a vehicle owner to sign documents authorizing repairs be made to their vehicle, resulting in additional charges to the vehicle owner.

# Field Inspections Division

## Staff Report for the Towing and Storage Advisory Board

February 2, 2022

### Personnel Updates

Effective November 4, 2021, all Inspector Vs have been reclassified as Senior Inspectors

South Region Senior Inspector Abraham Delgado retired effective December 31, 2021. We wish him luck in his retirement and thank him for his many years of service to the people of Texas!

### Current Projects

In September 2021, the new Field Inspections Director was made aware of an outstanding internal audit finding related to timely inspection of Vehicle Storage Facilities. As a result, he directed the division to begin work to clear 559 backlogged inspections from Fiscal Years 2018 through 2021, in six months' time. As of January 14, field staff have completed 369 inspections and are 66 percent completed with the project.

### Statistics

Vehicle Storage Facility Inspections (Year to Date)		
	FY 2021	FY 2022
September	30	176
October	58	287
November	41	151
<b>Quarter 1</b>	<b>129</b>	<b>614</b>
December	58	158
January		
February		
<b>Quarter 2</b>		
March		
April		
May		
<b>Quarter 3</b>		
June		
July		
August		
<b>Quarter 4</b>		
<b>Year-to-Date/Year End</b>	<b>805</b>	<b>614</b>

# REGULATORY PROGRAM MANAGEMENT

## Staff Report for the Towing and Storage Advisory Board

### February 2, 2022

#### Statistics

September 1<sup>st</sup>, 2021 to January 1<sup>st</sup> 2022 RPM has received 1,321 contacts. Contacts include industry contact seeking guidance on towing and VSF laws and rules, citizens with questions on towing and VSF laws and rules, and other industries seeking guidance from TDLR.

RPM is also continuing to monitor the web traffic to the industry compliance section of the towing and VSF website. When the pages went active in August 2019, the industry compliance section totaled around 1% of web traffic to the towing and VSF web pages. In the months since we have seen the industry compliance section climb to around 6% of traffic on the towing and VSF web pages.

#### Current Projects

RPM is continuing its analytic process to better monitor, review, and answer questions that come to the department, either directly or through internal channels. The program assists RPM in determining common issues as they arise to create better, more specific training for the industry and internally to TDLR staff. RPM hopes the process will help us better understand the needs of the industry, and the ability to provide consistent answers to questions.

RPM, along with the web development team is monitoring traffic to the TDLR website to attempt to determine the areas most visited. This information, along with the new web-site compliance section, will allow RPM to further determine the areas most visited so we determine the greatest need for trainings.

RPM is continuing to work with General Counsel and other department in the agency to implement changes to statute due to update rules to remove redundancies and for overall program improvement.

#### Outreach

RPM has initiated an internet-based training due to limitations on in person contact and travel during the pandemic. The trainings take place over zoom and cover updates to the laws and rules and provide a platform for the industry to ask questions. A larger training is conducted once a month and generally has around 20 members of the industry from across the state. RPM is also offering the training to small groups or individual companies upon request and has conducted several of these covering specific questions they have and covering the laws and rules.

The next training will be February 9<sup>th</sup> on zoom.

## EDUCATION AND EXAMINATION DIVISION

### Staff Report for the Towing and Storage Advisory Board

February 2, 2022

#### Statistics

##### Tow Operators Continuing Education

(As of December 31, 2022)

FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
TOTAL NEW COURSE APPROVALS	9	2	2	13	6	-	-	-	-	-	-	-	-	-	-	-	19
TOTAL COURSE COUNT	62	60	61	61	66	-	-	-	-	-	-	-	-	-	-	-	66
FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVALS ISSUED	2	4	1	7	1	8	11	20	10	2	6	18	3	6	1	10	55
TOTAL COURSE POPULATION	48	46	49	49	50	49	58	58	60	51	56	56	55	57	54	54	54

##### Tow IM/PP Training Program Curriculum FY 2021

(As of December 31, 2022)

FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
TOTAL NEW CURRICULUM APPROVAL	0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	0
TOTAL CURRICULUM COUNT	8	8	8	8	8	-	-	-	-	-	-	-	-	-	-	-	8
FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
TOTAL NEW CURRICULUM APPROVAL	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
TOTAL CURRICULUM COUNT	7	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8

CE Monthly Invoices  
(As of December 31, 2022)

FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
CE Invoices Mailed																	
CE Invoices Fees to be Collected																	

## Updates

- The Education and Examination has begun the transition to discontinue the [education@tdlr.texas.gov](mailto:education@tdlr.texas.gov) email box to a more secure webform. When sending email inquiries, please use the [Education Webform](https://ga.tdlr.texas.gov:1443/form/education) [https://ga.tdlr.texas.gov:1443/form/education].