

# Licensing Division

## Staff Report for the Towing and Storage Advisory Board August 23, 2022

### Personnel Update

Irma Villarreal resigned effective June 12, 2022. Lucy Garcia retired June 30, 2022. Nathan Winger joined TDLR July 1, 2022. We are conducting interviews for two open positions.

### 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
FY 2022 (2 <sup>nd</sup> Qtr)	854	2334	96%	11797
FY 2022 (3rd Qtr)	899	1986	96%	11887

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
FY 2022 (2 <sup>nd</sup> Qtr)	315	94%	1944	95%	4432
FY 2022 (3rd Qtr)	272	94%	1801	95%	4404

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

Type of Towing	Company	Tow Truck
Consent	1873	3651
Private Property	176	409
Incident Management	1990	7847
Total**	3965	11907

\*\*As of 8/8/2022

<b>Vehicle Storage Facilities</b>	<b>New</b>	<b>New % Online</b>	<b>Renewed</b>	<b>Renewed % Online</b>	<b>Population</b>
FY 2021	149	83%	3101	91%	1890
FY 2022 (1 <sup>st</sup> Qtr)	66	83%	793	90%	1948
FY 2022 (2 <sup>nd</sup> Qtr)	36	85%	868	90%	2000
FY 2022 (3 <sup>rd</sup> Qtr)	44	85%	765	90%	1967

<b>Tow Operators</b>	<b>New</b>	<b>New % Online</b>	<b>Renewed</b>	<b>Renewed % Online</b>	<b>Population</b>
FY2021	3705	98%	9274	99%	14746
FY2022 (1 <sup>st</sup> Qtr)	1065	98%	2272	99%	14912
FY2022 (2 <sup>nd</sup> Qtr)	985	98%	2196	99%	15129
FY2022 (3rd Qtr)	924	98%	1997	99%	15244
FY2021 Consent	1646	99%	2473	99%	4902
FY2022 (1 <sup>st</sup> Qtr)	474	99%	639	99%	4949
FY2022 (2 <sup>nd</sup> Qtr)	333	99%	601	99%	5100
FY2022 (3rd Qtr)	398	99%	571	99%	5138
FY2021 Private Property	76	97%	191	100%	313
FY2022 (1 <sup>st</sup> Qtr) Private Property	22	100%	48	100%	313
FY2022 (2 <sup>nd</sup> Qtr) Private Property	20	95%	39	97%	309
FY2022 (3rd Qtr) Private Property	13	95%	41	97%	310
FY2021 Incident Management	1983	97%	6610	99%	9531
FY2022 (1 <sup>st</sup> Qtr) Incident Management	569	98%	1585	99%	9650
FY2022 (2nd Qtr) Incident Management	483	97%	1556	99%	9720
FY2022 (3rd Qtr) Incident Management	513	97%	1385	99%	9796

<b>Vehicle Storage Facility Employees</b>	<b>New</b>	<b>New % Online</b>	<b>Renewed</b>	<b>Renewed % Online</b>	<b>Population</b>
FY2021	725	99%	1667	99%	2537
FY2022 (1 <sup>st</sup> Qtr)	222	99%	373	99%	2589
FY2022 (2 <sup>nd</sup> Qtr)	215	99%	403	99%	2668
FY2022 (3 <sup>rd</sup> Qtr)	233	99%	346	99%	2705

## Current Projects

Tow and VSF email counts

FY 2022

September	267
October	275
November	190
December	199
January	205
February	173
March	252
April	244
May	185
June	214
July	190
Total	1,936

\*August numbers not yet available

## CUSTOMER SERVICE DIVISION

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

August 23, 2022

#### **Personnel Update**

The Customer Service Division has concluded interviews and hired for four roles, including a new Manager, a Quality Training and Performance Analyst, an Executive Assistant, and four Customer Service Representative IVs/ Embedded Service Representatives.

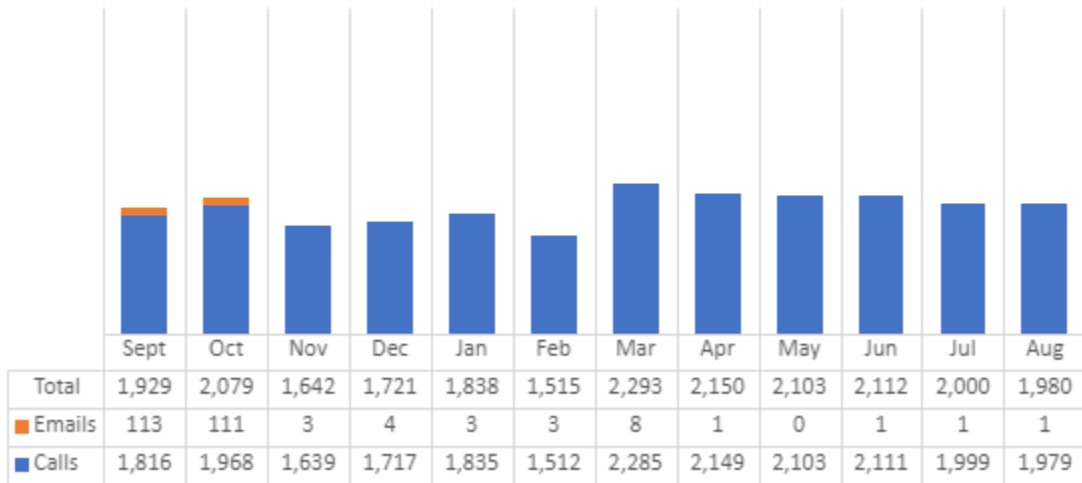
Our new Manager, one of three, is Mayra Rodriguez who started at TDLR on 05/15/2015. In addition to her Quality Training and Performance Analyst Role, Mayra has also held roles in Customer Service as a Team Lead, Embedded Service Representative, and Customer Service Representative. Mayra has been a part of multiple successful projects in Customer Service as well as contributed to creating new reports to display the divisions performance.

Roxanne Olivarez is our new Quality Training and Performance Analyst. Since October of 2019, Roxanne has done exceptional work as a Team Lead for the Customer Service Division of TDLR. She has set a high standard for data driven organization, collaboration, teamwork, project implementation and coordination, and innovation for her team. Roxanne first joined TDLR as a CSR III in December of 2016.

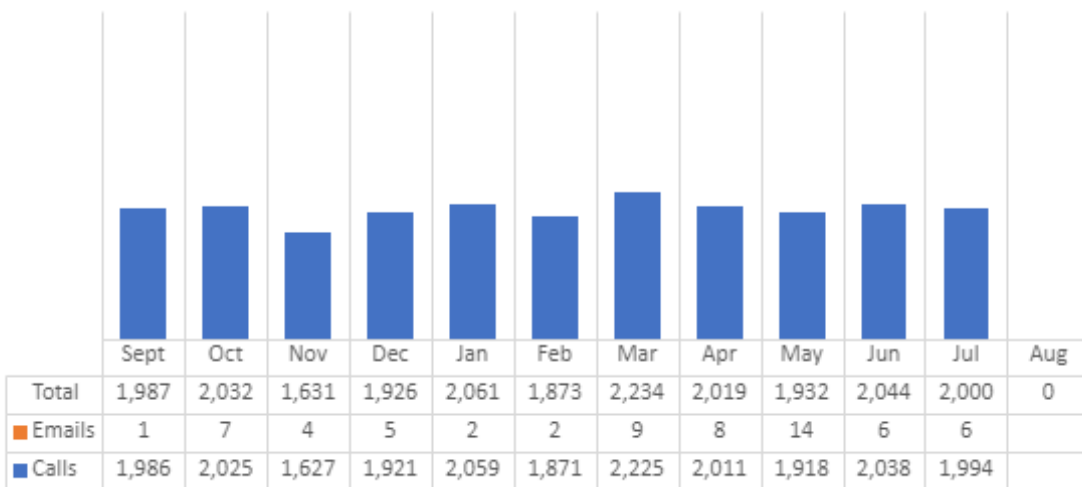
Additional team members we have hired include Patricia Martinez-Castelan, our new Executive Assistant, and Embedded Service Representatives Kimberly Phillips, Elena Torri, Trinh Lam, Nita Roberts, all former CSR IIIs at TDLR.

#### **Statistics**

**TOW/VSF  
CUSTOMER SERVICE CONTACTS  
FISCAL YEAR 2021**



**TOW/VSF  
CUSTOMER SERVICE CONTACTS  
FISCAL YEAR 2022**



# Enforcement Division

## Staff Report for the Towing and Storage Advisory Board

August 23, 2022

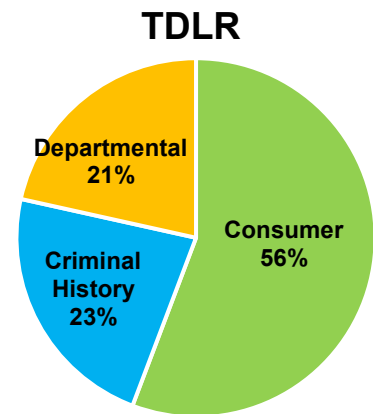
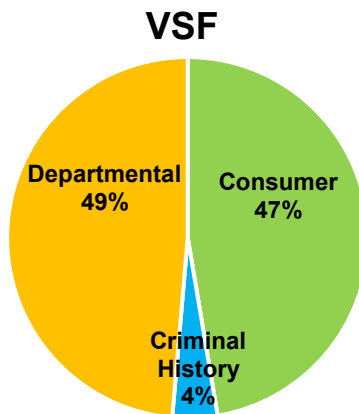
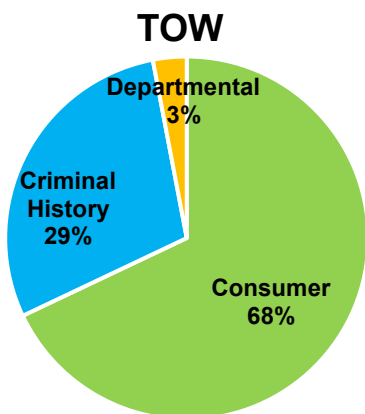
### Statistics Fiscal Year 2022:

Shown below are the Complaints Received, Enforcement Performance Measures, and Key Statistics for the Towing (TOW) and the Vehicle Storage Facility (VSF) programs and for all TDLR programs combined through June of Fiscal Year 2022:

Complaints Received by Source	TOW	VSF	TDLR
Consumer	2,287	718	11,505
Criminal History	2,720	500	33,600
Departmental	32	253	1,928
<b>Total Complaints Received</b>	<b>5,039</b>	<b>1,471</b>	<b>47,033</b>

Key Statistic	TOW	VSF	TDLR
Cases opened	1,033	547	9,628
Cases closed	1,178	586	9,485
Average time to close (days)	262.18	301.19	218.77
% of cases resolved within 6 months	42.53%	36.69%	56.77%
% of cases resulting in disciplinary action	6.62%	12.80%	11.02%
Cases pending at end of June 2022	788	426	6,787

### Source of cases opened through June of Fiscal Year 2022



<b>Case Outcomes</b>	<b>TOW</b>	<b>VSF</b>	<b>TDLR</b>
Commission Orders	5	0	18
Default Orders	25	17	325
Agreed Orders	69	71	614
Penalties Assessed	\$101,675.00	\$96,925.00	\$2,126,260.00
Penalties Collected	\$54,825.00	\$57,325.00	\$1,133,683.00
Average Penalty Assessed on Orders	\$1,027.02	\$1,101.42	\$2,221.80
Licenses Revoked (Disciplinary)	2	3	44
Licenses Suspended	2	0	4
Licenses Denied/Revoked (Criminal History)	12	2	148
Cease & Desist Orders	0	0	13
Informally Resolved*	1,076	497	8,439

<b>*Informally Resolved break down</b>	<b>TOW</b>	<b>VSF</b>	<b>TDLR</b>
Insufficient Evidence	530	172	2,879
Percentage of cases closed for Insufficient Evidence	44.99%	29.35%	30.35%
Warning Letter	203	282	2,732
Complaint Withdrawn	16	7	97
Informally Resolved	26	14	368
OTHER (CH Evaluations, reviews Applications/Renewals, Business closed, etc.)	301	22	2,363
<b>Total</b>	<b>1,076</b>	<b>497</b>	<b>8,439</b>

### Top 10 TOW Alleged Violations at Opening through June of Fiscal Year 2022

<b>Alleged Violation:</b>	<b>Count</b>
Without authority or Illegal tow	444
Criminal history	302
Towed without proper signage	74
Charged more than allowed for tow	68
No tow company license	45
Failed to have proper information on ticket	34
Lacks honesty, trustworthiness, and integrity	26
Did not tow in a safe or competent manner	22
Failed to offer to drop vehicle	19
Charges not related to tow	18

## Top TOW Violations Resulting in Disciplinary Action through June Fiscal Year 2022

Violation:	Count
Without authority or illegal tow	18
Criminal history	10
Towed without proper signage	10
Lacks honesty, trustworthiness, and integrity	8
Charged more than allowed for tow	7
Failed to cooperate with Department	5
Charges not related to tow	4
Failed to have identical fee structure	4
No tow operator license	3
Failed to maintain insurance	3
Failed to provide notice of rights	3
Failed to issue ticket	3

## Top 10 VSF Alleged Violations at Opening through June Fiscal Year 2022

Alleged Violation:	Count
Failed to timely send or publish notice	111
Did not establish or follow drug policy	103
Did not maintain required records for 2-years	80
Failed to secure to prevent theft	56
Not completely enclosed by 6' fence	49
Failed to release with proper documents and money	41
Vehicle not available for release	40
Charged unauthorized fee	39
Unlicensed company	38
Required information not on invoice or receipt	34

## Top 10 VSF Violations Resulting in Disciplinary Action through June Fiscal Year 2022

Violation:	Count
Failed to timely send or publish notice	20
Unlicensed company	10
Charged impound without services or date	10
Did not establish or follow drug policy	6
Did not cooperate with Department inspector	5
Charged unauthorized fee	5
Failed to include required information on notice	5
Failed to give notice of rights	4
Did not accept cash, debit, and credit	4
Failed to release with proper documents and money	4



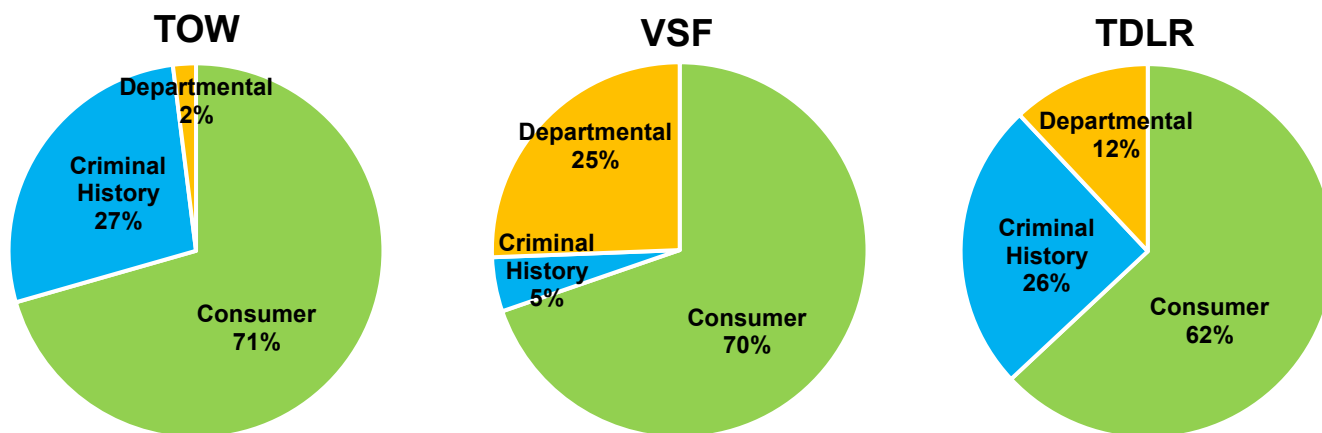
## Statistics Fiscal Year 2021:

Shown below are the Complaints Received, 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**:

Complaints Received by Source	TOW	VSF	TDLR
Consumer	2,204	819	12,463
Criminal History	1,358	134	18,896
Departmental	25	143	1,296
<b>Total Complaints Received</b>	<b>3,587</b>	<b>1,096</b>	<b>32,655</b>

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
Average Penalty Assessed on Orders	\$1,178.10	\$2,113.11	\$2,124.56
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:

- Ricardo Varela d/b/a Desert Towing- TOW20210004521, TOW20210004674, TOW20210005257, VSF20210004588, VSF20210005301, and VSF20210005477

An Agreed Order was issued on May 13, 2022. Respondent was assessed a \$6,000 administrative penalty for performing nonconsent tows other than when authorized by law, failing to take nonconsent towed vehicles to a licensed VSF, and operating an unlicensed VSF. Respondent is in the process of complying with this Order.

- Texas Towing Corporation- TOW20210005627

An Agreed Order was issued on May 2, 2022. Respondent was assessed a \$2,000 administrative penalty for failing to take a nonconsent towed vehicle to a licensed VSF. Respondent has complied with this Order.

- T.C. Towing LLC- TOW20210014780

An Agreed Order was issued on June 1, 2022. Respondent was assessed a \$975 administrative penalty for performing nonconsent tows other than when authorized by law. Respondent has complied with this Order.

- A-1 Wrecker Service, LLC- VSF20210004598 and TOW20210006972

An Agreed Order was issued on May 4, 2022. Respondent was assessed a \$1,000 administrative penalty for failing to timely send a notification letter and charged fees not directly related to a tow. Respondent also was ordered to pay \$725 in restitution. Respondent has complied with this Order.

- Joe Hill d/b/a Joe Hill d/b/a Joe's Wrecker- VSF20200008851

An Agreed Order was issued on April 27, 2022. Respondent was assessed a \$750 administrative penalty for failing to timely send notification letters. Respondent has complied with this Order.

# Field Inspections Division

## Staff Report for the Towing and Storage Advisory Board

August 23, 2022

### Personnel Update

South Region inspectors James McEachern, Roy Cantu, and Thuy Kepner have been trained and released to conduct vehicle storage facility (VSF) inspections. Congratulations!

### Current Projects

To implement TDLR’s Sunset legislation (HB 1560), the Field Inspections division has begun development of a risk-based inspections work plan for VSF inspections.

On July 25, 2022, TDLR’s Field Inspections division began production use in the field of a new system that allows inspectors to track their inspections electronically. This new method, which we’re calling “eInspections,” will allow us to better serve licensees, increase our efficiency, and standardize the data we collect for each inspection. eInspections has been launched starting with Massage Therapy program inspections, and additional programs, including VSF, will be added soon.

### Statistics

<b>Vehicle Storage Facility Inspections (Year to Date)</b>		
	<b>FY 2021</b>	<b>FY 2022</b>
September	30	177
October	58	287
November	41	151
<b>Quarter 1</b>	<b>129</b>	<b>615</b>
December	58	158
January	81	139
February	37	147
<b>Quarter 2</b>	<b>176</b>	<b>444</b>
March	91	131
April	87	65
May	53	23
<b>Quarter 3</b>	<b>231</b>	<b>219</b>
June		
July		
August		
<b>Quarter 4</b>		
<b>Year-to-Date/Year End</b>	<b>536</b>	<b>1,278</b>

# REGULATORY PROGRAM MANAGEMENT

## Staff Report for the Towing and Storage Advisory Board

August 23, 2022

### Statistics

January 1<sup>st</sup>, 2022 to July 1<sup>st</sup> 2022 RPM received around 1,600 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, including the towing and VSF forms.

### 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.

# EDUCATION AND EXAMINATION DIVISION

## Staff Report for Towing and Storage Advisory Board

August 23, 2022

### Statistics

#### Tow Operators Continuing Education

(As of June 30, 2022)

<b>FY 2022</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>Total</b>
Total New Course Approvals Issued	9	2	2	13	6	3	8	17	7	4	4	15	5			5	50
Total Course Count (end of month)	62	60	61	61	66	61	59	59	56	59	60	60	58			58	58
<b>FY 2021</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>Total</b>
Total New Course Approvals Issued	2	4	1	7	1	8	11	20	10	2	6	18	3	6	1	10	55
Total Course Count (end of month)	48	46	49	49	50	49	58	58	60	51	56	56	55	57	54	54	54

#### Tow IM/PP Training Program Curriculum FY 2022

(As of June 30, 2022)

<b>FY 2022</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>Total</b>
Total New Curriculum Approvals Issued	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	0	0
Total Curriculum Count (end of month)	8	8	8	8	8	8	8	8	8	8	8	8	8	-	-	8	8
<b>FY 2021</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>Total</b>
Total New Curriculum Approvals Issued	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Total Curriculum Count (end of month)	7	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8

CE Monthly Invoices  
(As of March 31, 2022)

<b>FY 2022</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>Total</b>
CE Invoices Mailed	25	23	27	75	26	27	26	79	26	-	-	26	-	-	-	-	180
CE Invoices Fees to be Collected	\$3,720	\$4,275	\$3,890	\$11,885	\$3,555	\$4,415	\$3,295	\$11,265	\$3,825	-	-	\$3,825	-	-	-	-	\$26,975

## Updates

- We are currently updating applications for continuing education courses and awaiting final approval.