



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

FOR IMMEDIATE RELEASE: September 29, 2015

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Predatory Towing Victims to be Reimbursed *\$34,580 will go to 113 motorists whose vehicles were towed from Kearney Mesa lot*

Reimbursement checks totaling \$34,580 will go out this week to 113 motorists whose vehicles were illegally towed from a Convoy Street shopping center in a predatory towing scheme.

The restitution results from a prosecution by the City Attorney's Consumer & Environmental Protection Unit of NK Towing, its owner Amir Iravani and a Vista man, Elvin Vega, who requested and then sought commissions for unauthorized tows.

The City Attorney's Office filed the criminal complaint in May. Subsequently, NK Towing agreed to reimburse the tow fees for all 113 vehicle owners, for a total payment of \$34,580, after which NK Towing and Iravani were dismissed from the action. Vega pled guilty to unauthorized towing, a misdemeanor, last week. He was placed on three years' probation by Superior Court Judge Lisa Rodriguez and ordered to pay court imposed fines and fees.

The complaint alleged that Vega sought and received commissions from Iravani for requesting that NK Towing tow vehicles from the Plaza del Sol shopping center at 4688 Convoy Street in Kearney Mesa over an eight-month period ending in May 2014.

The California Vehicle Code prohibits the receipt of any compensation, direct or indirect, from a towing company in exchange for requesting its services.

In addition, the complaint alleged that Vega did not have authority from the shopping center's manager or property owner to request tows from the parking lot. Such authority is required by law.

The complaint also documented instances in which cars were towed despite being on the lot less than one hour, and instances where cars were towed more than 10 miles from the Convoy Street location. Except in certain cases, it is illegal to tow a vehicle within an hour of its being parked. Additionally, tow yards must be located with 10 miles of the lot from which the vehicle was towed. NK Towing operates from locations in four North County cities, the closest being in Del Mar.

The victims will receive their reimbursement checks and an explanatory letter from the City Attorney's Office this week.

This scheme was originally investigated by Michael Turko of KUSI, whose “Turko Files” series about illegal tow practices has been previously praised by City Attorney Jan Goldsmith.

The San Diego Police Department investigated Turko’s report, and the City Attorney’s Office was able to discover the large number of victims by utilizing the legal authority granted prosecutors to inspect a tow company’s records.

“We will continue to use all of the tools at our disposal to investigate and prosecute individuals and companies involved in predatory towing,” Goldsmith said.

The City Attorney’s Consumer & Environmental Protection Unit maintains a Consumer Hotline at (619) 533-5600, which consumers can call to report consumer complaints. For more on tow laws and consumer information check out the City Attorney’s webpage, Newsletters/Office of the City Attorney or at <http://www.sandiego.gov/cityattorney/media/newsletters.shtml>

The most recent Consumer & Environmental Protection Unit newsletter concerning towing from private property can be found here: <http://www.sandiego.gov/cityattorney/pdf/2015/cepunewssep15.pdf>

It includes information about:

- The right of vehicle owners to stop a tow in progress before a tow truck has left a parking lot.
- The obligation of a towing company to provide the towed vehicle’s owner with a copy of a written authorization from the property owner or agent. (That authorization must indicate, among other information, the time the vehicle was first observed parked and the time authorization to tow was given.)
- Maximum charges allowed, and requirements for access to tow yards, including that they be located within 10 miles of the property from which the vehicle was towed.

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