

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23F-0372TO

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RASHAINA MAKER,  
COMPLAINANT,  
V.  
BUGS TOWING, LLC,  
RESPONDENT.

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**ORDER TO SATISFY OR ANSWER**

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*YOU ARE NOTIFIED THAT A FORMAL COMPLAINT HAS BEEN FILED AGAINST YOU IN THE ABOVE ENTITLED AND CAPTIONED CASE. YOU ARE ORDERED TO SATISFY THE MATTERS IN THE COMPLAINT OR TO ANSWER THE COMPLAINT IN WRITING WITHIN 20 DAYS FROM SERVICE UPON YOU OF THIS ORDER AND COPY OF THE ATTACHED COMPLAINT.*

*IF THE COMPLAINT IS SATISFIED AND ADEQUATE EVIDENCE OF SATISFACTION IS PRESENTED TO THE COMMISSION, THE COMPLAINT SHALL BE DISMISSED. IF THE COMPLAINT IS NOT SATISFIED, OR IF ADEQUATE EVIDENCE OF ITS SATISFACTION IS NOT PRESENTED TO THE COMMISSION, OR IF NO ANSWER IS FILED WITHIN THE TIME REQUIRED, THE ALLEGATIONS OF THE COMPLAINT MAY BE DEEMED ADMITTED, AND THE COMMISSION MAY GRANT SO MUCH OF THE RELIEF SOUGHT IN THE COMPLAINT AS IS WITHIN ITS POWER AND JURISDICTION OR MAY SET THE COMPLAINT FOR HEARING.*

**BY ORDER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

WITNESS MY HAND AND THE SEAL OF THE PUBLIC UTILITIES COMMISSION of THE STATE OF COLORADO AT DENVER, COLORADO THIS JULY 24, 2023.

(S E A L)



Rebecca E. White,  
Director

ATTEST: A TRUE COPY

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**ORDER SETTING HEARING AND NOTICE OF HEARING**

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**TO THE PARTIES IN THIS MATTER:**

The Colorado Public Utilities Commission orders that the hearing in this matter is set before an Administrative Law Judge (ALJ) on:

DATE: October 3, 2023

TIME: 9:00 AM

PLACE: The ALJ will establish the place and manner in which the hearing will be held (*e.g.*, in person, fully remote, or hybrid) by separate order.

At the above date, time and place you will be given the opportunity to be heard if you so desire.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

REBECCA E. WHITE, Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

REBECCA E. WHITE, Director  
Colorado Public Utilities Commission  
1560 Broadway, Suite 250, Denver,  
Colorado 80202

Dated at Denver, Colorado this  
24th day of July, 2023

## COLORADO PUBLIC UTILITIES COMMISSION – Formal Complaint Form

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CASE NO. \_\_\_\_\_  
(PUC use only)

### COMPLAINT

1. The Complainant(s) is (are):

<u>Name</u>	<u>Mailing Address (Include City and Zip Code)</u>	<u>Daytime Phone No.</u>
Rashaina Maker	3530 Parkmoor Village Dr Colorado Springs, Colorado 80917	7194724131

E-mail address:

mrashaina@gmail.com

Is service address the same as mailing address? If not, list the service address:

Yes

2. The name and business address of each Respondent is:

<u>Name</u>	<u>Address</u>
Bugs Towing.	806 Nichols Blvd Colorado Springs, Colorado 80907

3. The specific act(s) or things complained of, with the necessary facts to give a full understanding of the situation, is (are). If this is a billing dispute, what is the disputed amount (not including requests for damages or compensation)?

On June 17th at approximately 0800 hours, I Rashaina Maker was trying to get my car started after leaving from a visit with my grandmother at her apartment Homewood Park apartments and my 2013 black Nissan Altima would not start. The key fob was dead. I replaced the battery, and my car still wouldn't start. I needed a new key fob. As I'm messing with my car, because at this point, hours have gone by, and I was still trying to figure out a way to get my car started without a key fob. Two ladies (one a maintenance worker and the other I assumed to be property manager or a leasing lady) approached me and asked me what was going on with my car and I explained I can't start it I need a locksmith but I can't get one out here until June 19 (a reasonably priced locksmith anyways) and the ladies apologized for my troubles and told me I was fine to be on property until my locksmith arrived.

On June 19, 2023, at approximately 0017 hours I Rashaina was taking pictures of my 2013 Black Nissan Altima for my scheduled locksmith appointment on June 19 at 1930 hours at Homewood Park apartments (My grandmother's apartment)

At 0122 hours a Police Officer from Colorado Springs Police Department arrived at Homewood apartments and approached I Rashaina and asked me why I was sitting in my car? And informed me that I am trespassing on private property.

I explained to him my key fob is dead, locksmith is coming tomorrow, and this is my grandmother's apartment.

The police officer said I was fine to sit at the property and as soon as the locksmith arrived, I was only to return back to Homewood apartments during visits hours.

On June 19 2023, at approximately 1900 hours I Rashaina left my grandmothers apartment and went downstairs to meet the locksmith. When I made it in the parking lot my car was gone.

I immediately began walking around the apartment complex for any towing signs on grounds. And I found one that stated Bugs Towing is the towing company for this apartment complex. I called Bugs Towing (the company does not share their names on the phone or in person) I spoke with a male individual I asked him if they had towed off a 2013 Black Nissan Altima? He stated yes from Homewood Apartments. I asked him why? He stated per property manager's request. I then stated to the individual that the property manager said I was fine to be here until my locksmith arrived. And he said the car was abandoned and I said no I've been upstairs in my grandmother's apartment. Then he says that my car was deemed inoperable and that it was tagged and has been for 3 days now.

I said the car works it just needs a new fob. And I said no this car was never tagged! I took pictures of it just last night for a locksmith! Then the male individual stated well either way the car isn't being released without \$280 and its \$40 everyday it's in the lot and I'm heading out for the night it won't be able to be released until after 8am on the 19<sup>th</sup> of June. I said that's illegal! This is an illegal tow! My car did not have a 24-hour notice sticker on it nor did anyone tell me I had 24 hours to be off property! I am reporting to the PUC!

The male individual laughed and said good-luck and hung up the phone.

On June 23, 2023, at approximately 1650 hours I Rashaina arrived at Bugs Towing Company yard. I was at the business with the intent to remove my items out of my vehicle. I was told no by the female individual because I didn't have my car keys (My car keys were towed off with the car I left them in my car) no proof of ownership. All I had on me was insurance card. I needed to provide registration or car title. But she also refused me because I mentioned one of the items, I was trying to get out of my car was my firearm. She said she felt unsafe and needed police present for me to remove my items from my vehicle.

On July 10, 2023, at approximately 1536 hours I Rashaina was on the phone with a female individual named Andrea from the PUC, Andrea informed me about the form I can use to set up a payment plan and only have to put \$60 down and my car would be released to me! After I got off the phone with Andrea I immediately called Bugs towing and asked what all would be needed from me. The male individual who answered the phone stated the PUC form, a statement from me with a notary (stating if I fail to pay bugs can tow my car off), 3 months bank statements, proof of ownership, copy of ID and Social Security, a debit or credit card to be placed in the computer system to be charged for remaining balance owed. And that there is no payment plan I have 24 hours from when my car drives off the lot to pay the remaining balance. My car needed a new key fob I asked can my locksmith program it in the yard so I can drive it. The male individual said absolutely not you'll have to have it towed off my yard and it has to be by a licensed tow truck driver not just anybody.

On July 13, 2023, I arrived at Bugs Towing spoke with a male individual with the intent of getting my car out. I forgot the 3 months bank statements and the copies of my ID and Social.

I returned to Bugs Towing on July 14, 2023, at 1500 hours with PUC form, notarized statement, 3 months of bank statements, proof of ownership, copy of my ID and Social Security, credit card to put in system, and the \$60.

The female individual stated my bank statements were fake, and that I needed 6 months of statements not 3, my statement is not notarized, and that I need a check from my bank, signed by me to bugs towing, in the full amount owed. I was confused and I mentioned to the female individual that by two different male individuals this is exactly what I needed to bring to get my car out of tow. She informed me she was unsure who I spoke with, and she said what I was informed was incorrect. I then stated to her my bank statements and notary are real I got them printed from a Wells Fargo bank and the statement signed by a notary at Wells Fargo bank. And I said both male Individuals stated 3 months of bank statements. The female individual goes onto say no I was standing behind him when he was on the phone with you, I heard him say 6 months of statements. (But she didn't know who I spoke with) she handed me back my documents and asked me if I'd like to grab my property from my vehicle. I said yes and she made me sit outside until 1736 hours and Colorado Springs Police Department arrived on grounds and asked me what my purpose was here at Bugs towing? Asked me if I had narcotics? And asked me if I tried to exchange narcotics for a gun? I Rashaina was very confused. I said I'm here at this yard with the intent to get my vehicle out of tow, I was told no, so I stayed to get my items out of my vehicle and am still waiting to go back to the yard to grab my items, no I don't have any narcotics, and no I'm not trying to exchange narcotics for a gun. Why? The police officer told me because that is what is being reported to them by Bugs Towing. I asked the female individual now that police are present may I remove my items out of my vehicle? And the female individual stated no. Then the police

escorted me off grounds and informed me I was banned from the property. I never offered narcotics, I never offered narcotics to exchange for a gun, narcotics was never mentioned at all. It is July 16, 2023, I lose my 2013 Black Nissan Altima on July 19 2023, to the tow yard, , I never was able to get my belongings out of my vehicle, I am banned from Bugs towing yard, and my vehicle was never given a 24-hour notice tag sticker from the tow yard or property manager.

My experience with bugs towing has been unforgettable as the staff have been manipulating, twisting words, lying, and making false police reports. And the towing of my vehicle was illegal I never got a 24-hour notice tagged on my vehicle nor was I able to retrieve my belongings out of my vehicle.

**This is a violation of:**

**PAGE 15 HOUSE BILL 22-1314**

**Authorization and notice required for tows on private property**

**And**

**PAGE 20 HOUSE BILL 22-1314**

**No mechanic's liens on vehicle or contents**

### **COLORADO PUBLIC UTILITIES COMMISSION – Formal Complaint Form**

(If you need more space, please attach additional pages of 8½ by 11 paper.)

4. City or town where you would like to have your hearing:

**Colorado Springs, Colorado**

List of unavailable hearing dates for the next 90 days (excluding holidays and weekends):

**Open availability**

5. If you are disabled and require any type of accommodation, please list your request:

N/A

6. I (We) ask(s) that the Commission enter an Order granting whatever relief the Commission deems legally appropriate. I (We) hereby acknowledge that I (we) will cooperate in the prosecution of this Complaint and will appear at any hearing if the Complaint is set for hearing.

Signature(s):



Attorney (if applicable):

July 17, 2023

Date: \_\_\_\_\_

**(5) No mechanic's liens on vehicle or contents.**

**(a) NOTWITHSTANDING SECTION 38-20-105, A TOWING CARRIER THAT NONCONSENSUALLY TOWS A VEHICLE DOES NOT HAVE A MECHANIC'S LIEN ON THE CONTENTS OF THE VEHICLE TO COVER THE COST OF TOWING THE VEHICLE.**

**(b) IF AN AUTHORIZED OR INTERESTED PERSON REQUESTS THAT A TOWING CARRIER RETURN THE CONTENTS OF A VEHICLE THAT WAS TOWED WITHOUT CONSENT WITHIN THIRTY DAYS AFTER THE POSTMARKED DATE THE NOTICE WAS MAILED IN ACCORDANCE WITH SECTION 42-4-2103 (4) OR THE DATE THE OPERATOR RECEIVED NOTICE THAT NO RECORD EXISTS FOR THE MOTOR VEHICLE, THE TOWING CARRIER SHALL IMMEDIATELY RETRIEVE OR ALLOW THE AUTHORIZED OR INTERESTED PERSON TO RETRIEVE THE VEHICLE'S CONTENTS. THIS SUBSECTION (5)(b) DOES NOT APPLY TO THE CONTENTS OF A VEHICLE IF THE CONTENTS OF THE VEHICLE ARE SUBJECT TO A HOLD ORDER ISSUED BY A COURT, DISTRICT ATTORNEY, LAW ENFORCEMENT AGENCY, OR PEACE OFFICER.**

(II) THE REMOVAL IS EXPRESSLY ORDERED OR AUTHORIZED BY A COURT ORDER, AN ADMINISTRATIVE ORDER, OR A PEACE OFFICER OR BY OPERATION OF LAW;

(III) THE VEHICLE BLOCKS A DRIVEWAY OR ROADWAY ENOUGH TO EFFECTIVELY OBSTRUCT A PERSON'S ACCESS TO THE DRIVEWAY OR ROADWAY; OR

(IV) THE TOWING CARRIER HAS RECEIVED PERMISSION TO TOW THE VEHICLE, WITHIN THE TWENTY-FOUR HOURS IMMEDIATELY PRECEDING THE TOW, FROM:

(A) THE OWNER OF OR LEASE HOLDER OF THE PRIVATE PROPERTY;

(B) A PERSON SUBJECT TO THE "COLORADO COMMON INTEREST OWNERSHIP ACT", ARTICLE 33.3 OF TITLE 38, IF THE PRIVATE PROPERTY IS LOCATED WITHIN THE BOUNDARIES OF THE PERSON'S AREA OF OPERATION; OR

(C) AN AGENT OF A PERSON DESCRIBED IN SUBSECTION (3)(a)(IV)(A) OR (3)(a)(IV)(B) OF THIS SECTION; EXCEPT THAT THE TOWING CARRIER DOES NOT QUALIFY AS AN AGENT WITH AUTHORITY TO GRANT PERMISSION UNDER THIS SUBSECTION (3)(a).

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(IV) OF THIS SECTION, A TOWING CARRIER SHALL NOT NONCONSENSUALLY TOW A VEHICLE FROM A PARKING SPACE OR COMMON PARKING AREA WITHOUT THE TOWING CARRIER OR PROPERTY OWNER GIVING THE VEHICLE OWNER OR OPERATOR TWENTY-FOUR HOURS' WRITTEN NOTICE, UNLESS:

(A) THE VEHICLE OWNER OR OPERATOR HAS RECEIVED TWO PREVIOUS NOTICES FOR PARKING INAPPROPRIATELY IN THE SAME MANNER;

(B) THE VEHICLE IS BEING REPOSSESSED BY A CREDITOR WITH A LIEN OR SECURITY INTEREST IN THE VEHICLE;

(C) THE REMOVAL IS EXPRESSLY ORDERED OR AUTHORIZED BY A COURT ORDER, AN ADMINISTRATIVE ORDER, OR A PEACE OFFICER OR BY OPERATION OF LAW;

8:01



< 2



**Christopher Bonham**

Active now



JUN 19 AT 12:18 AM

You unsent a message



What's the make, model and year of the car?

2013 Nissan Altima

I'm becoming discouraged

You unsent a message



Can you get me a photo of the car?

Yeah I'm sitting in it now give me one second



My cigarette got in the pic lol



Minus the cigarette



Aa



