Parking at home shouldn't bring tow — or death

January 23, 2013|Michael Mayo, Sun Sentinel Columnist

Two nuisances of South Florida life — nitpicking condo/homeowner associations and overzealous towing companies — collided to produce a senseless tragedy last week. Elias Konwufine, 39, died after he tried to stop his car from being towed from in front of his Lauderhill home.

Let me repeat: He was parked in front of his own home.

After a dispute with the tow driver, Konwufine apparently was run over by his Mercedes as it was being hauled away.

Konwufine was a married father of three, a professor and associate dean at Keiser University. When he came home Jan. 16, his autistic son's tutor was parked in the second spot in his driveway. So Konwufine pulled in behind, jutting onto the sidewalk and swale area.

Apparently, in the Sienna Greens community where he lived, that was a towable offense.

"He was going to be there, what, maybe an hour?" said Dean Freeman, attorney for the Konwufine family.

Konwufine wasn't blocking any neighbors. He wasn't bothering anybody. If someone was walking down the sidewalk, they'd maybe have to go 10 feet out of their way to get around his car.

But rules are rules, right?

Wrong.

This was ridiculous. Where was the common sense?

Lauderhill police are investigating the incident, and Freeman said the family "seeks justice." Freeman and his associate Vidian Mallard say the tow violated provisions of a revamped Broward County towing ordinance that was passed last year. Mallard said a civil suit will be filed Thursday.

An attorney for the homeowners association, Steve Valancy, declined to comment, saying another lawyer was being hired to handle the matter.

Sienna Greens, near Inverrary Country Club, is one of those cramped South Florida gated communities with homes jammed together and no street parking. Freeman said the homeowners association had a contract with Superior Lock and Roadside Assistance to tow parking violators.

The tow company apparently performed its job with relish, with residents saying trucks roamed the area looking for cars to tow – and revenue to generate. A woman who answered the phone at Superior on Wednesday said, "I'm not interested in talking."

Freeman said the deadly incident was a case of "surfing" by the tow driver, which is banned by the new county ordinance. He said nobody complained about Konwufine's parked car: "No one has stepped forward to say they called the tow yard."

A driver from Capitol Towing, which apparently has been taken over by Superior, has given television interviews

saying he towed Konwufine's car. The driver said Konwufine hopped on the running board of his tow truck and banged on the window. Then he either jumped or fell off. Freeman said other witnesses have given differing accounts.

"If the driver felt like he was being attacked, how come he didn't call police?" Freeman said.

Whatever happened, I can certainly understand Konwufine's frustration. Who'd want to trudge down to a tow lot and pay over $100 for parking in front of your own home?

It wouldn't happen to a Lauderhill homeowner in a non-association neighborhood. Lauderhill code says homeowners can park on swales in front of their homes, and blocking sidewalks merely triggers a ticket. Generally, towing from a single-family home can only be done at the request of the homeowner.

Freeman said drivers who get to their cars before they're hauled away are supposed to have them released for 50 percent of the towing fee. It's unclear if that offer was made.

This sad episode is the latest affirmation of why I'll never live in a place with a condo/homeowner's association. Having an extra car parked in front of your home shouldn't be a big deal. It certainly shouldn't kill anyone.