

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

In the Matter of:

Protectice Parking Service Corporation
d/b/a Lincoln towing Service,
Respondent.

Docket No. 92 RTV-R Sub 17
100139 MC

Hearing on fitness to hold a Commercial
Vehicle Relocator's License pursuant to
Section 401 of the Illinois Commercial
Relocation of Trespassing Vehicles Law,
625 ILCS 5/18a-401.

NOTICE OF FILING

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SERVED VIA E-MAIL

PLEASE TAKE NOTICE that on May 2, 2018, I filed with the Director of Processing, Transportation Division, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, **STAFF'S POST-HEARING BRIEF**, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

I hereby certify under penalties of perjury as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure that a copy of the attached **STAFF'S POST-HEARING BRIEF**, was sent via electronic mail to the above listed persons on May 2, 2018.



(Martin W. Burzawa

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

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d/b/a Lincoln Towing Service,	:	Docket No. 92 RTV-R Sub 17
Respondent.	:	100139 MC
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Hearing on fitness to hold a Commercial	:	
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STAFF’S POST-HEARING BRIEF

NOW COMES the Staff of the Illinois Commerce Commission (“Staff”), by and through its attorneys, Martin W. Burzawa and Azeema N. Akram, pursuant to 83 Ill. Adm. Code 200.800, and for its Post-Hearing Brief states as follows:

I. ISSUE PRESENTED IN THIS CASE

This case concerns the fitness of Protective Parking Service Corporation d/b/a Lincoln Towing Service (“Lincoln”) to hold a relocator’s license in the State of Illinois under the Illinois Commercial Relocation of Trespassing Vehicles Law (“ICRTVL”), 625 ILCS 5/ *et seq.*, and the Commission's Administrative Rules (“Rules”), 92 Ill. Adm. Code 1710.10 *et seq.* Pursuant to Section 401 of ICRTVL, the Illinois Commerce Commission (“Commission”) may at any time during the term of the license make inquiry into the management, conduct of business, or otherwise determine that the provisions of the ICRTVL and the Rules are being observed. On February 24, 2016, the Commission ordered that a fitness hearing should be held to inquire into the relocation towing operations of Lincoln to determine whether it is fit, willing, and able properly to perform

the service of a commercial vehicle relocater and to conform to the provisions of the ICRTVL, 625 ILCS 5/18a-100 *et seq.*, and the Commission's Rules.

II. APPLICABLE LAW AND RULES

Section 101 of the ICRTVL vests enforcement authority in the Commission "to supervise and regulate the commercial removal of trespassing vehicles from private property, and the subsequent relocation and storage of such vehicles in such manner as to fairly distribute rights and responsibilities among vehicle owners, private property owners and commercial vehicle relocators." 625 ILCS 5/18a-101. The Commission's enforcement powers and procedures, contained in Article VII of subchapter 1 of the Illinois Commercial Transportation Law ("ICTL"), are adopted by incorporation in the ICRTVL. 625 ILCS 5/18a-307; 625 ILCS 5/18c-1701 *et seq.* The Commission's jurisdiction to regulate commercial vehicle relocators ("relocators") extends to their employees and agents as well. 625 ILCS 5/18a-200(1).

A business entity operating as a relocater is ultimately responsible for the entity's compliance with the ICRTVL and the Rules. The ICTL provides that the act or omission of any officer, employee, or agent within the scope of such person's office, employment or agency is deemed the act or omission of the business entity. 625 ILCS 5/18c-1701.

The ICRTVL specifies enumerated "unlawful practices" for any relocater to engage in. 625 ILCS 5/18a-300. A relocater's failure to comply with the ICRTVL, Commission regulations, and orders constitutes a violation of the ICRTVL. 625 ILCS 5/18a-307; 625 ILCS 5-18c- 1701. Several of these unlawful practices are listed below.

A relocater is prohibited from employing or using the services of an operator who does not have a valid, current operator's employment permit. It shall be unlawful for any

commercial vehicle relocater “[t]o employ as an operator, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current operator's employment permit, or temporary operator's employment permit issued in accordance with Sections 18a-403 or 18a-405 of this Chapter. 625 ILCS 5/18a-300(2).

A relocator shall not relocate a vehicle without first obtaining the required authorization. No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

A relocator has no authorization relocate trespassing vehicles from a property until the Commission has a copy of a contract between the relocator and the owner of the property from which the relocator will tow improperly parked vehicles. No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Adm. Code 1710.91(f)(1).

Two or more relocators cannot be authorized to relocate trespassing vehicles from the same property at the same time. Only one authorization to tow or contract shall be in effect for any lot at any time. No other authorization or contract shall become effective until the prior authorization has been cancelled and notice of cancellation is filed with the Commission. 92 Ill. Adm. Code 1710.91(f)(2). It is the responsibility of the relocator to file a notice of cancellation with the Commission when a contract has been terminated between the relocator and the property owner. 92 Ill. Adm. Code 1710.91(f)(4).

A contract filed with the Commission must specify whether the relocator is authorized to relocate trespassing vehicles on a patrol basis, or on a call basis (upon being contacted by a property owner). Relocator Contract Summaries shall be filed electronically with the Commission. Summaries shall state whether trespassing vehicles will be removed from the property on a patrol basis or only when contacted by the property owner, lessee or agent. When a contract permits removal of trespassing vehicles by both a property owner's request and a patrol basis, the relocator shall file that contract as a patrol contract. When one authorization to tow applies to multiple parking lot locations, each address shall be filed electronically with the Commission. 92 Ill. Adm. Code 1710.91(f)(3).

III. AUTHORITY OF THE COMMISSION TO DETERMINE QUESTIONS OF FACT

Section 401 of the ICRTVL provides that "the Commission may at any time during the term of the license make inquiry into the management, conduct of business, or otherwise determine that the provisions of the ICRTVL and the Commission's Administrative Rules, 92 Ill. Adm. Code 1710.10 *et seq.*, are being observed." 625 ILCS 5/18a-401. The plain language of section 401 grants the Commission the authority to determine whether evidence concerning the management and conduct of business of a relocator establishes that the relocator violated the ICRTVL and the Commission's Rules. The authority to make inquiry into the management, conduct of business, or otherwise determine that the provisions of the ICRTVL and the Commission's Rules are being observed necessarily includes the authority to actually make that determination. Not only is this plain in the statutory language, but without the necessary implication that the Commission is authorized to find that a violation occurred, the section would be

meaningless. In other words, since the Commission, "an administrative agency, has the authority to revoke a professional license, it is axiomatic that the agency may determine whether grounds for revocation exist." *Rasky v. Dep't of Registration & Ed.*, 87 Ill.App.3d 580, 585, 410 N.E.2d 69, 75 (1st Dist. 1980). Accordingly, the Commission has the authority to weigh the evidence adduced at a fitness hearing and make a determination whether the evidence establishes violations of the ICRTVL and the Commission's Administrative Rules.

IV. EVIDENCE ADDUCED AT THE FITNESS HEARING

1. The relevant time period for the Commission's investigation of Lincoln is July 24, 2015, through March 23, 2016. *2-1-17 Tr., pg. 146, ll. 2-5.*

2. Robert Munyon is the General Manager of Lincoln. *3-15-18, Tr., pgs. 1756.*

3. Protective Parking Service Corporation's [Lincoln's] 24-hour tow sheets, which are Staff's Exhibits J and K, are admissible as business records. *2-14-18 Tr., pg. 1713, ll. 3-6.*

4. During the relevant time period and generally, the tow sheets are filled out at the same time a towed vehicle comes in. *2-14-19 Tr., pg. 1713, ll. 7-10.*

5. During the relevant time period and generally, the information necessary to fill out the tow sheet is gathered by the dispatcher either by viewing the vehicle or communicating with the operator. *2-14-18 Tr., pg. 1713, ll. 11-15.*

6. During the relevant time period and generally, the tow sheet is reviewed by the dispatcher after it is completed. *2-14-18 Tr., pg. 1713, ll. 16-19.*

7. During the relevant time period, this same or similar procedure is followed at the Clark and Armitage lots. *2-14-18 Tr., pg. 1713, ll. 20-22.*

8. During the relevant time period, the tow sheets are filed with the respective police departments by Mr. Munyon at the Clark lot and Pedro at the Armitage lot. *2-14-18 Tr., pg. 1714, ll. 1-4.*

9. During the relevant time period and generally, when the tow sheet is completed, the information is entered into the computer shortly after. *2-14-18 Tr., pg. 1714, ll. 5-8.*

10. During the relevant time period and generally, Robert Munyon and Ethel Lores maintain E relocater accounts on behalf of Protective Parking Service Corporation. *2-14-18 Tr., pg. 1714, ll. 9-13.*

11. During the relevant time period and generally, the information on the contract summary forms are electronically submitted to the Illinois Commerce Commission through E relocater. *2-14-18 Tr., pg. 1714, ll. 14-18.*

12. Sergeant Timothy Sulikowski is the acting sergeant with the Illinois Commerce Commission Police Department. *5-31-18 Tr., pg. 260, ll. 1-2.*

13. Sergeant Sulikowski has access to Commission records through the Motor Carrier Information System ("MCIS"). *5-31-18 Tr., pg. 264, l. 17 – pg. 265, l. 2.*

14. MCIS contains a relocation towing company's profile, which includes all investigations, tickets written, complaints, property addresses of towing contracts, and information pertaining to its operators and dispatchers. *5-31-18 Tr., pg. 265, ll. 6-14.*

15. All operators are identified with a numerical number. When the operator number is entered into MCIS, the effective dates of the operator permits, when the permit was issued and when it expires, is displayed. *5-31-18 Tr., pg. 266, ll. 9-14.*

16. When a property address is entered into MCIS, the effective dates of current

and past towing contracts and the parties to the contract are displayed. *5-31-18 Tr., pg. 266, l. 15 – pg. 267 l. 4; pg. 269, ll. 11-18.*

17. Sergeant Sulikowski reviewed Lincoln's 24 Hour Tow sheets for the time period covering July 24, 2015, to March 23, 2016. *5-31-18 Tr., pg. 285, ll. 3-7.*

18. Sergeant Sulikowski cross-referenced the entries in Lincoln's 24 Hour Tow sheets, such as property address, operator number and dispatcher number with the information contained in MCIS. *5-31-18 Tr., pg. 285, 11-17.*

19. Sergeant Sulikowski identified tows that were conducted: 1) after towing contracts were cancelled; 2) at property addresses under contract with another relocater; 3) prior to contracts being filed with the Commission; and 4) on a patrol basis when the contract was filed as a call basis. *5-31-18 Tr., pg. 289, 2-8.*

20. Sergeant Sulikowski also identified tows where either operators did not hold a valid license at the time of the tow. *5-31-18 Tr., pg. 290, 10-12.*

A. LINCOLN TOWED VEHICLES WITHOUT PROPERTY OWNER AUTHORIZATION, OR PRIOR TO FILING THE TOW CONTRACT WITH THE COMMISSION, OR ON A PATROL BASIS WHEN THE CONTRACT WAS FILED AS CALL LOT FOUR-HUNDRED SIXTY-TWO (462) TIMES BETWEEN JULY 24, 2015, AND MARCH 23, 2016.

i. 4601 W. Armitage St. Facility - one-hundred seventy-six (176) unauthorized tows.

21. Staff's Exhibit J comprises Lincoln's 24 Hour Tow Reports ("Tow Reports") for its 4601 W. Armitage St. Facility ("Armitage Lot") for the period of July 24, 2015, through March 23, 2016. Among other information, the Tow Reports indicate the date and address of tow and whether the tow was on a patrol or call basis. The date of the tow is located at the top right of the page. The "TOWED FROM" is the address of the

tow. The "WITNESS" column indicates whether the tow was on a patrol or call basis.

22. Staff's Exhibit B comprises information from the Commission's Motor Carrier Information System ("MCIS") Contract Listing By Property Address encompassing the period of July 24, 2015, through March 23, 2016. The property address is located at the top left of the page. The contract activity dates are located at the top right of the page.

23. Cross-referencing the dates and addresses of tows contained in Lincoln's Tow Reports for the Armitage Lot with the contract activity dates for property addresses in the MCIS Contract Listing by Property Address reveals Lincoln violated the ICRTVL and the Commission's Administrative Rules one-hundred seventy-six (176) times between July 24, 2015, and March 23, 2016.

Violations | Property Address:

- (1 – 10) **111 S. Halsted:** Lincoln towed a total of ten vehicles on July 24, 2015; August 28, 2015; November 14-15, 2015; and November 20 - 21, 2015. *Staff's Ex. J, pgs. 2, 4, 135, 136, 137, 144, 145, 146.*
Lincoln's contract for 111 S. Halsted was not filed with the Commission until April 3, 2016. *Staff's Ex. B, pg. 1.*
Lincoln towed the ten vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (11) **225 N. Columbus:** Lincoln towed one vehicle on January 29, 2016. *Staff's Ex. J, pg. 220.*
Lincoln's contract for 225 N. Columbus was cancelled on January 25, 2016, and replaced by another relocater's contract on January 26, 2016. *Staff's Ex. B, pg. 2.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (12-13) **344 N. Canal:** Lincoln towed a total of two vehicles on November 18, 2015, and March 23, 2016. *Staff's Ex. J, pgs. 142, 276.*
On November 18, 2015, and March 23, 2016, 344 N. Canal was under contract with another relocater. *Staff's Ex. B, pg. 3.*
Lincoln towed the two vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²

¹ No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1).

² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

- (14) **345 N. Canal:** Lincoln towed one vehicle on July 31, 2015. *Staff's Ex. J, pg. 11.*
On July 31, 2015, 345 N. Canal was under contract with another relocater. *Staff's Ex. B, pg. 4.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (15) **400 E. South Water:** Lincoln towed one vehicle on August 7, 2015. *Staff's Ex. J, pg. 20.*
On August 7, 2015, 400 E. South Water was under contract with another relocater. *Staff's Ex. B, pg. 5.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (16-18) **405 N. Wabash:** Lincoln towed a total of three vehicles on August 5, 2015; November 10, 2015; and December 17, 2015. *Staff's Ex. J, pgs. 17, 130, 173.*
Lincoln's contract for 405 N. Wabash was cancelled on February 11, 2010. *Staff's Ex. B, pg. 6.*
Lincoln towed three vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (19) **440 N. LaSalle:** Lincoln towed one vehicle on July 24, 2015. *Staff's Ex. J, pg. 1.*
Lincoln's contract for 440 N. LaSalle was cancelled on September 4, 2014, and replaced by another relocater's contract on September 19, 2014. *Staff's Ex. B, pg. 7.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (20) **800 N. Kedzie:** Lincoln towed one vehicle on September 30, 2015. *Staff's Ex. J, pg. 1.*
Lincoln's contract for 800 N. Kedzie was cancelled on June 27, 2015, and replaced by another relocater's contract on June 30, 2015. *Staff's Ex. B, pg. 9.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (21) **831 N. Damen:** Lincoln towed one vehicle on November 27, 2015. *Staff's Ex. J, pg. 151.*
On November 27, 2015, 831 N. Damen was under contract with another relocater. *Staff's Ex. B, pg. 10.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (22) **1041 N. Harding:** Lincoln towed one vehicle on August 23, 2015. *Staff's Ex. J, pg. 41.*
Lincoln's contract for 1041 N. Harding was not filed with the Commission until September 2, 2015. *Staff's Ex. B, pg. 11.*
Lincoln towed the vehicle prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (23-25) **1801 N. St. Louis:** Lincoln towed a total of three vehicles on September 20, 2015, March, 8, 2016, and March 14, 2016. *Staff's Ex. J, pgs. 70, 261, 267.*
Lincoln's contract for 1801 N. St. Louis was not filed with the Commission until August 8, 2016. *Staff's Ex. B, pg. 13.*

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² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

Lincoln towed three vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

- (26-59) **1900 N. Austin:** Lincoln towed a total of thirty-four vehicles on September 27, 2015; October 11, 2015; December 8, 2015; December 9, 2015; January 3, 2016; January 18, 2016; January 20, 2016; January 27, 2016; January 28, 2016; February 12, 2016; March 2, 2016; and March 11, 2016. *Staff's Ex. J, pgs. 76, 95, 164, 190, 206, 208, 216, 217, 236, 254, 264.*
Lincoln's contract for 1900 N. Austin was cancelled on November 6, 2009. *Staff's Ex. B, pg. 14.*
Lincoln towed thirty-four vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (60) **1919 N. Cicero:** Lincoln towed one vehicle on a patrol basis on November 14, 2015. *Staff's Ex. J, pg. 136.*
Lincoln's contract for 1919 N. Cicero was filed as a Call Lot on April 14, 2011. *Staff's Ex. B, pg. 15.*
Lincoln towed the vehicle on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).³
- (61-68) **2002 S. Wentworth:** Lincoln towed a total of eight vehicles on a patrol basis on November 7, 2015; November 15, 2015; December 3, 2015; December 25, 2015; January 1, 2016; January 7, 2016; January 9, 2016; March 18, 2016. *Staff's Ex. J, pgs. 127, 139, 159, 181, 187, 194, 198, 272.*
Lincoln's contract for 2002 S. Wentworth was filed as a Call Lot on July 21, 2009. *Staff's Ex. B, pg. 16.*
Lincoln towed the eight vehicles on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).³
- (69) **2030 S. State:** Lincoln towed one vehicle on July 31, 2015. *Staff's Ex. J, pg. 12.*
On July 31, 2015, 2030 S. State was under contract with another relocater. *Staff's Ex. B, pg. 17.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (70-81) **2111 S. Clark:** Lincoln towed a total of twelve vehicles on November 2, 2015; January 12, 2016; January 15, 2016; January 18, 2016; January 19, 2016; January 21, 2016; January 23, 2016; January 24, 2016; February 7, 2016; February 14, 2016; February 16, 2016; February 20, 2016. *Staff's Ex. J, pgs. 121, 199, 202, 206, 207, 209, 211, 214, 232, 239, 240, 243.*
Lincoln's contract for 2111 S. Clark was not filed with the Commission until July 12, 2016. *Staff's Ex. B, pg. 18.*
Lincoln towed twelve vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

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² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

³ Relocator Contract Summaries shall be filed electronically with the Commission. Summaries shall state whether trespassing vehicles will be removed from the property on a patrol basis or only when contacted by the property owner, lessee or agent. When a contract permits removal of trespassing vehicles by both a property owner's request and a patrol basis, the relocater shall file that contract as a patrol contract. When one authorization to tow applies to multiple parking lot locations, each address shall be filed electronically with the Commission. 92 Ill. Adm. Code 1710.91(f)(3).

- (82-83) **2113 N. Spaulding:** Lincoln towed a total of two vehicles on January 30, 2016. *Staff's Ex. J, pg. 221.*
Lincoln's contract for 2113 N. Spaulding was not filed with the Commission until February 2, 2016. *Staff's Ex. B, pg. 19.*
Lincoln towed the two vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (84) **2201 S. Halsted:** Lincoln towed one vehicle on August 27, 2015. *Staff's Ex. J, pg. 45.*
Lincoln's contract for 2201 S. Halsted was cancelled on February 11, 2010. *Staff's Ex. B, pg. 20.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (85) **2233 S. Canal:** Lincoln towed one vehicle on February 5, 2016. *Staff's Ex. J, pg. 227.*
On February 5, 2016, 2233 S. Canal was under contract with another relocater. *Staff's Ex. B, pg. 21.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (86) **2249 N. Milwaukee:** Lincoln towed one vehicle on August 26, 2015. *Staff's Ex. J, pg. 44.*
On August 26, 2015, 2249 N. Milwaukee was under contract with another relocater. *Staff's Ex. B, pg. 22.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (87) **2421 W. Madison:** Lincoln towed one vehicle on November 12, 2015. *Staff's Ex. J, pg. 133.*
On November 12, 2015, 2421 W. Madison was under contract with another relocater. *Staff's Ex. B, pg. 23.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (88) **2451 N. Clybourn:** Lincoln towed one vehicle on March 16, 2016. *Staff's Ex. J, pg. 268.*
Lincoln's contract for 2451 N. Clybourn was not filed with the Commission until March 24, 2016. *Staff's Ex. B, pg. 24.*
Lincoln towed the vehicle prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (89-94) **2600 S. Michigan:** Lincoln towed a total of six vehicles on January 21, 2016; February 9, 2016; March 17, 2016; March 23, 2016. *Staff's Ex. J, pgs. 209, 234, 270, 271, 276.*
Lincoln's contract for 2600 S. Michigan was cancelled on February 11, 2010. *Staff's Ex. B, pg. 25.*
Lincoln towed six vehicles without property owner or agent authorization in violation of 92 Ill.

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² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

³ Relocator Contract Summaries shall be filed electronically with the Commission. Summaries shall state whether trespassing vehicles will be removed from the property on a patrol basis or only when contacted by the property owner, lessee or agent. When a contract permits removal of trespassing vehicles by both a property owner's request and a patrol basis, the relocater shall file that contract as a patrol contract. When one authorization to tow applies to multiple parking lot locations, each address shall be filed electronically with the Commission. 92 Ill. Adm. Code 1710.91(f)(3).

Adm. Code 1710.41.²

- (95-99) **2734 S. Wentworth:** Lincoln towed a total of five vehicles on a patrol basis on October 8, 2015; November 3, 2015; January 8, 2016; February 29, 2016; and March 5, 2016. *Staff's Ex. J, pgs. 90, 122, 195, 253, 258.*
Lincoln's contract for 2734 S. Wentworth was filed as a Call Lot on July 19, 2009. *Staff's Ex. B, pg. 26.*
Lincoln towed five vehicles on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).³
- (100-105) **2750 W. Grand:** Lincoln towed a total of six vehicles on July 26, 2015; August 2, 2015; and August 19, 2015. *Staff's Ex. J, pgs. 6, 27, 36.*
Lincoln's contract for 2750 W. Grand was not filed with the Commission until September 22, 2015. *Staff's Ex. B, pg. 27.*
Lincoln towed six vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (106-107) **2801 N. Linder:** Lincoln towed a total of two vehicles on March 9, 2016, and March 16, 2016. *Staff's Ex. J, pgs. 262, 268*
Lincoln's contract for 2801 N. Linder was not filed with the Commission until March 18, 2016. *Staff's Ex. B, pg. 28.*
Lincoln towed two vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (108-115) **2805 N. Linder:** Lincoln towed a total of eight vehicles on August 16, 2015; August 19, 2015; August 29, 2015; September 6, 2015; and September 12, 2015. *Staff's Ex. J, pgs. 31, 36, 48, 55, 59.*
Lincoln's contract for 2805 N. Linder was not filed with the Commission until March 18, 2016. *Staff's Ex. B, pg. 29.*
Lincoln towed eight vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (116-118) **2805 N. Lotus:** Lincoln towed a total of three vehicles on August 18, 2015, and September 4, 2015. *Staff's Ex. J, pgs. 34, 35, 53.*
Lincoln's contract for 2805 N. Lotus was not filed with the Commission until March 24, 2016. *Staff's Ex. B, pg. 29.*
Lincoln towed three vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (119) **2908 W. Fullerton:** Lincoln towed one vehicle on September 2, 2015. *Staff's Ex. J, pg. 51.*
Lincoln's contract for 2908 W. Fullerton was not filed with the Commission until September 8, 2015. *Staff's Ex. B, pg. 31.*

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³ Relocator Contract Summaries shall be filed electronically with the Commission. Summaries shall state whether trespassing vehicles will be removed from the property on a patrol basis or only when contacted by the property owner, lessee or agent. When a contract permits removal of trespassing vehicles by both a property owner's request and a patrol basis, the relocator shall file that contract as a patrol contract. When one authorization to tow applies to multiple parking lot locations, each address shall be filed electronically with the Commission. 92 Ill. Adm. Code 1710.91(f)(3).

Lincoln towed the vehicle prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

- (120) **2844 W. Armitage:** Lincoln towed one vehicle on January 24, 2016. *Staff's Ex. J, pg. 214.* Lincoln's contract for 2844 W. Armitage was not filed with the Commission until August 2, 2016. *Staff's Ex. B, pg. 32.* Lincoln towed the vehicle prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (121-156) **3100 N. Central:** Lincoln towed a total of thirty-six vehicles on July 25, 2015; July 26, 2015; August 9, 2015; September 4, 2015; September 13, 2015; September 26, 2015; October 3, 2015; October 10, 2015; November 1, 2015; December 18, 2015; January 24, 2016; January 31, 2016; February 5, 2016; February 6, 2016; February 20, 2016; February 27, 2015; march 4, 2015; March 11, 2016; and march 12, 2016. *Staff's Ex. J, pgs. 3, 4, 23, 53, 60, 75, 83, 93, 118, 174, 212, 222, 227, 228, 230, 243, 250, 257, 264, 265.* Lincoln's contract for 3100 N. Central was cancelled on May 24, 2015. *Staff's Ex. B, pg. 33.* Lincoln towed thirty-six vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (157) **3901 W. Madison:** Lincoln towed one vehicle on January 16, 2016. *Staff's Ex. J, pg. 204.* Lincoln's contract for 3901 W. Madison was cancelled on August 24, 2013. *Staff's Ex. B, pg. 34.* Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (158) **4000 W. Grand:** Lincoln towed one vehicle on July 26, 2015. *Staff's Ex. J, pg. 4.* Lincoln's contract for 4000 W. Grand was cancelled on February 15, 2010. *Staff's Ex. B, pg. 35.* Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (159-163) **4032 W. Armitage:** Lincoln towed a total of four vehicles on August 18, 2015, August 19, 2015; and October 11, 2015. *Staff's Ex. J, pgs. 35, 36, 94.* Lincoln's contract for 4032 W. Armitage was not filed with the Commission until May 4, 2016. *Staff's Ex. B, pg. 36.* Lincoln towed four vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (164-165) **4645 W. Belmont:** Lincoln towed a total of two vehicles on a patrol basis on October 19, 2015, and March 17, 2016. *Staff's Ex. J, pgs. 103, 271.* Lincoln's contract for 2734 S. Wentworth was filed as a Call Lot on July 19, 2009. *Staff's Ex. B, pg. 38.*

¹ No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1).

² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

³ Relocator Contract Summaries shall be filed electronically with the Commission. Summaries shall state whether trespassing vehicles will be removed from the property on a patrol basis or only when contacted by the property owner, lessee or agent. When a contract permits removal of trespassing vehicles by both a property owner's request and a patrol basis, the relocator shall file that contract as a patrol contract. When one authorization to tow applies to multiple parking lot locations, each address shall be filed electronically with the Commission. 92 Ill. Adm. Code 1710.91(f)(3).

Lincoln towed two vehicles on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).³

- (166) **4946 S. Drexel:** Lincoln towed one vehicle on October 23, 2015. *Staff's Ex. J, pg. 108.* Lincoln's contract for 4946 S. Drexel was not filed with the Commission until November 3, 2015. *Staff's Ex. B, pg. 36.* Lincoln towed the vehicle prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (167-171) **5000 W. Madison:** Lincoln towed a total of five vehicles on a patrol basis on October 15, 2015; January 8, 2016; January 21, 2016; February 9, 2016; and February 13, 2016. *Staff's Ex. J, pgs. 98, 196, 209, 234, 238.* Lincoln's contract for 5000 W. Madison was filed as a Call Lot on March 7, 2007. *Staff's Ex. B, pg. 40.* Lincoln towed five vehicles on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).³
- (172) **5200 W. North:** Lincoln towed one vehicle on August 31, 2015. *Staff's Ex. J, pg. 37.* On August 31, 2015, 5200 W. North was under contract with another relocater. *Staff's Ex. B, pg. 41.* Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (173) **5531 W. North:** Lincoln towed one vehicle on August 15, 2015. *Staff's Ex. J, pg. 30.* Lincoln's contract for 5531 W. North was cancelled on October 11, 2009. *Staff's Ex. B, pg. 42.* Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (174-176) **7118 W. Grand:** Lincoln towed a total of three vehicles on February 6, 2016. *Staff's Ex. J, pg. 230.* Lincoln's contract for 7118 W. Grand was cancelled on June 18, 2012, and replaced by another relocater's contract on November 20, 2012. *Staff's Ex. B, pg. 43.* Lincoln towed three vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²

ii. **4882 N. Clark St. Facility - two-hundred and eighty-six (286) unauthorized tows.**

24. Staff's Exhibit K comprises Lincoln's 24 HourTow Reports for Lincoln's 4882 N. Clark St. Facility ("Clark Lot") for the period of July 24, 2015, through March 23, 2016.

¹ No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1).

² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

³ Relocator Contract Summaries shall be filed electronically with the Commission. Summaries shall state whether trespassing vehicles will be removed from the property on a patrol basis or only when contacted by the property owner, lessee or agent. When a contract permits removal of trespassing vehicles by both a property owner's request and a patrol basis, the relocater shall file that contract as a patrol contract. When one authorization to tow applies to multiple parking lot locations, each address shall be filed electronically with the Commission. 92 Ill. Adm. Code 1710.91(f)(3).

Among other information, the Tow Reports indicate the date and address of tow.

25. Staff's Exhibit A comprises information from the Commission's Motor Carrier Information System ("MCIS") Contract Listing By Property Address encompassing the period of July 24, 2015, through March 23, 2016.

26. Cross-referencing the dates and addresses of tows contained in Lincoln's Tow Reports for the Clark Lot with the contract activity dates for property addresses in the MCIS Contract Listing by Property Address reveals two-hundred and eighty-six (286) instances where Lincoln violated the ICRTVL and Administrative Rules between July 24, 2015, and March 23, 2016.

Violations Property Address:

- (1 – 4) **223 N. Custer:** Lincoln towed a total of four vehicles on October 28, 2015; November 4, 2015; November 16, 2015; and December 15, 2015. *Staff's Ex. K, pgs. 291, 313, 347, 424.* Lincoln's contract for 223 N. Custer was cancelled on February 11, 2010, and replaced by another relocators contract on March 22, 2012. *Staff's Ex. A, pg. 1.* Lincoln towed four vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (5 – 6) **834 W. Leland:** Lincoln towed a total of two vehicles on November 19, 2015, and December 3, 2015. *Staff's Ex. K, pgs. 352, 393.* Lincoln's contract for 834 W. Leland was not filed with the Commission until March 24, 2016. *Staff's Ex. A, pg. 2.* Lincoln towed two vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (7 – 9) **850 W. Eastwood:** Lincoln towed a total of three vehicles on October 19, 2015; November 11, 2015; and December 22, 2015. *Staff's Ex. K, pgs. 269, 332, 445.* Lincoln's contract for 850 W. Eastwood was not filed with the Commission until March 9, 2007. *Staff's Ex. A, pg. 3.* Lincoln towed three vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (10 – 12) **1415 W. Morse:** Lincoln towed a total of three vehicles on a patrol basis on November 10, 2015; November 24, 2015; and December 15, 2015. *Staff's Ex. K, pgs. 33, 370, 427.* Lincoln's contract for 1415 W. Morse was filed as a Call Lot on March 7, 2007. *Staff's Ex. A,*

¹ No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1).

² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

pg. 4.

Lincoln towed three vehicles on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).¹

- (13 – 15) **1730 W. Terra Cotta:** Lincoln towed a total of three vehicles on February 5, 2016; March 6, 2016; and March 12, 2016. *Staff's Ex. K, pgs. 560, 625, 643.*
Lincoln's contract for 1730 W. Terra Cotta was cancelled on December 31, 2015, and replaced by another relocater's contract on December 31, 2015. *Staff's Ex. A, pg. 6.*
Lincoln towed three vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (16 – 35) **2001 W. Devon:** Lincoln towed a total of nineteen vehicles on July 25, 2015; July 31, 2015; August 6, 2015; August 14, 2015; August 16, 2015; August 23, 2015; August 30, 2015; September 5, 2015; September 9, 2015; September 12, 2015; September 18, 2015; October 11, 2015; and November 8, 2015. *Staff's Ex. K, pgs. 6, 18, 37, 60, 72, 95, 115, 130, 132, 143, 153, 171, 244, 326.*
Lincoln's contract for 2001 W. Devon was not filed with the Commission until December 14, 2015. *Staff's Ex. A, pg. 7.*
Lincoln towed nineteen vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (36) **2245 N. Halsted:** Lincoln towed one vehicle on July 28, 2015. *Staff's Ex. K, pg. 13.*
On July 28, 2015, 2245 N. Halsted was under contract with another relocater. *Staff's Ex. A, pg. 8.*
Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²
- (37 – 38) **2454 W. Peterson:** Lincoln towed a total of two vehicles on December 16, 2015, and January 16, 2016. *Staff's Ex. K, pgs. 429, 506.*
Lincoln's contract for 2454 W. Peterson was filed as a Call Lot on March 7, 2007. *Staff's Ex. A, pg. 9.*
Lincoln towed two vehicles on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).¹
- (39) **2626 N. Lincoln:** Lincoln towed one vehicle on August 8, 2015. *Staff's Ex. K, pg. 36.*
Lincoln's contract for 2626 N. Lincoln was not filed with the Commission until December 7, 2016. *Staff's Ex. A, pg. 10.*
Lincoln towed the vehicle prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹
- (40 – 117) **2801 W. Devon:** Lincoln towed seventy-eight vehicles on August 1, 2015; August 15, 2016; August 21, 2015; August 31, 2015; September 1, 2015; September 12, 2015; September 16, 2015; September 26 – 27, 2015; October 6 – 7, 2015; October 10 – 11, 2015; October 18 – 19, 2015; October 31, 2015; November 8, 2015; November 10, 2015; November 14, 2015; November 17, 2015; November 26, 2015; November 28 – 29, 2015; December 6, 2015; December 11 – 12, 2015; December 17, 2015; December 19 – 21, 2015; December 23, 2015; December 27, 2015; December 29 – 31, 2015; January 2 – 3, 2016; February 5, 2016; February

¹ No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1).

² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

6, 2016; and February 21, 2016. *Staff's Ex. K, pgs. 24, 61, 62, 63, 67, 85, 117, 120, 153, 154, 164, 19, 199, 224, 227, 239, 242, 243, 265, 266, 267, 269, 301, 324, 329, 338, 348, 374, 380, 383, 384, 404, 413, 419, 432, 436, 441, 442, 443, 447, 453, 457, 461, 464, 472, 473, 477, 558, 565, 598.*

Lincoln's contract for 2801 W. Devon was not filed with the Commission until April 12, 2016. *Staff's Ex. A, pgs. 11, 12.*

Lincoln towed seventy-eight vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

(118 – 119) 2828 N. Broadway: Lincoln towed a total of two vehicles on a patrol basis on August 13, 2015, and December 5, 2015. *Staff's Ex. K, pgs. 56, 399.*

Lincoln's contract for 2828 N. Broadway was filed as a Call Lot on March 7, 2007. *Staff's Ex. A, pg. 13.*

Lincoln towed two vehicles on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).¹

(120) 3214 N. Kimball: Lincoln towed one vehicle on December 16, 2015. *Staff's Ex. K, pg. 431.*

Lincoln's contract for 3214 N. Kimball was cancelled on February 19, 2009. *Staff's Ex. A, pg. 14.*

Lincoln towed the vehicle after the contract was cancelled; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

(121 – 153) 3620 N. Clark: Lincoln towed a total of thirty-four vehicles on August 1, 2015; August 15, 2015; August 22, 2015; September 12, 2015; October 6 – 8, 2015; October 24 – 25, 2015; November 28, 2015; December 5, 2015; December 9, 2015; December 11, 2015; December 26 – 27, 2015; December 31, 2015; January 3, 2016; January 9, 2016; January 30, 2016; February 12 – 13; February 20 – 21, 2016. *Staff's Ex. K, pgs. 21, 61, 91, 150, 225, 227, 231, 284, 285, 380, 402, 408, 414, 452, 454, 475, 489, 490, 544, 574, 576, 595, 609.*

Lincoln's contract for 3620 N. Clark was cancelled November 23, 2009, and replaced by another relocater's contract on November 27, 2009. *Staff's Ex. A, pg. 15.*

Lincoln towed thirty-four vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²

(154 – 161) 3700 N. Broadway: Lincoln towed a total of eight vehicles on March 26, 2015; August 8, 2015; September 7, 2015; January 10, 2016; February 12, 2016; and March 9, 2016. *Staff's Ex. K, pgs. 9, 46, 138, 496, 574, 631.*

Lincoln's contract for 3700 N. Broadway was not filed with the Commission until March 18, 2016. *Staff's Ex. A, pg. 16, 17.*

Lincoln towed eight vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

(162 – 165) 3923 N. Clarendon: Lincoln towed a total of four vehicles on September 5, 2015; September 9, 2015; December 31, 2015; and January 10, 2016. *Staff's Ex. K, pgs. 128, 143, 463, 494.*

Lincoln's contract for 3923 N. Clarendon was not filed with the Commission until October 7, 2016. *Staff's Ex. A, pg. 18.*

Lincoln towed four vehicles prior to filing the contract; therefore, without an effective

¹ No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1).

² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

(166 – 188) 4102 N. Sheridan: Lincoln towed a total of twenty-three vehicles on July 26, 2015; July 29, 2015; September 6, 2015; September 8, 2015; September 11, 2015; September 19, 2015; September 22, 2015; October 1, 2015; October 10, 2015; October 23, 2015; October 29, 2015; November 5, 2015; November 20, 2015; December 13, 2015; December 27, 2015; January 27, 2015; March 13, 2016; March 18 – 19, 2016; and March 22, 2016. *Staff's Ex. K, pgs. 11, 14, 136, 140, 148, 172, 174, 184, 211, 238, 278, 296, 315, 358, 421, 455, 535, 650, 658, 662, 668.*

Lincoln's contract for 4102 N. Sheridan was cancelled on October 27, 2009. *Staff's Ex. A, pg. 19.*

Lincoln towed twenty-three vehicles after the contract was cancelled; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

(189) 4420 N. Winchester: Lincoln towed one vehicle on a patrol basis on November 18, 2015. *Staff's Ex. K, pg. 349.*

Lincoln's contract for 4420 N. Winchester was filed as a Call Lot on March 7, 2007. *Staff's Ex. A, pg. 20.*

Lincoln towed the vehicle on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).¹

(190 – 191) 4801 W. Ravenswood: Lincoln towed a total of two vehicles on July 26, 2015, and August 16, 2015. *Staff's Ex. K, pgs. 10, 72.*

Lincoln's contract for 4801 W. Ravenswood was not filed with the Commission until August 11, 2016. *Staff's Ex. A, pg. 21.*

Lincoln towed two vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

(192 – 201) 5440 N. Clark: Lincoln towed a total of ten vehicles on August 14 – 15, 2015; August 29, 2015; September 26, 2015; January 19, 2016; February 5, 2016; February 23, 2016; and March 6, 2016. *Staff's Ex. K, pgs. 58, 66, 109, 195, 519, 560, 601, 628.*

Lincoln's contract for 5440 N. Clark was cancelled on April 3, 2008, and replaced by another relocater's contract on April 19, 2008. *Staff's Ex. A, pgs. 22, 23.*

Lincoln towed ten vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²

(202 – 207) 5501 N. Kedzie: Lincoln towed a total of six vehicles on January 29 – 30, 2016; February 21, 2016; and February 27, 2016. *Staff's Ex. K, pgs. 541, 542, 597, 610.*

Lincoln's contract for 5501 N. Kedzie was cancelled on February 15, 2015, and replaced by another relocater's contract on February 24, 2015. *Staff's Ex. A, pg. 24.*

Lincoln towed six vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²

(208 – 213) 5623 N. Clark: Lincoln towed a total of six vehicles on August 14, 2015; October 18, 2015; November 22, 2015; November 27, 2015; December 20, 2015; and January 3, 2016. *Staff's Ex. K, pgs. 59, 266, 365, 377, 441, 476.*

Lincoln's contract for 5623 N. Clark was cancelled on April 29, 2010, and replaced by another

¹ No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1).

² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

relocator's contract on April 30, 2010. *Staff's Ex. A, pg. 25.*

Lincoln towed six vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²

(214 – 218) 5713 N. Kenmore: Lincoln towed a total of five vehicles on August 3, 2015; August 12, 2015; August 25, 2015; September 1, 2015; and September 8, 2015. *Staff's Ex. K, pgs. 31, 55, 99, 119, 140.*

Lincoln's contract for 5713 N. Kenmore was cancelled on August 11, 2014, and replaced by another relocator's contract on August 27, 2014. *Staff's Ex. A, pg. 26.*

Lincoln towed five vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²

(219 – 224) 5754 N. Western: Lincoln towed a total of six vehicles on August 22, 2015, and December 27, 2015. *Staff's Ex. K, pgs. 90, 91, 455.*

Lincoln's contract for 5754 N. Western was not filed with the Commission until March 12, 2017. *Staff's Ex. A, pg. 27.*

Lincoln towed six vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

(225) 5853 W. Artesian: Lincoln towed one vehicle on a patrol basis on February 12, 2016. *Staff's Ex. K, pg. 574.*

Lincoln's contract for 5853 W. Artesian was filed as a Call Lot on June 11, 2009. *Staff's Ex. A, pg. 28.*

Lincoln towed the vehicle on a patrol basis when the contract was filed as Call Lot in violation of 92 Ill. Adm. Code 1710.91(f)(3).¹

(226 – 272) 6105 N. Broadway: Lincoln towed a total of forty-seven vehicles on July 31, 2015; August 1, 2015; August 15, 2015; August 18, 2015; August 22 – 23, 2015; August 27, 2015; September 4 – 5, 2015; September 10, 2015; September 18 – 19, 2015; September 25 – 26, 2015; October 10, 2015; October 29, 2016; October 31, 2015; November 6, 2015; November 8, 2015; November 20, 2015; November 26, 2015; November 29, 2015; December 5, 2015; December 11 – 13, 2015; December 16, 2015; December 20, 2015; January 11, 2016; January 14, 2015; January 23, 2016; February 5, 2016; February 18, 2016; and February 27, 2015. *Staff's Ex. K, pgs. 18, 19, 23, 67, 77, 89, 95, 96, 105, 127, 130, 146, 170, 174, 190, 197, 238, 296, 299, 317, 326, 358, 375, 385, 401, 414, 418, 424, 431, 442, 497, 502, 529, 560, 587, 609.*

Lincoln's contract for 6105 N. Broadway was not filed with the Commission until January 9, 2017. *Staff's Ex. A, pg. 29.*

Lincoln towed forty-seven vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

(273 – 275) 6550 N. Sheridan: Lincoln towed a total of three vehicles on July 24, 2015; July 31, 2015; and August 1, 2015. *Staff's Ex. K, pgs. 3, 18, 22.*

Lincoln's contract for 6550 N. Sheridan was not filed with the Commission until October 21, 2016. *Staff's Ex. A, pg. 30.*

Lincoln towed three vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

¹ No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1).

² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

(276 – 285) **6700 N. Greenvi**ew: Lincoln towed a total of ten vehicles on July 25, 2015; August 14, 2015; August 20, 2015; November 1, 2015; December 6, 2015; January 23, 2016; and March 23, 2016. *Staff's Ex. K, pgs. 6, 59, 82, 303, 403, 528, 577, 670, 671.*

Lincoln's contract for 6700 N. Greenvi

ew was cancelled on February 5, 2015. *Staff's Ex. A, pg. 31.*

Lincoln towed ten vehicles without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.²

(286) **7000 N. Ridge**: Lincoln towed one vehicle on December 15, 2015. *Staff's Ex. K, pg. 428.*

Lincoln's contract for 7000 N. Ridge was not filed with the Commission until January 4, 2016. *Staff's Ex. A, pg. 32.*

Lincoln towed three vehicles prior to filing the contract; therefore, without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).¹

B. LINCOLN USED THE SERVICES OF AN OPERATOR WITHOUT A VALID, CURRENT OPERATOR'S PERMIT THREE-HUNDRED SIXTY-NINE (369) TIMES BETWEEN JULY 24, 2015, AND MARCH 23, 2016.

27. Staff's Exhibit J comprises Lincoln's 24 Hour Tow Reports ("Tow Reports") for its 4601 W. Armitage St. Facility ("Armitage Lot") for the period of July 24, 2015, through March 23, 2016. The date of the tow is located at the top right of the page. The "DRIVER" column identifies the operator conducting the tow.

28. Staff's Exhibit K comprises Lincoln's Tow Reports for its 4882 N. Clark. Facility ("Clark Lot") for the period of July 24, 2015, through March 23, 2016. The date of the tow is located at the top right of the page. The "DRIVER" column identifies the operator conducting the tow.

29. Staff's Exhibit F comprises Relocator – Operator/Operator Permit information from the Commission's Motor Carrier Information System ("MCIS").

30. Cross-referencing the dates of tows contained in Lincoln's Tow Reports for the Armitage Lot with the effective dates of operator permits held by Lincoln's operators

¹ No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1).

² No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91. 92 Ill. Adm. Code 1710.41.

in MCIS reveals Lincoln violated Section 18a-300(2) of the ICRTVL, which prohibits the use of an operator without a valid, current permit, one-hundred fifty-nine (159) times between July 24, 2015, and March 23, 2016.

31. Operator permit number 2515 belongs to Jose Negron. *7-10-17 Tr., pg. 819, ll. 3-7; Staff's Ex. F.*

32. Operator permit 2515 was valid from November 8, 2013, to November 8, 2015, and, after a subsequent application was received, became effective again on December 6, 2016. *7-10-17 Tr., pg. 820, ll. 3-7, ll. 16-22; Staff's Ex. F.*

33. Operator permit number 4190 belongs to Albert Solano. *7-10-17 Tr., pg. 826, ll. 4-15; Staff's Ex. F.*

34. Operator permit 4190 was valid from February 14, 2014, to February 14, 2016, and, after a subsequent application was received, became effective again on April 22, 2016. *7-10-17 Tr., pg. 829, l. 12 – pg. 830, l. 10; Staff's Ex. F.*

35. Operator permit number 4394 belongs to Ronald K. Phillips. *7-7-17 Tr., pg. 667, ll. 14-24; Staff's Ex. F.*

36. Operator permit 4394 was valid from August 16, 2013, to August 16, 2015; and, after a subsequent application was received, became effective again on February 16, 2016. *7-7-17 Tr., pg. 668, l. 19 – pg. 670, l. 4; Staff's Ex. F.*

Violations | Operator:

- (1 – 2) **Jose Negron, RTV-O #2515:** Towed a total of two vehicles on November 21, 2015, and December 5, 2015. *Staff's Ex. J, pgs. 145, 161.*
Operator permit RTV-O #2515 was valid from November 8, 2013, to November 8, 2015, and from December 6, 2016, to December 6, 2018. *Staff's Ex. F.*
Lincoln employed or used as an operator a person without a valid, current operator's

employment permit two times in violation of section 18a-300(2).⁴

- (3 – 11) **Albert Solano, RTV-O #4190:** Towed a total of nine vehicles on February 16-17, 2016; February 22-24, 2016; and February 26, 2016. *7-10-17 Tr., pgs. 831-833; Staff's Ex. J, pgs. 240, 241, 244, 245, 246, 248*
Operator permit RTV-O #4190 expired on February 14, 2016, and was reissued on April 22, 2016. *7-10-17 Tr., 830, ll. 8-10; Staff's Ex. F.*
Lincoln employed or used as an operator a person without a valid, current operator's employment permit nine times in violation of section 18a-300(2).⁴
- (12 – 369) **Ronald Phillips, RTV-O #4394:** Towed a total of three-hundred and fifty-eight vehicles on August 17 – 18, 2015; August 21 – 23, 2015; August 28 – 31, 2015; September 1, 2015; September 3 – 5, 2015; September 8, 2015; September 11 – 15, 2015; September 18 – 21, 2015; September 24, 2015; September 26, 2015; September 28, 2015; October 1 – 4, 2015; October 7 – 8, 2015; October 10 – 11, 2015; October 13, 2015; October 16 – 18, 2015; October 20 – 21, 2015; October 23 – 25, 2015; October 29, 2015; November 3, 2015; November 5, 2015; November 9 – 11, 2015; November 18 – 22, 2015; November 24 – 25, 2015; November 27 – 29, 2015; December 3 – 4, 2015; December 8 – 12, 2015; December 15 – 17, 2015; December 19 – 20, 2015; December 22 – 23, 2015; December 25, 2015; December 27, 2015; December 31, 2015; January 4 – 6, 2016; January 8 – 10, 2016; January 13, 2016; January 15 – 17, 2016; January 19, 2016; January 22 – 25, 2016; January 27, 2016; January 29 – 30, 2016; February 3 – 7, 2016; February 9, 2016; and February 11 – 14, 2016. *7-7-17 Tr., pgs. 671, l. 8 – 717, l. 15; Staff's Ex. K, pgs. 73, 74, 75, 76, 77, 84, 85, 86, 87, 88, 89, 93, 94, 106, 107, 108, 109, 110, 112, 113, 114, 116, 119, 124, 126, 127, 128, 130, 140, 147, 149, 151, 152, 153, 154, 156, 157, 161, 163, 164, 168, 169, 174, 177, 178, 181, 182, 186, 194, 195, 196, 197, 198, 204, 209, 211, 212, 214, 215, 217, 218, 219, 220, 221, 222, 226, 227, 230, 237, 239, 240, 241, 245, 247, 248, 249, 250, 251, 257, 258, 261, 263, 266, 267, 271, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 292, 310, 311, 314, 315, 327, 328, 332, 349, 352, 353, 354, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 370, 372, 373, 376, 377, 379, 380, 381, 383, 384, 391, 395, 406, 407, 408, 410, 411, 412, 413, 415, 416, 417, 419, 420, 426, 427, 431, 432, 434, 435, 440, 445, 446, 447, 448, 453, 456, 462, 463, 479, 480, 481, 482, 484, 488, 489, 493, 494, 500, 503, 506, 507, 508, 514, 520, 523, 526, 531, 533, 536, 538, 543, 544, 554, 555, 556, 557, 558, 561, 562, 566, 570, 572, 574, 575, 576, 579.*
Operator permit RTV-O #4394 expired on August 16, 2015, and was reissued on February 16, 2016. *7-7-17 Tr., pgs. 669, l. 7 – 670, l. 4; Staff's Ex. F.*
Lincoln employed or used as an operator a person without a valid, current operator's employment permit two times in violation of section 18a-300(2).⁴

⁴ It shall be unlawful for any commercial vehicle relocater “[t]o employ as an operator, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current operator's employment permit, or temporary operator's employment permit issued in accordance with Sections 18a-403 or 18a-405 of this Chapter. 625 ILCS 5/18a-300(2).

V. ARGUMENT

A. **LINCOLN VIOLATED SECTIONS 1710.41, 1710.91(F)(1), 1710.91(F)(3) OF THE COMMISSION'S ADMINISTRATIVE RULES OR SECTION 18A-300(2) OF THE ICRTVL EIGHT-HUNDRED THIRTY-ONE (831) TIMES BETWEEN JULY 24, 2015, AND MARCH 23, 2016,.**

As detailed in the above section, the Commission has before it Lincoln's Tow Reports for its Armitage and Clark Lots and information from MCIS related to the contract status of property addresses and the permit status of operators contained in Lincoln's Tow Reports. Structuring the analysis of the information from these two sources as a logical syllogism leads to the inevitable conclusion that a violation of the ICRTVL and Administrative Rules occurred in each instance. Implicated in this analysis is Section 1710.41 that provides that "[n]o vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91." 92 Ill. Adm. Code 1710.41. Taking the first premise from Lincoln's Tow Reports: 1) Lincoln towed one vehicle on July 31, 2015, from 345 N. Canal, *Staff's Ex. J, pg. 11*, in conjunction with the second premise from MCIS: 2) on July 31, 2015, 345 N. Canal was under contract with another relocater, *Staff's Ex. B, pg. 4*, leads to the logical conclusion that: 3) Lincoln violated Section 1710.41. For instance, the syllogism becomes:

If Lincoln towed one vehicle on July 31, 2015, from 345 N. Canal.

And if Lincoln did not have a tow contract on July 31, 2015, for 345 N. Canal.

Then Lincoln towed the vehicle without property owner or agent authorization in violation of 92 Ill. Adm. Code 1710.41.

Also implicated in the analysis is Section 1710.91(f)(1) that provides that "[n]o authorization to tow or contract shall be effective until a completed copy of the

Commission's Relocator Contract Summary form covering the authorization or contract has been electronically filed with and accepted by the Commission. 92 Ill. Admin. Code 1710.91(f)(1). Taking the first premise from Lincoln's Tow Reports: 1) Lincoln towed a total of ten vehicles on July 24, 2015; August 28, 2015; November 14-15, 2015; and November 20 - 21, 2015, from 111 S. Halsted, *Staff's Ex. J, pgs. 2, 4, 135, 136, 137, 144, 145, 146*, in conjunction with the second premise from MCIS: 2) Lincoln's contract for 111 S. Halsted was not filed with the Commission until April 3, 2016, *Staff's Ex. B, pg. 1*, leads to the logical conclusion that: 3) Lincoln violated Section 1710.91(f)(1). For instance:

If Lincoln towed ten vehicles from 111 S. Halsted before April 3, 2016.

And if Lincoln's tow contract was not filed with the Commission until April 3, 2016.

Then Lincoln towed each of the ten vehicles without an effective authorization or contract to tow in violation of 92 Ill. Admin. Code 1710.91(f)(1).

Similarly implicated in the analysis is Section 1710.91(f)(3) that provides that Relocator Contract Summaries filed with the Commission "shall state whether trespassing vehicles will be removed from the property on a patrol basis or only when contacted by the property owner, lessee or agent. 92 Ill. Adm. Code 1710.91(f)(3). Taking the first premise from Lincoln's Tow Reports: 1) Lincoln towed one vehicle on a patrol basis on November 14, 2015, from 1919 N. Cicero, *Staff's Ex. J, pg. 136*, in conjunction with the second premise from MCIS: 2) Lincoln's contract for 1919 N. Cicero was filed as a Call Lot on April 14, 2011, *Staff's Ex. B, pg. 15*, leads to the logical conclusion that: 3) Lincoln violated Section 1710.91(f)(3). For instance,

If Lincoln towed a vehicle from 1919 N. Cicero on November 14, 2015, on a patrol basis.

And if Lincoln's tow contract for 1919 N. Cicero was filed as a Call Lot on April 14, 2011.

Then Lincoln towed the vehicle on a patrol basis when the contract filed required contact be made by the property owner in violation of 92 Ill. Admin. Code 1710.91(f)(3).

Repeating this logical syllogism for each property address listed above leads to the necessary conclusion that Lincoln violated either Section 1710.41 , 1710.91(f)(1), or 1710.91(f)(3) of the Commission's Administrative Rules four-hundred sixty-two (462) times between July 24, 2015, and March 23, 2016.

The same logical analysis applies to the operators named above. Section 300(2) provides that it shall be unlawful for any commercial vehicle relocater "[t]o employ as an operator, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current operator's employment permit, or temporary operator's employment permit issued in accordance with Sections 18a-403 or 18a-405 of this Chapter. 625 ILCS 5/18a-300(2). Taking the first premise from Lincoln's Tow Reports: 1): Jose Negrón, RTV-O #2515, towed a total of two vehicles on November 21, 2015, and December 5, 2015, *Staff's Ex. J, pgs. 145, 161*, in conjunction with the second premise comes from MCIS: 2) Operator permit RTV-O #2515 was valid from November 8, 2013, to November 8, 2015, and from December 6, 2016, to December 6, 2018, *Staff's Ex. F*, leads to the logical conclusion that Lincoln violated Section 300(2). The syllogism becomes:

If Jose Negrón, RTV-O #2515, towed two vehicles on November 21, 2015

And if Jose Negrón did not have a valid operator's permit on November 21, 2015

The Lincoln used as an operator a person without a valid permit two times in violation of section 18a-300(2).

Repeating this logical syllogism for each operator named above and the dates they conducted tows leads to the inevitable conclusion that Lincoln violated Section 18a-300(2) of the ICRTVL three-hundred sixty-nine (369) times between July 24, 2015, and March 23, 2016.

In sum, between July 24, 2015, and March 23, 2016, Lincoln violated sections 1710.41, 1710.91(f)(1), or 1710.91(f)(3) of the Commission's Administrative Rules or Section 18a-300(2) of the ICRTVL eight-hundred thirty-one (831) times.

B. LINCOLN'S PATTERN AND PRACTICE OF CONDUCTING UNAUTHORIZED RELOCATIONS HARMS THE PUBLIC AND DEMONSTRATES THAT LINCOLN IS INCOMPETENT AND UNWORTHY TO HOLD A RELOCATOR'S LICENSE.

"[T]he predominant purpose of the State in licensing a trade or profession is the prevention of injury to the public by assuring that the occupation will be practiced with honesty and integrity, excluding from the profession those who are incompetent or unworthy." *Alexander v. Director, Dept. of Agriculture*, 111 Ill.App.3d 927, 931 (3d Dist. 1983). The Commission is not presented with an isolated incident or even multiple incidents where Lincoln violated the ICRTVL and Commission regulations. Instead, the evidence before the Commission is that over the course of eight months Lincoln committed eight-hundred thirty-one violations of the law enacted to protect the safety and welfare of the public. Lincoln's pervasive and ongoing pattern and practice of conducting unauthorized relocations in violation of the law demonstrates that Lincoln is incompetent and unworthy to maintain its relocator's license. Such a persistent pattern and practice of conducting unauthorized relocations injures the public and warrants revocation of Lincoln's relocator's license.

A relocator's license allows a relocator to seize a person's property without their consent on the condition that it is done within a strict framework so "as to fairly distribute rights and responsibilities among vehicle owners, private property owners and commercial vehicle relocators." 625 ILCS 5/18a-101. Certainly, a vehicle owner parked on private property without permission from the property owner encroaches on the property rights of the property owner. The property owner may contract with a relocator to remove a trespassing vehicle. The relocator's rights in this context, however, do not take precedence over the vehicle owners. Public welfare suffers each instance where a relocator operates outside of this framework and places its rights above those of vehicle owners and property owners. Lincoln's continuous defiance of the rule of law amounts to a betrayal of the public trust entrusted to it with the issuance of a relocator's license.

Furthermore, one of the Commission's purposes entrusted to it by the General Assembly in regulating the relocation industry is to promote public safety and protect the public. The Commission is authorized by law and required to conduct background checks of applicants for operator's permits to determine whether they contain convictions which would disqualify them from obtaining a permit. 625 ILCS 5/18a-403. This purpose is thwarted when Lincoln repeatedly uses operators without a valid permit. The Commission cannot fulfill its statutory mandate to ensure that an operator continues to be qualified to hold an operator's permit when they fail to submit a renewal application when a permit has expired.

Harm to the public at large can also be presumed as a result of Lincoln's recurrent statutory violations. For example, by analogy, when a state agency is authorized to seek injunctive relief for statutory violations, the state agency is not required to show

irreparable harm or an inadequate remedy at law because harm to the public is presumed from the statutory violation itself. *People ex rel. Hartigan v. Stianos*, 131 Ill.App.3d 575, 580 (2d Dist. 1985)(“The principle underlying the willingness of the courts to issue statutory injunctions to public bodies to restrain violations of a statute is that harm to the public at large can be presumed from the statutory violation alone.”).

Moreover, not only does operating outside of the law harm the public, but it harms the relocation industry itself. The Commission’s rules take into consideration the rights of relocators and its rules, when followed, promote honest competition among its licensed relocators. The Commission’s police powers are “not limited to health, morals, and safety;’ rather, it ‘extends to economic needs as well.” *Commonwealth Edison Co. v. Illinois Commerce Comm’n*, 398 Ill.App.3d 510, 529 (1st Dist. 2009). As a matter of public policy, the Commission cannot allow one relocator to gain an advantage over other relocators and profit by flouting the law.

Promoting public welfare and preserving the integrity of and honest competition within the relocation industry require revocation of Lincoln’s relocator’s license. Lincoln, itself, has recognized this as grounds for revocation of a relocator’s license when it argued in favor of revoking a competitor’s license. As recognized by Lincoln, the towing industry benefits when all relocators abide by the law and Commission relocation regulations. See *9-26-2007 Order C-RTV-29, pg. 12*. When relocators fail to do so it casts the entire industry in a bad light with the general public and adversely affects the business of other relocators. *Id.* Additionally, relocators that do abide by the law and Commission’s rules are not on a level playing field with relocators who do not. *Id.* In other words, relocators that operate outside of the law have an unfair competitive

advantage over those who abide by the law because it lowers their operating costs. When that competitive advantage is gained by Lincoln's regular, repeated, and frequent unauthorized relocations – the appropriate decision for the Commission to make in balancing the protections of all parties is to determine that Lincoln lacks the fitness to hold its relocator's license.

C. RECURRING ADMINISTRATIVE CITATIONS ARE INDICATIVE OF LINCOLN'S INCOMPETENCE TO PROPERLY MANAGE ITS BUSINESS OPERATIONS TO ENSURE COMPLIANCE WITH THE LAW.

Although the issuance of an administrative citation is not dispositive of a violation of a particular rule or statute governing relocation towing, the administrative citations in evidence that were issued to Lincoln when viewed as a whole are indicative of Lincoln's conscious disregard of its managerial obligation to ensure that its business operations comply with the Commission's Rules and the ICRTVL. They also serve as a retort to a running theme interjected by Lincoln throughout the fitness hearing. In addressing the pattern of violations revealed by cross-referencing Lincoln's Tow Reports with MCIS, Lincoln repeatedly attempted to minimize these violations by asserting that the Commission never informed Lincoln about the violations as they were occurring.

Q . . . Not one time during the relevant time period, did anyone for the Commerce Commission ever say to you, you towed a vehicle from this lot and you don't have a contract for the lot, did they?

A No. *Tr. 3-15-18, pg. 1800.*

The implication of Lincoln's argument strains logic. How was the Commission to inform Lincoln about the four-hundred sixty-two violations related to the property contracts during the relevant time period when evidence of these violations was not discovered until the fitness hearing, the very purpose of which was to "make inquiry into the

management, conduct of business, or otherwise determine that the provisions of the ICRTVL and the Commission's Administrative Rules, 92 Ill. Adm. Code 1710.10 *et seq.*, are being observed?"

Lincoln also goes on to suggest that without having been informed about the violations by the Commission and without the Commission informing Lincoln how to remain in compliance with the law, Lincoln could not correct its business practices.

Q If anyone from the Commerce Commission had approached you during the relevant time period, with any issues, what would you have done?

A I would have discussed it with them and figured out a way to work it out and figure out how we could work better for them and their suggestions. *Tr. 3-15-18, pg. 1834.*

Q As you sit here today, has anyone from the Commerce Commission ever approached you as a representative of Lincoln Towing and told you what you need to be doing in order to be in, what they believe, compliance?

A No. *Tr. 3-15-18, pg. 1835.*

As a holder of a relocater's license, it is Lincoln's obligation to conduct its business in compliance with the law not the Commission's obligation to remind Lincoln to do so. In any event, Lincoln repeatedly received notice from the Commission calling into question Lincoln's compliance and business practices. Recurring administrative citations for the same alleged violation place a relocater on notice that its compliance protocols are insufficient. One reasonably can presume that in response to recurring citations, a relocater implement more thorough compliance protocols or, the very least, examine its business practices to determine if, in fact, there may be a problem.

Here, Lincoln was issued twenty-seven (27) citations alleging that Lincoln conducted a tow when there was no contract e-filed, the contract was cancelled, or the tow was conducted on a patrol basis when the contract was e-filed as a call basis in violation of sections 1710.41, 1710.91(f)(1), or 1710.91(f)(3). *Staff's Ex. L, 8001824;*

Staff's Ex. M, 8000114, 8000129, 8000132, 8000952, 8000953, 8000960, 8001235, 8001355, 8001394, 8001395, 8001398, 8001801, 8001814, 8001823, 8001826, 8001828, 8001831, 8001851, 8001887, 8001891, 8001894, 8001897, 8001900; Staff's Ex. N, 8001290, 8001364, 8001875.

Despite Lincoln being placed on notice that its procedures for filing contracts with the Commission as required by sections 1710.41, 1710.91(f)(1), or 1710.91(f)(3) may be insufficient, Lincoln failed to address any of these issues. If it had, it stands to reason that Lincoln would not have violated the same sections at issue in the above-mentioned administrative citations four-hundred sixty-two (462) times. *(Cross-referencing the dates and addresses of tows contained in Lincoln's Tow Reports for the Clark Lot and Armitage Lot, Staff's Exs. J & K, with the contract activity dates for property addresses in the MCIS Contract Listing by Property Address, Staff's Exs. A & B, reveals four-hundred sixty-two (462) where Lincoln violated 92 Ill. Admin. Code 1710.41, 1710.91(f)(1), or 1710.91(f)(3) between July 24, 2015, and March 23, 2016.)*

Given that a fairly simple audit of Lincoln's own business records uncovered the ongoing pattern of violations, the reasonable inference that follows is that Lincoln's incompetence and mismanagement is tantamount to a deliberate ignorance of its obligation to properly manage its business practices. The natural consequence of conducting an audit or properly managing its business within the law would have been fewer relocations. This would have placed Lincoln at a competitive disadvantage in relation to other relocators and meant a decrease in revenue and profit. Lincoln chose profit over its obligation to conduct its business within the law, choosing profit over public welfare. This decision – through gross mismanagement of its business operations or

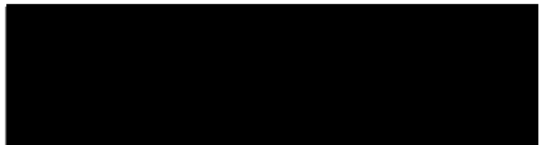
through deliberate ignorance – as evidenced by hundreds of unauthorized relocations, demonstrates that Lincoln is not fit to serve the general public pursuant to a relocater's license issued to it by the Commission.

WHEREFORE, for the reasons discussed above, Staff respectfully requests that the Illinois Commerce Commission find Protective Parking Service Corporation d/b/a Lincoln Towing Service unfit to hold a relocater's license in the State of Illinois under the Illinois Commercial Relocation of Trespassing Vehicles Law.

Respectfully Submitted,
Staff of the Illinois Commerce
Commission

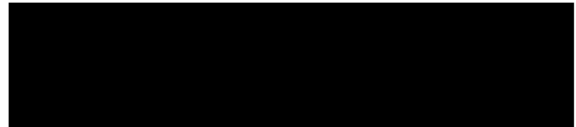
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