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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
PROTECTIVE PARKING SERVICE)
CORPORATION d/b/a LINCOLN)
TOWING SERVICE,)
Respondent.) Docket No.
HEARING ON FITNESS TO HOLD A) 92 RTV-R Sub 17
COMMERCIAL VEHICLE RELOCATOR'S)
LICENSE PURSUANT TO SECTION)
401 OF THE ILLINOIS COMMERCIAL)
RELOCATION OF TRESPASSING)
VEHICLES LAW, 625 ILCS)
5/18A-401.)

Chicago, Illinois
January 16, 2018

Met, pursuant to notice, at 11:00 a.m.

BEFORE:
MS. LATRICE KIRKLAND-MONTAQUE,
Administrative Law Judge

SULLIVAN REPORTING COMPANY, by
Kristin C. Brajkovich, CSR
License No. 084-003810.

1 APPEARANCES:

2

3 ILLINOIS COMMERCE COMMISSION, by

4 MR. MARTIN BURZAWA

5 160 North LaSalle Street

6 Suite C-800

7 Chicago, IL 60601

8 (312) 814-1934

9 on behalf of ICC Staff;

10

11 PERL & GOODSYNDER, LTD., by

12 MR. ALLEN R. PERL

13 MR. VLAD V. CHIRICA

14 14 North Peoria Street

15 Chicago, IL 60607

16 (312) 243-4500

17 for Protective Parking.

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I N D E X

WITNESS	DX	CX	RDX	RCX
BRYAN STRAND				
By Mr. Perl		677		

E X H I B I T S

NUMBER	MARKED FOR ID	RECEIVED
Protective Parking Exhibit No. 3		726

1 JUDGE KIRKLAND-MONTAQUE: Okay. By the power
2 vested in me by the State of Illinois and the
3 Illinois Commerce Commission, I now call
4 Docket No. 92-RTV-R for hearing. This is in the
5 matter of Protective Parking Service Corporation
6 doing business as Lincoln Towing Service -- I'm
7 sorry. I have the wrong caption in front of me.
8 That is correct.

9 The correct name is Protective Parking
10 Service, and we are here on the hearing on fitness to
11 hold a commercial vehicle relocator's license
12 pursuant to Section 401 of the Illinois Commercial
13 Relocation of Trespassing Vehicles Law.

14 May I have appearances, please. Let's
15 start with Protective Parking.

16 MR. PERL: Thank you, your Honor. For the
17 record, my name is Allen Perl, P-e-r-l, from Perl &
18 Goodsnyder. Our address is 14 North Peoria Street,
19 Suite 2C, Chicago, Illinois 60607, telephone number
20 312-243-4500. I represent Protective Parking Service
21 Corporation doing business as Lincoln Towing Service.

22 MR. CHIRICA: Good morning, your Honor. My
23 name is Vlad Chirica. I'm also here from Perl &
24 Goodsnyder, and I represent Protective Parking

1 Corporation doing business as Lincoln Towing Service,
2 the respondent in this matter. Our address is
3 14 North Peoria Street, Suite 2C in Chicago, Illinois
4 60607, and our phone number is 312-243-4500.

5 JUDGE KIRKLAND-MONTAQUE: Thank you. Staff?

6 MR. BURZAWA: Good morning, your Honor. My
7 name is Martin Burzawa appearing on behalf of Staff
8 of the Illinois Commerce Commission. My address is
9 160 North LaSalle Street, Suite 800, Chicago,
10 Illinois 60601. My telephone number is 312-814-1934.

11 JUDGE KIRKLAND-MONTAQUE: Thank you. And I see
12 we have -- is the witness Officer Strand? So I'm
13 assuming you are going to cross-examine Officer
14 Strand at this time?

15 MR. PERL: Yes, your Honor.

16 JUDGE KIRKLAND-MONTAQUE: Why don't you take
17 the stand over here, Mr. Strand. For the record,
18 Mr. Strand, you were previously sworn in so remember
19 you are still under oath. Mr. Perl, I give you the
20 floor.

21 MR. PERL: Thank you, your Honor.

22 BRYAN STRAND,
23 called as a witness herein, having been first duly
24 sworn, was examined and testified as follows:

1 CROSS-EXAMINATION

2 BY MR. PERL:

3 Q For the record, Officer Strand, could you
4 state your name and spell your last name for the
5 court reporter?

6 A Yes. It's Bryan, with a Y, last name
7 Strand, S-t-r-a-n-d.

8 Q And you previously gave testimony in this
9 matter. Do you recall that?

10 A I do.

11 Q Did you do anything between then and now to
12 prepare for the cross-examination today?

13 A The only thing I did was look over
14 transcripts from the direct examination.

15 Q Other than your attorney -- Mr. Burzawa is
16 your attorney, correct?

17 A Correct.

18 Q Other than your attorney, did you speak to
19 anybody about your testimony today?

20 A No.

21 Q Did you review any documents before this
22 morning?

23 A No.

24 Q Where did you work prior to the Commerce

1 Commission, if you did?

2 A Sequentially from the beginning?

3 Q No. I mean after college.

4 A I worked for LaGrange Police Department.

5 Q As a police officer?

6 A Correct.

7 Q And how long did you hold that job?

8 A Approximately three years.

9 Q And how about after that?

10 A Then I went to law school.

11 Q And where did you go to law school?

12 A First I went to Gonzaga and then I

13 transferred to Marquette.

14 Q And you have got a law degree?

15 A I do.

16 Q And what did you do after that?

17 A I took a position with the Illinois

18 Commerce Commission Police Department.

19 Q When did you take that position?

20 A That was July of 2009.

21 Q And you have held that continuously until

22 today's date?

23 A I'm sorry. 2012. Yeah, July of 2012.

24 Q And you have been a police officer for the

1 Commerce Commission continuously since that date,
2 correct?

3 A Yes.

4 Q And what is your job title now?

5 A Police Officer II.

6 Q What was your job title -- we'll call it
7 the relevant time period. You understand the
8 relevant time period in this case is going to be
9 July 24, 2015, to March 23, 2016. You understand,
10 correct?

11 A Yes.

12 Q That is the time period -- when I ask you
13 questions, unless I specifically say otherwise, that
14 is the relevant time period that we are talking
15 about. Okay?

16 A Okay.

17 Q What was your job title during the relevant
18 time period?

19 A Police Officer I and maybe Police
20 Officer II in the end of that period, but I'm not
21 sure.

22 Q Okay. Describe for me your job duties
23 during the relevant time period.

24 A During the relevant time period, I did

1 various things. I enforced commercial
2 transportation, whether it was intrastate or
3 interstate. I investigated relocation towing
4 complaints, collateral recovery complaints. I
5 inspected warehouses, did general traffic patrol on
6 occasion.

7 Q So it's safe to say that during the
8 relevant time period you did more things other than
9 just policing relocation towing, correct?

10 A That's correct.

11 Q Do you know what percentage of your time
12 during the relevant time period you spent on
13 relocation versus anything else?

14 A It was about 50/50.

15 Q Was there any special training that was
16 required before you received your employment with the
17 Commerce Commission?

18 A Well, we all -- the three of us that I got
19 hired with, we all had a law enforcement certificate,
20 so that was the basic academy certificate. Then
21 there was five or six weeks of Commerce Commission
22 onboard training in Springfield.

23 Q And how many other police officers did the
24 Commerce Commission have during the relevant time

1 period?

2 A There has been a lot of retirements, so let
3 me see. I believe there was seven officers in the
4 north division and approximately two out of
5 Springfield so the south.

6 Q How many of those were involved in
7 relocation towing?

8 A When we started, there was two officers who
9 were doing relocation complaints, but we kind of took
10 over the responsibilities. So really there was two
11 of us because one of the officers got temporarily
12 assigned to be a boss at that time period. So it was
13 really only two, myself and Officer Geisbush, I
14 believe at the time.

15 Q And Officer Geisbush is still employed as a
16 police officer with the Commerce Commission, correct?

17 A Correct.

18 Q Who do you report to directly?

19 A Tim Sulikowski.

20 Q Is that Sergeant Sulikowski?

21 A Yes.

22 Q During the relevant time period how often
23 would you report to Sergeant Sulikowski? Was it
24 daily, weekly, just as needed?

1 A As needed.

2 Q There was not a set schedule that you
3 reported in at 9:00 o'clock or 10:30 or something
4 like that?

5 A No.

6 Q Has Sergeant Sulikowski always been your
7 superior?

8 A At first we had Chief Baner, and then when
9 he announced his retirement, it might have been 2013
10 or 2014, he was only there for a short time when I
11 was there, he appointed Sulikowski and Ryan Nance
12 down south to supervise during whatever period we
13 would be without a boss, and it has continued ever
14 since.

15 Q So during what we have called or defined as
16 the relevant time period, July 24, 2015, through
17 March 23, 2016, you reported to Sergeant Sulikowski,
18 correct?

19 A Correct.

20 Q You are a police officer with the Illinois
21 Commerce Commission, correct?

22 A Correct.

23 Q Tell me briefly what your duties are or
24 responsibilities as a police officer with the

1 Illinois Commerce Commission.

2 A Generally, we are enforcing relocation
3 towing. That is Chapter 18A. We do Chapter 18C,
4 which is your motor carrier enforcement. 18D, which
5 is safety towing, the Collateral Recovery Act, which
6 I can't remember offhand because it's 225 something,
7 and then warehousing.

8 Q During your course of policing paragraph or
9 Section 18A, do you ever issue citations or tickets?

10 A I do.

11 Q Do you ever open up investigations?

12 A During the relevant time period?

13 Q Yes.

14 A I don't believe that I opened up -- maybe
15 one or two during that time period.

16 Q And let's, for the Court, define what we
17 mean by that. Who is allowed or permitted to open up
18 an investigation within the Illinois Commerce
19 Commission?

20 A I mean, an officer can open it on their own
21 by requesting, I want to investigate this, but
22 generally most of the investigations come from
23 complainants.

24 Q And when you say it comes from the

1 complainant, you mean somebody who was relocated or
2 towed?

3 A Correct.

4 Q And then how would they get their complaint
5 to the Illinois Commerce Commission generally?

6 A Generally, they will fill out the complaint
7 form on the back of the invoice and mail it to our
8 office.

9 Q So the complaint form that the motorist or
10 consumer needs to fill out is right there on the back
11 of the invoice that they receive when they get their
12 car, correct?

13 A That's correct.

14 Q They don't have to go get a new form,
15 correct?

16 A No, unless they are not going to pick up
17 their car, which does occasionally happen.

18 Q Generally speaking, there's a complaint
19 form right on the back. It's pretty easy for
20 somebody who wants to complain to complain, correct?

21 A Correct.

22 Q There's no road blocks to it?

23 A No.

24 Q Is it more common for a complaint to come

1 through and be investigated with the Commerce
2 Commission that way than an officer deciding on their
3 own to investigate something?

4 A That would be more common.

5 Q During the relevant time period, do you
6 recall at any point in time ever opening an
7 investigation regarding Lincoln Towing without
8 something coming to you from the public or a
9 complaint?

10 A I believe we did a joint mission with CPD
11 during that time. I don't know if it was assigned a
12 specific case file number, like a number that we get
13 for complaints, but it was just an activity. We
14 don't really -- we don't have, like, a CAD system, so
15 if we are going out there to do something, we are not
16 going to be able to log it and say 17-000 is an event
17 number. But as far as opening up a case file number,
18 I don't believe that I did during that time period.

19 Q Just to clear up for the record. You did
20 not open up any investigations regarding Lincoln
21 Towing Services during the relevant time period?

22 A Yeah, in the more formal sense.

23 Q You didn't?

24 A That's correct.

1 Q Who decides what claims to investigate?
2 How does that -- take me through how somebody files a
3 complaint or sends that piece of paper in. Who
4 determines who to investigate it, how to investigate
5 it, and what is going to happen?

6 A Who it is going to get assigned to is
7 usually by one of our office administrative personnel
8 that will look for a general area that we are
9 familiar with and just kind of send it our way.

10 Q Who are those individuals, if you know?

11 A That is Kathy Wozniak.

12 Q Do you know how to spell Kathy's last name?

13 A W-o-z-n-i-a-k.

14 Q Is there anyone else?

15 A I don't think so.

16 Q How about Blanche?

17 A I don't believe that Blanche assigns any
18 cases.

19 Q Is that Blanche Weigand?

20 A Weigand.

21 Q And not that it's that important, but have
22 you ever received any complaints or investigative
23 files from Blanche?

24 A No. No, generally Kathy will log them in

1 and then they will just get divvied out.

2 Q And then what happens?

3 A Then we go through them.

4 Q Other than police officers with the
5 Commerce Commission, are there any other individuals
6 charged with investigating Commerce Commission
7 relocation towing?

8 A Yes.

9 Q Who are those individuals? What are they
10 called?

11 A During the --

12 Q During the relevant time period.

13 A Their title is investigator. We had three
14 of them at one point. I believe during the relevant
15 time period all three of them were probably there,
16 which is Kassal, Uti, and Carlson.

17 Q And Kassal is Scott Kassal?

18 A Scott Kassal, Jimmy Carlson, and Felix Uti.

19 Q And do you know whether or not there's a
20 distinction between the officers and the
21 investigators regarding if they are specifically
22 assigned to a certain relocater?

23 A The investigators were at one point when
24 there was multiple. Felix Uti, I believe, just did

1 Rendered cases, Jimmy Carlson did Lincoln cases, and
2 Scott Kassal did a bunch of smaller relocators. It
3 has changed, but that was during the time period.

4 Q And just for the record, when you say
5 "Rendered," you mean Rendered Services?

6 A Rendered Services Incorporated.

7 Q And they are also another relocator that is
8 governed by the Illinois Commerce Commission,
9 correct?

10 A That is correct.

11 Q At some point in time did Investigator
12 Carlson go on leave?

13 A Yes.

14 Q And do you know at that point in time what
15 happened with his cases or case files?

16 A They got reassigned to officers.

17 Q Did you get some of them?

18 A I got a bunch of them.

19 Q At that point in time, prior to
20 Investigator Carlson going on leave, were you
21 receiving any investigations for Lincoln Towing or
22 was it pretty much just Investigator Carlson?

23 A Just here and there, and the ones that I
24 received, it was an accusation that it was from a

1 public street or an administrative citation would not
2 be issued and it would be a traffic citation, a
3 Class C misdemeanor to the operator, and the
4 investigators were not sworn to investigate those or
5 enforce those.

6 Q Do you recall when Investigator Carlson
7 went on leave?

8 A Not permanently because he was in and out
9 several times during my tenure here. I can't recall
10 dates offhand.

11 Q But it is safe to say that while
12 Investigator Carlson was working full-time, he was
13 pretty much the only investigator or officer assigned
14 to Lincoln Towing, correct?

15 A Correct.

16 Q So it was not like the Commerce Commission
17 needed four or five different officers or
18 investigators to investigate Lincoln Towing
19 complaints, correct?

20 A That's correct.

21 Q It was just the one investigator?

22 A Correct.

23 Q Describe for me the scope of an
24 investigation. What do you do when you receive a

1 file from Kathy?

2 A Well, I read the complaint to see what
3 their issues are, and then I will go through the
4 inverse side and look at all of the information that
5 Lincoln wrote down or typed out. Then I'll generally
6 follow up with the complainant to have them walk me
7 back through it and see if they have any additional
8 information. Then, depending on the nature of the
9 complaint, I'll go out and do site inspections, get
10 video, if necessary, follow-up with witnesses. It
11 really varies by investigation.

12 Q Okay. Jumping a little bit ahead. You
13 have three options when you are doing an
14 investigation, correct? Let's start with these
15 three. One, you can find nothing occurred and do
16 nothing, correct?

17 A Correct.

18 Q Two, you could write a citation?

19 A Correct.

20 Q Three, you could write a ticket?

21 A That's correct.

22 Q Could you describe for us what the
23 difference between a citation and a ticket is?

24 A A citation would go to Circuit Court. We

1 don't come across them that often in relocation.

2 Q Maybe I misspoke.

3 A Oh, a ticket. Let's say ticket, the Cook
4 County ticket issued by the Circuit Court of Cook
5 County, and then there's administrative citations
6 which we deal with in administrative court. And then
7 I lost my train of thought.

8 Q You were saying that a ticket is something
9 that you would -- an officer can write, correct?

10 A Correct.

11 Q An investigator can't?

12 A Correct.

13 Q Because they need police authority to do
14 that?

15 A Correct.

16 Q And the ticket would go to the Circuit
17 Court of Cook County?

18 A That's correct.

19 Q And a citation is something that is written
20 on an administrative level that goes through the
21 Commerce Commission, correct?

22 A Correct.

23 Q And that is kind of where you left off?

24 A Yes. Thank you.

1 Q The difference being one of them, a ticket,
2 is something that could be a little more serious in
3 nature?

4 A Well, I guess, yes, because any violation
5 of the relocation towing if written to an individual
6 is a Class C misdemeanor. Then the administrative
7 citation -- and that would go to an individual,
8 whereas the admin citations would go to Lincoln
9 Towing.

10 Q During the relevant time period, you did
11 not write any tickets to Lincoln Towing?

12 A No. I have never written a ticket to
13 Lincoln Towing.

14 Q And you did not write any tickets to
15 Lincoln Towing employees during the relevant time
16 period, did you?

17 A I don't believe so. I would have to
18 double-check because I may have written one to
19 Gregory Alvarado. Again, the time period, I'm not
20 sure.

21 Q You don't have any documentation with you
22 here today?

23 A No.

24 Q And there's been no evidence presented that

1 you know that Lincoln Towing or any employees ever
2 received a ticket during the relevant time period?

3 A I don't have any documentation today, no.

4 Q Okay. Why is it that you do an
5 investigation once you receive the complaint as
6 opposed to just writing a citation immediately?

7 A Well, obviously you have to have some
8 validity behind the citation that you issue. That
9 would not be a good ticket if you are just writing
10 them without looking into them at all. There's a
11 burden that you have to meet.

12 Q That is what I'm getting at.

13 A Sure.

14 Q So when somebody writes on a piece of paper
15 that Lincoln Towing or Rendered Services did
16 something, you don't take it as the gospel and just
17 write a citation?

18 A No.

19 Q You have to do some investigation first?

20 A Correct.

21 Q And you have to do some serious
22 investigation to make sure that the allegations that
23 they are alleging are truthful?

24 A Correct.

1 Q And you do that before you write a
2 citation?

3 A Correct.

4 Q Or before you decide not to write a
5 citation?

6 A Correct.

7 Q So just knowing that Lincoln Towing
8 received a citation does not really tell you
9 anything -- strike that.

10 Lincoln Towing receives a complaint,
11 it does not really tell you anything, does it?

12 A No.

13 Q I believe and I'll get to it later, I think
14 in your deposition that you said, pretty much
15 everybody complains about being towed?

16 A That is what I said.

17 Q If everybody complains about being towed
18 and you wrote tickets for every tow, Lincoln would
19 have like 13,000 citations every year, correct?

20 A If your numbers are correct. I don't know.

21 Q And they don't, correct?

22 A No.

23 Q So you receive the investigative file, you
24 do your investigation. Walk me through all three

1 different scenarios, where you don't write a
2 citation, you do write a citation, you don't write a
3 ticket, you do write a ticket. Tell me how that
4 works.

5 A Let's go to the no ticket or no citation.
6 When I tell motorists I'm writing them a ticket, I
7 tell them citation. It makes them feel better, so I
8 kind of interchange them.

9 For our purposes if I'm not writing an
10 administrative citation, I'll go through their
11 complaint, look at the merits of that, see what they
12 are complaining about, go through the invoice, make
13 sure that all of the -- you know, the address is
14 correct, they have a contract on file, it was the
15 correct type of tow, the vehicle they used was either
16 owned by them or leased to them, operators are
17 properly licensed, they filled out everything
18 correctly. And if all -- you know, so I follow up
19 with the complainant. You know, either they have
20 evidence to assist in the matter, whether it's just
21 completely unfounded or they are not willing to
22 testify if it's something that they need to be a
23 witness to. Then I'll close it with no citation.

24 So for a citation case, again, same

1 process. Let's say they had some merit to their
2 complaint or there was issues with operators or
3 contracts. I mean, you can get to a citation that
4 way. I mean, those are pretty much the only two
5 scenarios.

6 Then as far as a ticket goes, I
7 suppose you could -- let's say there was a complaint,
8 which would be the most part for a ticket case. They
9 were towed from a public street. They always take a
10 lot of work and they are very hard to prove. Hence
11 the reason we don't write many of them. That is
12 probably how we would end up at a ticket.

13 Q During the relevant time period, you did
14 initiate investigations regarding Lincoln Towing?

15 A Yes, correct.

16 Q And during the relevant time period, you
17 did issue citations to Lincoln Towing?

18 A Correct.

19 Q Based on those investigations, correct?

20 A Did you say that I opened my own?

21 Q No. Let's walk back.

22 So during the relevant time period,
23 you did issue citations to Lincoln Towing, correct?

24 A Correct.

1 Q And during the relevant time period, you
2 also investigated Lincoln Towing and found they were
3 unfounded and did not issue citations, correct?

4 A Correct.

5 Q Do you know how many investigations you
6 were given during the relevant time period where you
7 did not write Lincoln Towing a citation?

8 A I don't offhand.

9 Q Do you know how many times you were given
10 an investigation where you did write Lincoln Towing a
11 citation?

12 A I don't.

13 Q Is it your sole decision to determine
14 whether or not a citation will be written during an
15 investigation, or do you need to get approval or
16 authority from a supervisor?

17 A No, it's my sole decision.

18 Q During the relevant time period, do you
19 ever remember a time where you determined not to
20 write a citation but your supervisor overrode you and
21 wrote a citation?

22 A Never.

23 Q During the relevant time period, do you
24 remember a time where you wrote a citation and your

1 supervisor voided the citation?

2 A Never.

3 Q Pretty much what the officer determines is
4 going to be what happens, correct?

5 A Correct.

6 Q Now, I know you stated that you don't know
7 how many investigations you opened where you wrote a
8 citation or did not write a citation, correct?

9 A That's correct.

10 Q Do you have an idea percentage-wise during
11 the relevant time period -- and by the way, if you
12 don't know an answer to my question or you don't
13 understand or don't remember, it's okay.

14 A Sure.

15 Q By asking the question, I don't mean that
16 you do know. I'm just asking the question.

17 Do you have an idea of what percentage
18 of the investigations that you opened during the
19 relevant time period where you did not write a
20 ticket?

21 A I don't.

22 Q 50/50, 60/40?

23 A No clue.

24 Q And do you know how many investigations you

1 actually were assigned during the relevant time
2 period?

3 A I don't.

4 Q Is there anywhere where you could look,
5 where you could determine either how many
6 investigations you were assigned -- well, let's ask
7 that one first. How many you were assigned?

8 A Yes.

9 Q And where --

10 A I could look at MCIS to see how many I was
11 assigned during that time period or any time period.

12 Q And that has not been done until today,
13 correct, that you know of? Do you know or have you
14 done it?

15 A I have not.

16 Q Okay. Would that also tell you how many
17 times you were given an investigation and did not
18 write a citation to Lincoln?

19 A You might be able to -- there might be a
20 search option on that, but as far as I know, I think
21 I would have to go through each of them individually
22 to look.

23 Q Let's me ask you this. Let's say you
24 looked through the investigations and there were 93.

1 And then you looked through the citations that you
2 wrote and there were 12. Would that lead you to
3 believe, if my math is good, 81 times you did an
4 investigation and did not write a citation? If my
5 math -- let's see. 81.

6 A I'll defer to your math.

7 Q So would that lead you to the logical
8 conclusion that 81 times you did an investigation and
9 you found it to be unfounded and did not write a
10 citation?

11 A Yes, 81 times out of 93 cases, sure.

12 Q Because you would not -- tell me this.
13 Would you ever do an investigation, determine that
14 Lincoln violated something, and then just not write a
15 citation? You would not do that, would you?

16 A No, I don't think so.

17 Q So during the relevant time period, you
18 never did an investigation where you determined that
19 Lincoln Towing violated a rule but you did not write
20 them a citation?

21 A I might have missed something. I mean, you
22 could get super technical with everything, but I
23 don't know.

24 Q I'm saying we can all make mistakes. I'm

1 saying intentionally. Did you ever say, Look, here
2 there was no sign there that day, I know there
3 wasn't, but you just won't write them a citation?

4 A No.

5 Q Clearly, if you did an investigation and
6 there was no citations, it's because you determined
7 there was no violation, correct?

8 A Right. Or I did not have a complainant
9 that would be willing to testify because I do rely --
10 I do give some credibility to witnesses, but there's
11 things that I was not there, I can't be a witness to
12 it, and I can't testify for them.

13 Q But that would mean -- let's just say for
14 example. A plaintiff says there was no sign there.
15 The invoice is filled out properly, there's a
16 contract for the lot, everything is perfect that you
17 look up, but the witness says there's no sign. Okay?

18 A Uh-huh.

19 Q You have to say yes or no.

20 A Yes.

21 Q Sorry. But you don't really know if there
22 was a sign there that day or not, do you?

23 A I don't.

24 Q And you just know what the witness is

1 telling you?

2 A Correct.

3 Q I'm assuming there's no picture that is
4 dated and signed and witnessed and everything, just
5 the witness telling you there was no sign, correct?

6 A Correct.

7 Q If that witness says, Well, I'm not going
8 to come to court to testify, then it's unfounded
9 because you don't know whether there was a sign there
10 or not, do you?

11 A That would be true.

12 Q So that would fall under the category of
13 those 81 times, if you don't write a citation, it's
14 because it's unfounded, correct?

15 A Correct.

16 Q And, conversely, just because you write a
17 citation does not mean that a violation occurred,
18 does it?

19 A Correct.

20 Q Because you did not see whether the sign
21 was there or not on that day, did you?

22 A No.

23 Q But you believe to some degree there's a
24 possibility -- strike that. Let me ask you this.

1 Do you have to know for certain that
2 there was a violation in order to write a citation?

3 A No.

4 Q You don't have to know that, do you?

5 A No.

6 Q You have to believe that it might have
7 occurred, correct?

8 A Correct.

9 Q What standard do you use -- I know we talk
10 about, and you are an attorney, preponderance of the
11 evidence, beyond a reasonable doubt. What evidence
12 do you use when you are writing a citation?

13 A Preponderance.

14 Q And you have been at these hearings that we
15 have had, correct?

16 A Yes.

17 Q And you have been there when there were
18 citations that you wrote where we had a hearing and
19 it was determined that there was no violation,
20 correct?

21 A Correct.

22 Q So it's also possible that when you
23 write -- when you wrote citations during the relevant
24 time period, just by the virtue of writing them, it

1 does not mean that Lincoln Towing did anything wrong,
2 does it?

3 A No.

4 Q In fact, it's possible that they were found
5 not to be liable at a hearing after that, correct?

6 A Correct.

7 Q And do you know how many times during the
8 relevant time period that you wrote Lincoln a
9 citation and after a hearing it was determined that
10 there was no violation?

11 A No, I don't offhand.

12 Q Do you know how many times during the
13 relevant time period that you wrote Lincoln Towing a
14 citation and after the hearing it was determined that
15 there was a violation?

16 A No.

17 Q Do you know how many times during the
18 relevant time period that you wrote Lincoln Towing a
19 citation and the case was settled without a hearing?

20 A I don't know.

21 Q Safe to say that all of the citations that
22 you wrote, you don't know the outcome of any of them,
23 do you?

24 A No, not offhand.

1 Q I want to talk to you now a little bit
2 about the different types of citations that you can
3 write under -- is it 18A?

4 A Uh-huh.

5 Q Let's talk about maybe a difference between
6 an administrative citation and something having to do
7 with a tow? Do you understand, or do you want me to
8 go over it?

9 A I think I know where you are going.

10 Q Let me follow it up. If you are writing a
11 citation because Lincoln Towing and -- Lincoln Towing
12 has to issue an invoice, correct?

13 A Correct.

14 Q And the Commerce Commission rules, the
15 statute says you have to fill out the invoice
16 completely, correct?

17 A Correct.

18 Q To the best of your ability, correct?

19 A I don't think it says to the best of your
20 ability.

21 Q Let me ask you this. Does the invoice have
22 to be filled out exactly correct, every single box,
23 no matter what?

24 A If you don't know, you can also write the

1 reason why something is not correctly filled out. It
2 happens.

3 Q So it's possible that Lincoln can use their
4 best efforts and there could still be a mistake made
5 on an invoice, correct?

6 A Correct.

7 Q And administratively speaking, if Lincoln
8 Towing leaves off the license plate of the tow truck,
9 that is an administrative citation, correct?
10 Wouldn't you say?

11 A I mean, everything is an administrative
12 citation. I know where you are going, but --

13 Q Let me just follow up then. It does not
14 directly affect the public. When I park my car in a
15 lot and there's a sign there and the sign is perfect
16 in every way and I park there illegally anyway, I
17 don't know at that point in time if they will call
18 the patrol lot, do I?

19 A No.

20 Q And I don't know whether or not the person
21 that is going to tow it, the license place is going
22 to be on the invoice, do I?

23 A No.

24 Q And I don't know if Lincoln Towing is going

1 to put the correct date on the invoice at that point
2 in time, do I?

3 A No.

4 Q So I parked illegally, right?

5 A Sure.

6 Q So in that sense, if you don't write a
7 ticket for any of the improper signage, you just
8 write a citation for, let's say, I got -- I think
9 this happened once before. I juxtaposed the license
10 plate. It's supposed to be RX and it says XR. You
11 write a citation for it that did not affect the
12 public, did it?

13 A No.

14 Q So that is what I would call an
15 administrative ticket. Understand?

16 A Understand.

17 Q For an invoice being improperly filled out,
18 correct?

19 A Correct.

20 Q It did not have a direct impact on the
21 public?

22 A Correct.

23 Q In other words, the person who got towed
24 had no way of knowing whether the invoice is going to

1 be filled out correctly at the time that they got
2 towed?

3 A No, that's correct.

4 Q Versus if there's not a sign there, that
5 directly impacts the public, correct?

6 A Correct.

7 Q Because that person couldn't have known
8 that they shouldn't have parked there?

9 A That's correct.

10 Q Have you ever received -- during the
11 relevant time period, did you receive any
12 investigations regarding whether or not Lincoln
13 Towing properly or improperly filled out an invoice
14 from the public?

15 A Honestly, I would have to look. I have
16 received those, but I don't know if they are during
17 that relevant time period.

18 Q Not too many, right?

19 A You would be surprised but --

20 Q If there were a lot, you might remember
21 that, correct?

22 A Yeah, I would.

23 Q During the relevant time period, do you
24 have any evidence with you here today or did you

1 produce any evidence that any individuals ever
2 complained to you or the ICC about an invoice not
3 being properly filled out?

4 A I don't know what evidence -- I did not
5 produce any evidence on anything so --

6 Q So that would mean that you don't have any
7 evidence --

8 A No.

9 Q -- regarding that particular situation?

10 A I don't know if our staff tendered
11 anything. I don't know.

12 Q Did you review what the staff tendered --
13 we sent you, by the way, interrogatories and requests
14 to produce. You recall that?

15 A No. I do recall you asking me about that,
16 but we were never given anything for production as
17 officers.

18 Q The staff -- I don't want to get into what
19 you spoke about with your attorneys. I don't think
20 it was Mr. Burzawa at the time.

21 A He was not here.

22 Q The staff never went over with you our
23 request to produce and interrogatories?

24 A No.

1 Q Did you ever receive a deposition notice in
2 the case?

3 A That I did.

4 Q Did you ever look at the rider to the
5 deposition notice?

6 A No, because all I got was the front.

7 Q So you never saw the rider where it asked
8 for certain documents to be produced?

9 A No.

10 Q And your attorneys never showed that to
11 you?

12 A No. I think we went over that during the
13 deposition, that we never received anything. When
14 you were asking or things, I am like, I have never
15 been asked.

16 Q By anybody?

17 A No.

18 Q And you have not produced any documents
19 since your deposition, correct?

20 A No.

21 Q Okay. Getting back to this kind of
22 distinction that we talked about at your deposition
23 between what I would call an administrative ticket
24 versus something that directly impacts the public,

1 did it ever happen during the relevant time period
2 that an investigation came to you regarding something
3 that the consumer complained about, like no sign or
4 something, you then determined that that was not a
5 proper violation, there was a sign, but then when you
6 looked further, you found that the invoice was not
7 filled out properly?

8 That is a long question, and I
9 apologize. Do you understand what I'm saying?

10 A Yes. So their complaint was unfounded, but
11 I found something when I went through the invoice?

12 Q Yes.

13 A Yes, that happened.

14 Q Did you then write a citation to Lincoln
15 Towing for that?

16 A Yes, I'm sure I did.

17 Q So we'll get to these later, but the
18 citations that you wrote during the relevant time
19 period, where it's just for what I call an
20 administrative ticket, like not filling out the
21 invoice properly, the contract not being e-filed or
22 whatever, it's safe to say that somewhere along the
23 way there was a consumer complaint attached to that,
24 correct?

1 A That's correct.

2 Q But you determined the consumer complaint
3 not to be valid because you did not write a citation
4 for that, you only wrote it for the improper invoice,
5 correct?

6 A That would be correct.

7 Q So when we get to the point where I show
8 you citations where it's just written for an improper
9 invoice, that means that you actually did an
10 investigation and determined the balance of it was
11 unfounded, correct?

12 A Correct.

13 Q Because you don't recall any times during
14 the relevant time period where a consumer actually
15 said, I'm complaining about Lincoln because they
16 got -- the contract was not e-filed?

17 A No.

18 Q Because they would not know that?

19 A They would not know that.

20 Q Okay. So generally give me an idea of what
21 you would consider what I'm calling an administrative
22 citation. One would be the invoice not being
23 completely filled out, correct?

24 A Yes, or inaccurately. I would like to look

1 at an invoice. Tow truck, if it's not leased
2 properly. An operator, if they were expired or
3 pending or whatever, they were not active. At the
4 time dispatchers, but we have gone over that one.

5 Q We have learned that dispatchers don't have
6 to be licensed?

7 A More or less. Let's see what else is on
8 there.

9 Notification to police. The contracts
10 themselves, call versus patrol versus on file versus
11 not. That is most of them, without looking at an
12 invoice to go down the box.

13 Q And if you were to -- from your memory.
14 Don't guess.

15 What percentage of the citations that
16 you wrote during the relevant time period do you
17 think were for administrative citations versus the
18 ones that directly impact the public?

19 A Over 50 percent.

20 Q Were administrative, correct?

21 A I mean, recalling from the direct, there
22 was a lot of administrative type citations on there.

23 Q Which don't directly have an impact on the
24 public, correct?

1 A For the most part, yes. I think there's a
2 few instances where they could, but not directly
3 after the fact.

4 Q Because what I mean is that the individual
5 who was complaining to the Commerce Commission, they
6 were complaining about something else, like, I was
7 illegally towed, I never left the lot, or there was
8 no sign, something like that, correct?

9 A Correct.

10 Q Versus, you know, there's no way they would
11 know if a contractor's -- if a driver's license had
12 expired?

13 A That's correct.

14 Q And it would not -- let me ask you this.

15 Is it okay or is it permissible for an
16 individual to park illegally on private property if
17 Lincoln Towing fills out the invoice improperly?

18 A Let me walk you back on that.

19 Q I'll go back. It doesn't make it okay to
20 park illegally on private property --

21 A No.

22 Q -- just because the invoice is filled out
23 improperly, does it?

24 A No, it does not.

1 Q The person still should not be parking
2 illegally?

3 A Correct.

4 Q Now, we have been talking about Lincoln
5 Towing for a little while, correct?

6 A Correct.

7 Q And Lincoln Towing is the corporate name
8 for Protective Parking Service Corporation doing
9 business as Lincoln Towing Service, correct?

10 A Correct.

11 Q And you are aware of who they are?

12 A I am.

13 Q And to your knowledge -- this could be
14 brief -- what does Lincoln Towing do for a living?

15 A They relocate trespassing vehicles from
16 private property.

17 Q In your opinion, if you have one, is that
18 something that is generally needed to the public
19 and/or the businesses in the communities where
20 Lincoln Towing tows?

21 A Yes. It balances the rights between
22 private property owners and motorists.

23 Q And I believe at your deposition you did
24 state something like, Everybody complains when they

1 get towed, correct?

2 A I mean, that I know of. The complaints
3 that I get. I obviously don't know of the ones who
4 don't.

5 Q Nobody is happy they got towed?

6 A No, nobody is happy they got towed.

7 Q Nobody calls Lincoln Towing that you know
8 of or the Commerce Commission and says, Hey, thanks
9 so much for towing me, I was wrong, I should not have
10 parked there?

11 A Not that I'm aware of.

12 Q Do you know how many unfounded complaints
13 Lincoln Towing got during the relevant time period?

14 A No, I don't.

15 Q Do you know how many they get in general on
16 a year-to-year basis?

17 A No.

18 Q What does it mean to request an
19 administrative closure pending outcome of the
20 administrative hearing on an issued citation? Do you
21 know what that is? Would it be helpful if I showed
22 you? I have a couple questions on this thing.

23 We seen on these forms where it says,
24 Four hours at \$12.50 hourly fee. Do you remember we

1 talked about that?

2 A I don't know why.

3 Q Do you know what this \$12.50 hourly fee is?

4 A No clue.

5 Q Have you ever been told what it is?

6 A No, but I know we have to fill it out or it
7 comes back.

8 Q So we talked about the fact that you don't
9 make \$12.50 an hour?

10 A No, I don't.

11 Q And do you keep track of how many hours you
12 work on each investigation?

13 A We ballpark it.

14 Q During the relevant time period, do you
15 know specifically how long you spent on each one of
16 these investigations for Lincoln Towing?

17 A Specifically, no.

18 Q And if I were to ask you to produce --
19 which I did. If I were to ask you to produce
20 documentation of that, could you?

21 A No.

22 Q When did you first become aware of Lincoln
23 Towing? I don't mean the exact date but generally.

24 A Let's see. I'm trying to think when I

1 lived in the city the first time. 2006, I believe.

2 Q And when did you first become aware of them
3 after July of 2012 when you became employed at the
4 Commerce Commission?

5 A Probably within the first six weeks when I
6 started doing field training.

7 Q But during your first couple years at the
8 Commerce Commission, you did not write any citations
9 to Lincoln Towing, did you?

10 A I probably did, but I'm not sure offhand.

11 Q Not many?

12 A Not many, no.

13 Q That did not start until Investigator
14 Carlson went on leave, correct?

15 A That's correct.

16 Q Are you aware that Lincoln Towing has to
17 purchase their invoices from the Commerce Commission
18 for each vehicle towed?

19 A I am.

20 Q And are you aware that they pay \$10 per
21 invoice to the Commerce Commission?

22 A I am.

23 Q So if we produced a document to you that
24 showed Lincoln Towing paid the Commerce Commission

1 \$130,000 --

2 A Divided by 10.

3 Q Which would be 13,000?

4 A Correct.

5 Q So does it make sense to you that during
6 the years of 2015 and '16, Lincoln Towing towed about
7 13,000 cars per year?

8 A Sounds reasonable.

9 Q Is that an important number to you?

10 A Not really.

11 Q Does it tell you anything about Lincoln
12 Towing?

13 A That they tow a fair amount of vehicles.

14 Q During the relevant time period, if we
15 extrapolated out those amount of months, it would be
16 something around 9,000 or 10,000 vehicles towed,
17 correct?

18 A That would make sense.

19 Q Assuming that there is no months that are
20 busier than others so it averages out?

21 A Sure. So let's say about 1,000 a month,
22 give or take.

23 Q So somewhere around 9,000 or 10,000
24 vehicles during the relevant time period?

1 A Okay.

2 Q Does that make sense to you?

3 A Sure.

4 Q Do you know how that compares to the other
5 relocators?

6 A I don't.

7 Q Do you know if Lincoln tows more vehicles
8 than any other relocator?

9 A I think Lincoln and Rendered are about on
10 the same page, but I don't know.

11 Q Okay. Good enough. Now, the reason that
12 I'm asking you -- and I'll tell you why. It's
13 important to know how many cars Lincoln Towing
14 relocates because at some point in time Lincoln
15 Towing also gets written some citations, correct?

16 A Correct.

17 Q If I told you that Lincoln Towing towed
18 10,000 vehicles during the relevant time period and
19 received 28 citations, would you think that is a high
20 number or a low number?

21 A Low.

22 Q 28 citations out of 10,000 tows, correct?

23 A That would be pretty low.

24 Q And every single one of those people that

1 got their vehicles towed, all they had to do to make
2 a complaint was turn their invoice over, correct?

3 A Correct.

4 Q And send it in to the Commerce Commission,
5 correct?

6 A That's correct.

7 Q And if I also told you that only
8 166 investigations occurred during those 10,000 tows,
9 that is pretty low as well, isn't it?

10 A That is pretty low.

11 Q That is just over 1.5 percent of the
12 vehicles that were relocated that even made a
13 complaint?

14 A Yeah. That is low.

15 Q But then you or Investigator Carlson or
16 Officer Geisbush or Investigator Kassal looked
17 through these 166 investigations, correct? Someone
18 looked at them?

19 A Someone looked at them.

20 Q And during that nine- or ten-month period,
21 only 28 citations were actually written, correct?

22 A I don't know the numbers offhand.

23 Q Let me show you what has been marked as
24 Exhibit 3. This is in Protective Parking's book.

1 Take a look at Exhibit 3, and let me know when you
2 have had a chance to look it over.

3 A So 28 were completed during that period.

4 Q And resulted --

5 A And resulted -- okay. I see.

6 Q Yeah.

7 A All right.

8 Q It's a ten-month period, correct?

9 A Sure.

10 Q I assume more than 28 investigations were
11 completed in ten months unless you guys are not doing
12 very much?

13 A Well, Carlson also had a lot of cases
14 backed up during this period, so that could be a
15 factor in this. Based on what Sheahan said, that is
16 what we did.

17 Q Based upon this document that you are
18 looking at right now, which for the record is an
19 order from the Illinois Commerce Commission, In Re
20 the matter of Protective Parking Service Corporation
21 d/b/a Lincoln Towing Service, Docket No. 92-RTV-R
22 Sub 17, 100139 MC. This order was entered on
23 February 24, 2016, correct?

24 A Correct.

1 Q And it's signed by Brien Sheahan, who is
2 the chairman of the Illinois Commerce Commission,
3 correct?

4 A Correct.

5 Q And you have no reason to believe that the
6 information on here is not accurate, do you?

7 A I don't.

8 Q Assuming that this is accurate, the order
9 states that on July 24, 2015, Protective Parking
10 Service Corporation d/b/a Lincoln Towing Service was
11 issued a renewal of its authority to operate as a
12 commercial vehicle relocater under the Illinois
13 Commercial Relocation and Trespassing Vehicles Law,
14 ICRTVL 625 ILCS, 5/18a-100, et seq.

15 So reading that first sentence, do you
16 believe that Lincoln Towing was issued a renewal
17 license for commercial relocation by the Illinois
18 Commerce Commission on July 24, 2015? That is what
19 it says, right?

20 A Yes. Sorry.

21 Q It goes on to state that -- in the second
22 paragraph, since the July 24, 2015, renewal, the
23 Commerce Police Department has opened 166
24 investigations into Lincoln's relocation towing

1 operations, correct?

2 A That is what it says, yes.

3 Q And that is what we talked about, if that
4 is out of 10,000, it's just a little bit over
5 1.5 percent of investigations, correct?

6 A Correct.

7 Q Now, you testified earlier investigations
8 does not mean that Lincoln Towing did anything wrong,
9 correct?

10 A That's correct.

11 Q Just looking into it, it could be
12 unfounded, right?

13 A That's true.

14 Q And there's still a presumption, even in
15 these cases, that you did not do anything, so it's
16 true?

17 A That could be true.

18 Q And, in fact, during that relevant time
19 period, it goes on to state, 28 of which have been
20 completed and resulted in administrative citations
21 against Lincoln, correct?

22 A Correct.

23 Q Now, stop for a second because we don't
24 know how many investigations were complete, correct?

1 A That's correct.

2 Q So it really would not be proper for the
3 Commerce Commission to consider Lincoln having done
4 anything wrong on the investigations that are not
5 complete yet, would it?

6 A That's correct.

7 Q So if they only finished 28 and filed
8 citations, that is still one-quarter -- if my math is
9 correct -- one-quarter of 1 percent of the tows that
10 they write a citation?

11 A I guess.

12 Q Correct?

13 A I don't know.

14 Q Well, based on what they are saying here?

15 A Sure.

16 Q By the way, I apologize for asking you
17 because you are the witness that they are putting
18 forward, but that is what this Commerce Commission
19 documents says, correct?

20 A That's correct.

21 Q So even if they were found liable on all
22 28, which I don't believe they were, but even if they
23 were, it would be one-quarter of 1 percent of the
24 vehicles towed during the relevant time period,

1 correct?

2 A Yes, correct.

3 Q But you and I both know, because we have
4 had the hearings, that many times we have had a
5 hearing and it's been determined through the Court
6 that they were not founded and they were dismissed,
7 correct?

8 A That's correct.

9 Q Could we agree that of these 28 citations
10 that were written, on not all of them was Lincoln
11 determined to be liable?

12 A Unlikely.

13 MR. PERL: At this point in time, Judge, I
14 would seek to admit Exhibit 3 into evidence.

15 JUDGE KIRKLAND-MONTAQUE: Any objection,
16 Mr. Burzawa?

17 MR. BURZAWA: No objection, Judge.

18 JUDGE KIRKLAND-MONTAQUE: Protective Parking
19 Exhibit 3 is admitted.

20 MR. PERL: Thank you, Judge.

21 (WHEREUPON, said document was
22 received in evidence as Protective
23 Parking Exhibit No. 3.)

24

1 BY MR. PERL:

2 Q Briefly, do you know how many citations
3 Lincoln Towing received in 2011?

4 A No.

5 Q Do you know how many citations Lincoln
6 Towing received in 2012?

7 A No.

8 Q Do you know how many citations Lincoln
9 Towing received in 2013?

10 A No.

11 Q Do you know how many citations Lincoln
12 Towing received in 2014?

13 A No.

14 Q Do you know how many citations Lincoln
15 Towing received in 2015?

16 A No.

17 Q Do you know how many citations Lincoln
18 Towing received in 2016?

19 A No.

20 Q Other than you do know now --

21 A Yes.

22 Q -- that for the relevant time period, which
23 is July 24, 2015, to March 23, 2016, they only
24 received 28 citations? That we know?

1 A That we know.

2 Q Do you know how many citations Lincoln
3 Towing received in 2017?

4 A No clue.

5 Q Of the 28 citations referenced in the order
6 of February 24, 2016, do you know how many of those
7 citations you wrote?

8 A No clue.

9 JUDGE KIRKLAND-MONTAQUE: Mr. Perl, I'm sorry,
10 if I could interrupt you for one second. I have a
11 question about the question that you asked about the
12 relevant time period and 28 citations being --

13 MR. PERL: Yes.

14 JUDGE KIRKLAND-MONTAQUE: How do we know, based
15 on this document, that it only applies to the
16 relevant time period?

17 MR. PERL: I'm going to tell you why. If you
18 look at the documents, they clearly state, Since
19 July 24th, this is how many they have had. It says
20 right here.

21 JUDGE KIRKLAND-MONTAQUE: But the end of the
22 period is when?

23 MR. PERL: Well, it actually goes for one more
24 month. Here is the relevancy of it. At the time the

1 Commerce Commission decided to do these
2 investigations, this is all they had. They based
3 their opening this investigation on 28 citations.
4 That is it. They did not know how many more were
5 going to be written in the next
6 30 days.

7 JUDGE KIRKLAND-MONTAQUE: I just want to make
8 sure.

9 MR. PERL: The relevancy for me is, we have
10 been arguing all about why we are here. What did we
11 do in those ten months? The Commerce Commission
12 document is limited to February 24, 2016. That is
13 when they decided to open this investigation, and
14 there were only 28 citations written during the
15 relevant time period up until then.

16 JUDGE KIRKLAND-MONTAQUE: But my question
17 specifically is, how do you get to the end date of
18 the period? Now you are saying it's a month --

19 MR. PERL: It's only 30 days later.

20 JUDGE KIRKLAND-MONTAQUE: I got you. I
21 understand. That explains it to me. Thank you.

22 MR. PERL: Let me ask you a question, Judge. I
23 don't need a lunch break, but just to figure out if
24 we are going to take one or not.

1 JUDGE KIRKLAND-MONTAQUE: Off the record for a
2 second.

3 (WHEREUPON, discussion was had
4 off the record.)

5 BY MR. PERL:

6 Q Okay. During the relevant time period, did
7 you ever have any discussions with anybody at Lincoln
8 Towing and tell them that you thought they were
9 getting too many citations?

10 A No.

11 Q During the relevant time period, did you
12 think that Lincoln Towing was getting more citations
13 than they normally got? Do you have a basis for
14 that?

15 A No basis for that.

16 Q Jumping back a little bit to Exhibit 3. Do
17 you know anything about the fact that every two years
18 every relocater has to renew their license? You know
19 that, correct?

20 A I do know that.

21 Q And typically are you aware that it's
22 almost a matter that is done administratively? Like,
23 you just present your insurance and documents and
24 there's no hearing held for that, correct?

1 A That's my understanding.

2 Q Are you aware that in 2016, there was
3 actually a hearing held in front of a judge with the
4 Commerce Commission to determine whether Lincoln
5 Towing was fit to have their license renewed? Were
6 you aware of that?

7 A I was not aware of that.

8 Q So making you aware of that, that there was
9 a hearing that I attended and represented Lincoln
10 Towing on, and there was a hearing and the Commerce
11 Commission then determined that Lincoln Towing was
12 fit, is it your understanding then the Commerce
13 Commission would say, Everything in the past of all
14 that you have done pretty much now is over when
15 determining you're fit as of July 24, 2015, if you
16 know?

17 A I don't know that offhand.

18 Q So in other words, if the Commerce
19 Commission felt that Lincoln Towing on or about
20 July 24, 2015, was not fit, they would not have
21 renewed their license, would they?

22 MR. BURZAWA: Objection, calls for speculation.

23 MR. PERL: If you know.

24

1 BY THE WITNESS:

2 A I don't know.

3 JUDGE KIRKLAND-MONTAQUE: I'm sorry.

4 MR. PERL: This is my only comment, Judge. The
5 only witnesses that they are giving me are the
6 officers, so I don't have anyone else to question.
7 And if they are telling me that these people are not
8 fit to say it, I would like to move for a directed
9 verdict because here's why. No one that they are
10 going to give you is going to have an opinion as to
11 whether Lincoln Towing is fit. So how do you have a
12 hearing -- this is what I still can't understand.

13 How can you have a hearing on fit when
14 not one of these officers is going to tell you that
15 Lincoln Towing is not fit nor that they even have an
16 opinion and I can't even ask them about it because
17 there's no foundation and they are the wrong person?
18 How do I do that, Judge?

19 MR. BURZAWA: Judge, fitness won't be
20 determined by the opinion of the officer. The
21 officers and the staff witnesses are introducing
22 specific information, specific evidence. Based on
23 that evidence, you and the Commission will decide
24 whether or not Lincoln is fit.

1 And I have given Mr. Perl a lot of
2 leeway because I want to get through all of this, but
3 questions concerning the renewal hearing are, one,
4 before the scope of this hearing and so they are
5 irrelevant what happened during that renewal hearing.
6 The Commission will analyze and what is relevant is
7 going forward from July 24, 2015.

8 Now, that is the time period that the
9 commission is viewing and determining whether or not
10 Lincoln is fit.

11 MR. PERL: Well, I object.

12 JUDGE KIRKLAND-MONTAQUE: I think you are
13 asking him to make a legal conclusion.

14 MR. PERL: Here is the problem with that.
15 Let's just say I am asking him that, not to mention
16 he's an attorney. Let just say that I'm asking him
17 to make a legal conclusion. Doesn't somebody have to
18 make a legal conclusion in this case? Don't they
19 have to have a witness -- and I don't agree with
20 Mr. Burzawa. I think it's absolutely relevant as to
21 the fact that unless -- it's not like it's a
22 stipulation anyway because they renewed us on
23 July 24, 2015.

24 I might be beating a dead horse here,

1 but I want to be clear. I want there to be someone
2 to testify, and these are the only ones that they
3 have, that as of that date we were fit or they
4 wouldn't have given us the license otherwise. This
5 has gotten into evidence already.

6 So for me to ask Officer Strand that,
7 I just want to know what he's going to say. If he
8 says like he says in his deposition, I have no
9 opinion, I don't know whether they are fit or not, I
10 don't even know what it means to be fit. So all I'm
11 saying to you, Judge, is that I think when this trier
12 of fact judges what happened with Lincoln Towing,
13 it's very important for you to know that on July 24,
14 2015, we were already determined by a judge, an ALJ
15 within the Commerce Commission, that we were fit
16 after a hearing, not just submitting documents. We
17 actually had a full-blown hearing where they
18 determined we are fit.

19 And the reason that is really
20 important is because at that point in time, there's
21 no questioning going backwards. From the time
22 Lincoln Towing started towing vehicles until July 24,
23 2015, we are fit. That is all I'm getting at.

24 JUDGE KIRKLAND-MONTAQUE: Okay. And you wanted

1 us to take administrative notice of that order and
2 things of that nature. That is fine. But the
3 officers, they were not part of that previous fitness
4 proceeding.

5 MR. PERL: And, again, this is the difficulty.
6 I guess things get done differently in different
7 places. Typically when you have a trial and you want
8 to prove something to a judge, you actually want to
9 put forth witnesses that have an opinion based upon
10 that. You are going to find from this witness and
11 every one of them, not one of them has an opinion as
12 to whether they are fit. I understand what
13 Mr. Burzawa said, they are presenting evidence. Not
14 one of them has any documentation that we are not
15 fit, forgetting about all of that.

16 Wouldn't you think they would present
17 somebody from the Commerce Commission to say to you,
18 here is why we actually did this investigation and
19 here is why we think they are not fit? They don't
20 have anybody to say that, so I guess that is my
21 argument for my closing argument, but you are not
22 going to hear anyone tell you that they don't think
23 that Lincoln is fit.

24 JUDGE KIRKLAND-MONTAQUE: Okay. We'll get to

1 that as we go along. So he has an objection pending.

2 MR. PERL: I don't even remember my question.

3 JUDGE KIRKLAND-MONTAQUE: It was about whether
4 it was fit. And your objection was?

5 MR. BURZAWA: Well, I think the question was
6 asking the officer to essentially surmise why the
7 Commission renewed the license. I think that calls
8 for speculation and that is also outside of the
9 capacity of why Officer Strand is testifying here in
10 his capacity as an officer, not as an opinion
11 witness, especially not an opinion about an
12 irrelevant proceeding. We are not here to compare
13 the previous hearing versus this hearing. We are
14 dealing with a discrete window of time going forward
15 from July 24, 2015. We are not looking retroactively
16 whether Lincoln Towing was fit. We are looking at
17 going forward.

18 MR. PERL: So if there's a stipulation that
19 Lincoln was fit before that, which I think this is
20 anyway -- if counsel would just stipulate for me, we
21 could be done with it, but they never do. So
22 stipulate Lincoln was fit before that date and it
23 ends all of the discussion, but, see, he's not going
24 to do it, even though he says to you something. When

1 we actually say, Well, then just do it, they
2 always -- you ask them what day it is, they tell you
3 the temperature. If you ask them if it's night or
4 day, they tell you what day it is.

5 So if there is a stipulation on the
6 record that Lincoln was fit on or before July 24,
7 2015, then we are done with that line of questioning.

8 JUDGE KIRKLAND-MONTAQUE: I can't recall right
9 now. In your binder do you have the order from
10 the -- July 24th from the Commission approving the
11 renewal?

12 MR. PERL: I don't think so. I used this one.
13 It says -- clearly they state in there
14 administratively that we were found to be fit on that
15 day.

16 JUDGE KIRKLAND-MONTAQUE: I was just curious.

17 MR. PERL: No, I don't think that I have that
18 order.

19 JUDGE KIRKLAND-MONTAQUE: Okay.

20 MR. PERL: The one thing I do take exception to
21 is when Mr. Burzawa said that this is an irrelevant
22 document, this is the whole basis for why we are
23 here. How could it be irrelevant? Maybe paragraph 1
24 talks about the other stuff, but everything else is

1 absolutely relevant. It tells you why we are sitting
2 here today.

3 JUDGE KIRKLAND-MONTAQUE: All right. So let's
4 not get too deep into this. I'm going to overrule
5 the objection and allow you to continue.

6 BY MR. PERL:

7 Q I'm not going to even go back and figure
8 out what the question was. Let me just go forward.

9 During the relevant time period, did
10 you ever discuss any of the issues regarding this
11 hearing or why we are at this hearing with Lincoln
12 Towing?

13 A During the relevant time period?

14 Q That would be July 24, 2015, through
15 March 23, 2016.

16 A I don't think so.

17 Q You didn't, did you?

18 A No.

19 Q During that relevant time period, you never
20 went to Lincoln Towing or anyone at Lincoln Towing
21 and said, Hey, Guys, you are getting too many
22 citations, did you?

23 A No, I never did.

24 Q And you never went to them and said, You

1 are getting too many of the same type of citations,
2 did you?

3 A No.

4 Q And you never went to Lincoln Towing and
5 said, Hey, Guys, things have changed, what is going
6 on, you are getting more citations than you used to
7 get?

8 A No. I would not have known.

9 Q And you don't know any of that to be true,
10 do you?

11 A No.

12 Q Okay. During the relevant time period, did
13 you ever send Lincoln Towing any notices at all about
14 anything in writing?

15 A I'm sure I sent Bob Munyon e-mails or
16 talked to him on the phone about something, needing
17 information but nothing specifically.

18 Q Also during the relevant time period -- you
19 mentioned Bob Munyon?

20 A Correct.

21 Q And the individual sitting in front of you
22 today?

23 A Correct.

24 Q And Bob is the general manager of Lincoln

1 Towing, correct?

2 A As far as I know, yes.

3 Q And part of your dealing with Lincoln
4 Towing involves you dealing with Mr. Munyon, correct?

5 A Correct.

6 Q I think we covered this in your deposition,
7 but do you have any documentation or proof that
8 Mr. Munyon was not responsive to you when you asked
9 him questions?

10 A I have no documentation on anything.

11 Q And isn't it true that the only e-mail that
12 you produced as evidence in this case shows
13 Mr. Munyon responding to you within 30 minutes?

14 A I don't -- did I give you something?

15 Q Yes. I'll find the e-mail.

16 A All right.

17 Q You don't have any documentation with you
18 and it is not your testimony that he was not
19 responsive to you, was it?

20 A No.

21 Q He was courteous to you, correct?

22 A Oh, yeah, sure.

23 Q And when you had issues or questions, you
24 would come to him with them, correct?

1 A Correct.

2 Q And any reason to believe that had you gone
3 to Mr. Munyon regarding any of the issues today, that
4 he would not have been responsive?

5 A No.

6 Q And nobody at the Commerce Commission
7 during the relevant time period, meaning none of the
8 commissioners, none of your supervisors, nobody ever
9 came to you and said, Hey, Officer Strand, what is
10 going on with Lincoln, they are getting way too many
11 tickets?

12 A No.

13 Q And nobody ever said to you, Go talk to
14 Lincoln Towing, see if we could work it out, what is
15 going on, did they?

16 A No.

17 Q And you, in fact, did not do that?

18 A I did not.

19 Q And you don't have an opinion as to whether
20 or not Lincoln Towing was getting too many citations
21 during the relevant time period, do you?

22 A No.

23 Q Do you know who -- strike that.

24 Is there anybody at Lincoln Towing

1 that you have ever dealt with that was disrespectful
2 to you or did not respond to you promptly in
3 management?

4 A Well, I only know Bob to be in management,
5 so, no, I have never --

6 Q Did you ever express an opinion to anybody
7 in the Commerce Commission that you don't believe
8 that Lincoln Towing was fit to hold a relocater's
9 license?

10 A No.

11 Q Do you have an opinion as to whether or not
12 during the relevant time period Lincoln Towing was
13 fit to hold a license?

14 A I have no opinion.

15 MR. BURZAWA: Objection, irrelevant, Judge.

16 MR. PERL: How could it be irrelevant when they
17 presented this witness to testify in their case in
18 chief and he's their witness? How is it -- and they
19 are trying to claim that based upon his testimony,
20 he's a police officer, he's an attorney, and he's the
21 one that actually has the boots on the ground that
22 writes the citations. How is it possible that anyone
23 else at the Commerce Commission would know more than
24 he does whether Lincoln Towing is fit or not? He's

1 the one that writes the tickets.

2 JUDGE KIRKLAND-MONTAQUE: What is the basis?

3 MR. BURZAWA: Officer Strand's opinion is
4 irrelevant for the purposes of this hearing. The
5 determination of whether or not Lincoln is unfit will
6 be made by the Commission, based on particular pieces
7 of evidence introduced. However, Officer Strand's
8 opinion is irrelevant, and it's beyond the scope of
9 his duties. It's not his duty or within the scope of
10 his job description to determine whether or not a
11 relocator is fit.

12 His duties are to conduct
13 investigations, issue citations, and premised on the
14 outcome of those citations, this Commission will
15 determine whether or not Lincoln Towing was unfit
16 during the relevant time period.

17 MR. PERL: Based upon the evidence that you
18 hear from the testimony from the witnesses. I guess
19 I would take offense if I was Officer Strand to the
20 comments, but I'm not, saying that he's irrelevant as
21 to whether or not he thinks Lincoln's fit or not. He
22 literally is -- I'm sorry this takes so long.

23 This is what I have been complaining
24 about for two years. They don't have any witnesses

1 to say that we are not fit. They don't have any
2 witnesses to say anything because what they do is,
3 they give you witnesses, then they say that I can't
4 question about whether or not we are fit or not, but
5 it's a fitness hearing. So who am I supposed to ask
6 from the Commerce Commission whether they believe my
7 client is fit or not? Nobody? Can't I ask a lawyer?

8 JUDGE KIRKLAND-MONTAQUE: Well, he does not
9 work -- I mean, I don't mean to disrespect him in any
10 way.

11 MR. PERL: But he is a lawyer.

12 JUDGE KIRKLAND-MONTAQUE: He is, but he does
13 not work at the Commission as a lawyer.

14 MR. PERL: Agreed.

15 JUDGE KIRKLAND-MONTAQUE: The question
16 though -- I see the point. I understand both points,
17 but I think you can get to this another way. And
18 basing it on his experience and maybe comparing it to
19 what he sees with other companies.

20 MR. BURZAWA: Here is why I didn't do that. If
21 I do that, then the relevancy argument objection
22 comes in. It might be a good objection saying, What
23 is the difference what anybody else does because I
24 have made that argument before and I'll make it in my

1 closing argument, that we get a lower percentage of
2 citations than anybody does per tow. That is going
3 to be one of my arguments.

4 But in terms of eliciting the
5 information today, whether or not Rendered gets more
6 citations than we do or A-1 gets more than we do, I
7 have been told before it's not really relevant
8 because we are here for Lincoln Towing's fitness. So
9 I'm trying to stay onboard with that. Could I take
10 20 minutes to do it? Yes.

11 I never thought in my wildest dreams
12 as a litigator that opposing counsel who represents
13 this witness would tell you that he should not be
14 able to give you an opinion regarding my client's
15 fitness when he's trained to determine whether or not
16 they have a violation. He's the one with the boots
17 on the ground. He is the one that writes the
18 citations. He is the one that sees what we are doing
19 more than anybody. More than you, me, Mr. Burzawa,
20 or even the, quote-unquote, Commission, whoever they
21 are because whenever I ask who their client is, I
22 never get a straight answer. Whoever they are, they
23 up there, don't not know more than he does. He
24 knows, Officer Strand knows, Attorney Strand knows

1 more than anybody else in this room whether or not my
2 client is fit or not and what is going on with
3 Lincoln Towing. He does.

4 And the reason they don't want to have
5 this go forward is because they know that they did
6 not present to you and won't present to you even one
7 witness that is going to tell you that Lincoln gets
8 more tickets now than they did before or they are not
9 fit because they don't have a witness to say that
10 because it's not true. Besides the fact that it's
11 not true, they never bring the right witness. It's
12 always someone else.

13 So I only have one witness to question
14 here, and by the way, this is not just
15 cross-examination. This is my case as well, so if
16 the argument is it's beyond the scope, then I'll just
17 recall him in my case. What I was hoping to do is
18 not to do that.

19 JUDGE KIRKLAND-MONTAQUE: Okay. I don't mean
20 to cut you off. I think I'm going to allow you to
21 question based on his experience within the time
22 period, which I think is where you were going.

23 BY MR. PERL:

24 Q Based on your experience within the

1 relevant time period, do you have an opinion as to
2 whether or not Lincoln Towing was fit to hold a
3 license?

4 A I do not.

5 Q So having said that, you don't have an
6 opinion that Lincoln was not fit during the relevant
7 time period, do you?

8 A No, I do not.

9 Q And this investigation that is going on
10 right now was not as a result of you reporting to
11 anyone at the Commerce Commission that Lincoln Towing
12 was not fit, was it?

13 A No, it was not.

14 Q Based upon the documentation that you have
15 seen so far and it's really just Exhibit 3 -- within
16 Exhibit 3 and based on your experience, and if you
17 don't know, then that is acceptable to me, if you
18 don't have an answer.

19 Just looking at Exhibit 3, where it
20 states that Lincoln Towing was issued the renewal on
21 July 24, 2015, and that on February 24, 2016, they
22 opened this investigation, do you know what happened
23 between July 24, 2015, and February 24, 2016, that
24 caused the Commerce Commission to present its order

1 and open an investigation?

2 A I don't.

3 Q Have you been present in hearings or
4 statuses in this matter whereby you have heard
5 Lincoln Towing's attorneys ask the Illinois Commerce
6 Commission basically what can Lincoln do differently
7 in order to be fit?

8 MR. BURZAWA: Objection, irrelevant question.

9 JUDGE KIRKLAND-MONTAQUE: Where are you going
10 with this?

11 MR. PERL: Here is where I'm going. All along
12 I have said to you that I believe that this whole
13 hearing is improper. There is an improper purpose
14 behind it. I have used the word "conspiracy" before.
15 I am not going that deep with improper. Where I'm
16 going with it is, there's no reason that we are here
17 other than somebody decided to investigate Lincoln
18 Towing maybe in a higher up. I'm trying to figure
19 out, reasonably, from all of the witnesses that we'll
20 ask of, what changed, why are we here, what happened
21 between when we got renewed and when they decided to
22 investigate, how did that all happen? What happened?
23 And, basically, still trying to figure out what are
24 we doing here.

1 JUDGE KIRKLAND-MONTAQUE: I think it's fair
2 based on the order.

3 MR. BURZAWA: Judge, Officer Strand answered
4 that question. He said that he does not know what
5 happened. The question that Mr. Perl asked was
6 concerning statements made at hearings and statuses
7 by staff, so I don't understand what that piece of
8 evidence would prove.

9 JUDGE KIRKLAND-MONTAQUE: By staff or by you?

10 MR. PERL: Here is what it proves, Judge. I'm
11 not going to testify, but he can.

12 I have asked him a dozen times, What
13 did we do wrong? What did we do wrong? And they
14 never want to tell me because they don't want to
15 solve any problems, they just want to have a hearing
16 because there are no problems to solve because we are
17 not doing anything wrong other than people get --
18 one-quarter of 1 percent of your tows, you get a
19 citation on.

20 I think it's relevant. Here is why.
21 I know that you have heard it, but I am not going to
22 ask you to testify. I know that every officer has
23 heard me say it, and I'll say it again today. What
24 are we doing wrong? Hey, Commerce Commission, why

1 don't you have a meeting with me. I have begged them
2 in front of you and the officers, meet with me, tell
3 me what it is that we are doing wrong, we'll solve
4 the problem.

5 The relevancy of that is that because
6 when I argue the conclusion, that is why we are here
7 today. They are not here to solve a problem. They
8 don't want us to be in compliance or not in
9 compliance. They just want to have a hearing because
10 somebody somewhere determined for an improper
11 purpose, is my opinion, that they are going to have a
12 fitness hearing, even though nine months earlier they
13 had a hearing and they deemed us to be fit. That is
14 where I'm going with it.

15 I guess I'm giving you more than I
16 need to give you for what my theory is, but that is
17 why I'm doing it. We have all heard me say it.

18 JUDGE KIRKLAND-MONTAQUE: What was the question
19 again?

20 MR. PERL: The question was, have you been in
21 hearings and statuses wherein attorneys from Lincoln
22 Towing, being myself and/or Mr. Chirica, probably
23 more so me, asked the Commerce Commission attorneys,
24 What are we doing wrong? How can we fix this

1 problem? We want to be in compliance. What are we
2 doing wrong? And they won't answer us.

3 BY MR. PERL:

4 Q Have you heard me ask that question at
5 least?

6 MR. BURZAWA: Objection, irrelevant.

7 JUDGE KIRKLAND-MONTAQUE: I think it's
8 relevant. I'm going to overrule the objection.

9 BY THE WITNESS:

10 A Honestly, I'm not sure, but I would not say
11 a flat no. I don't know.

12 JUDGE KIRKLAND-MONTAQUE: Not sure is the
13 answer.

14 MR. PERL: Okay. That is the answer. That is
15 good enough.

16 BY MR. PERL:

17 Q Do you know if they are there any -- during
18 the relevant time period, if there are any particular
19 parking lots that Lincoln Towing received more
20 citations for than others?

21 A Not offhand. I just -- no.

22 Q Okay. You said that you believe that --
23 and we'll get into it after the break, but you
24 believe that somewhere around 50 percent of your

1 citations that you wrote to Lincoln during the
2 relevant time period were for these administrative
3 issues, right?

4 A That sounds --

5 Q I'm not going to hold you to it. Something
6 like that?

7 A Something like that.

8 Q And of those, a great many of them are
9 because invoices either are inaccurate or not filled
10 out completely, correct?

11 A Correct.

12 Q Now, the invoices, would you agree with me,
13 are generated by a computer for the most part
14 initially?

15 A During that time period?

16 Q Yes, during the relevant time period.

17 A A lot of them were still written, but it's
18 hard to remember. I mean, it's a mix, but I think
19 mostly computer.

20 Q I'll show them to you after the break, but
21 they are computer. There's sometimes handwriting on
22 them afterwards but mostly computer, correct?

23 A Yes.

24 Q And you are computer literate, correct?

1 A Barely.

2 Q And you understand that in sometimes
3 imputing -- inputting something into a computer and
4 then having it print, there can be problems with the
5 printing and things could not align properly,
6 correct?

7 A Correct.

8 Q Are you aware that in October of 2016,
9 Lincoln Towing installed a new computer system to
10 address any and all issues they had in the improper
11 invoices?

12 A I think only because you told me that. I
13 did not know that before.

14 Q Are you aware that Lincoln Towing's new
15 computer system helps to ensure that all of the
16 fields are properly filled out on the tow invoice?

17 A I don't know.

18 Q That is okay. That is fine. And we'll get
19 into it later. The tow invoice has 20 or 30 fields
20 to fill out, correct?

21 A Correct.

22 Q And they are little boxes?

23 A That's correct.

24 Q So if something is not lined up exactly

1 correct, it could be off to the left, right, or not
2 on there at all, correct?

3 A Correct.

4 Q I will get into this later, but just
5 preliminarily, was there ever a point in time when
6 before writing Lincoln Towing a citation for
7 improperly filling out an invoice, that you called
8 them to find out what happened?

9 A No, I did not.

10 Q So you never called and said, Hey, guys,
11 there is 30 boxes, 29 are perfect, this one does not
12 have anything in it, what happened?

13 A No, I never called them on anything.

14 Q If you did and Lincoln was able to actually
15 prove to you that they typed in the checkmark but
16 somehow when it printed, it did not get on the
17 invoice, would you still write the citation?

18 A I probably would only because it's supposed
19 to be provided to the person at the time that it's
20 released, and I guess the dispatchers who can go
21 through and make sure that everything is on there, by
22 the time they give it to them. I never called.

23 Q In hindsight, do you think it would have
24 been helpful or even going forward to inquire not

1 just of Lincoln but of a relocater if you find that
2 there's some invoices that are not properly filled
3 out? Do you think it would be helpful to actually
4 call that relocater and say, Hey, guys, what is going
5 on? The invoice -- other than this one box, it is
6 filled out properly, what is going on?

7 A It could be helpful.

8 Q Because your goal is to protect the public?
9 It is, correct?

10 A Correct.

11 Q And then you want to make sure that the
12 invoicing are being filled out completely, correct?

13 A That's correct.

14 Q And you want to make sure it's done before
15 the public gets the invoice, correct?

16 A Correct.

17 Q So wouldn't it be helpful for someone to
18 have done that during the relevant time period and
19 say, Guys, there's a problem with your invoices?

20 A It could have been.

21 MR. PERL: Judge, I think I'm at a good
22 breaking point now.

23 JUDGE KIRKLAND-MONTAQUE: Okay. We'll take a
24 break and reconvene. And are you sure if we get

1 together by 1:30 that we'll be done?

2 MR. PERL: Yeah.

3 JUDGE KIRKLAND-MONTAQUE: Okay. We'll be back
4 at 1:30.

5 (WHEREUPON, the hearing was
6 adjourned until 1:30 p.m.,
7 01/16/18.)

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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
PROTECTIVE PARKING SERVICE)
CORPORATION d/b/a LINCOLN)
TOWING SERVICE,)
)
Respondent.)
)
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.)

Docket No.
92 RTV-R Sub 17

Chicago, Illinois
January 16th, 2018

Met, pursuant to notice, at 1:30 p.m.

BEFORE:
MS. LATRICE KIRKLAND-MONTAQUE,
Administrative Law Judge

SULLIVAN REPORTING COMPANY, by
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APPEARANCES:

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On behalf of Protective Parking.

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NO EXHIBITS MARKED OR RECEIVED IN EVIDENCE

1 JUDGE MONTAQUE: Go ahead,
2 Mr. Perl, when you're ready.

3 MR. PERL: Okay. Thank you, Judge.

4 TODD STRAND,
5 having been previously duly sworn, was examined
6 and testified further as follows:

7 CROSS-EXAMINATION (Resumed)

8 BY MR. PERL:

9 Q. So Officer Strand, I wanted to
10 first ask you, do you recall, direct was, might
11 have been a couple months ago.

12 A. Correct.

13 Q. You were asked a series of
14 questions regarding various citations that you
15 had written.

16 A. Correct.

17 Q. So I want to go back over those now
18 with you, and I'm going to try not to belabor
19 it, but I want to go back to the ones that at
20 least were covered by Commerce Commission
21 attorneys at the time.

22 A. Okay.

1 Q. Now, Officer Strand, I think when
2 you last testified, the Commerce Commission
3 attorneys had questioned you regarding Exhibit L
4 in their book, and they started off with a
5 specific citation which was marked 8001149. And
6 I'm going to show, let me start with this.

7 MR. PERL: Judge, this is Exhibit
8 L, and it's 8001149. They don't have them page
9 marked or --

10 JUDGE MONTAQUE: That's the second
11 page?

12 MR. PERL: I think it is.

13 JUDGE MONTAQUE: I have it.

14 BY MR. PERL:

15 Q. I don't have another copy of this,
16 so if you don't mind --

17 A. Okay. Yeah, no. I'll just stand
18 and look at it.

19 Q. You were asked on direct if you
20 recognized what this document was. This was
21 Exhibit L, Administrative Citation 8001149. Do
22 you recall that?

1 A. Sure.

2 Q. And do you recall what this is?

3 A. It's an administrative citation I
4 issued to Protective Parking Service Corporation
5 for Investigation 15-0918.

6 Q. Do you know whether or not the
7 citation was written during the relevant time
8 period?

9 A. Issued 10/20 of '15.

10 Q. I think it is. Our time period,
11 again, for the record is July 24, 2015, to
12 March 23rd, 2016, so it was --

13 A. Yes, yes.

14 Q. Okay. And do you recall, when we
15 were discussing earlier today, regarding
16 citations that were written that were really
17 more administrative in nature as opposed to
18 having to deal with the tow itself, correct?

19 A. Correct.

20 Q. And this is what you would call an
21 administrative citation, correct?

22 A. Yeah. This doesn't affect the

1 motorist directly. Yeah, this would --
2 incomplete invoice.

3 Q. So what this is, why don't you tell
4 the Court what is this citation written for?

5 A. It was for an inaccurate or
6 incomplete invoice. It was missing contract
7 information or the numbers, and there was no VIN
8 included on the tow sheet.

9 Q. So you would agree with me that
10 this is one of those citations that you wrote
11 that the underlying complaint that came in from
12 the consumer wasn't for this particular
13 violation.

14 A. Unlikely, yeah. Unless there was
15 yeah, I don't believe there was any complaint
16 about that.

17 Q. So that being the case, is it safe
18 to assume that whatever it is the consumer
19 complained about you found to be unfounded, and
20 then you wrote a ticket for an incomplete
21 invoice?

22 A. I mean, I don't know in this case,

1 because I don't know if there was a separate
2 citation issued before or after this, like a
3 companion ticket, I don't know.

4 Q. Well, so let me ask you that
5 question.

6 Do you know whether or not there
7 was another companion ticket for this one?

8 A. On this one I don't know.

9 Q. So as you sit here today, you don't
10 have any evidence to show that there were any
11 other citations written based upon this
12 investigation?

13 A. No, I've got nothing written on
14 there citing any other citations.

15 Q. And that being the case, would it
16 be safe to assume that whatever it is the
17 motorist was complaining about Lincoln actually
18 don't do that?

19 A. Not sure, because I don't know
20 based on what I have in front of me.

21 Q. Well, you're here testifying now.

22 A. Sure.

1 Q. And we have to get it out today.

2 A. Sure.

3 Q. So do you have any documentation to
4 show that whatever this consumer complained
5 about you wrote a citation for that as well?

6 A. No.

7 Q. And if you don't have any
8 documentation on that, and this is the only
9 thing you wrote the citation for, wouldn't it
10 flow that whatever the consumer was complaining
11 about, whether it was no sign, improper tow, you
12 found that not to be founded, correct? Based
13 upon what we have today.

14 A. Yeah, if I didn't write a ticket
15 for anything else, I'd say that's correct.

16 Q. And then you did write a ticket for
17 the administrative portion which was the
18 inaccurate or incomplete invoice, correct?

19 A. Correct.

20 Q. And you did not call Lincoln Towing
21 at any point in time to determine how it is that
22 the invoice is inaccurate or incomplete, did

1 you?

2 A. No.

3 Q. Do you know what the resolution of
4 this citation was?

5 A. I do not.

6 Q. And the actual invoice is not
7 contained in Exhibit L, is it?

8 A. No.

9 Q. If you would turn your attention
10 now to the administrative citation which is just
11 next to this one, 8000150, do you see that one?

12 A. It's not my -- that's not mine.

13 Q. That's not yours?

14 A. No. That's Officer Geisbush.

15 Q. I'm sorry. I'm sorry. It's 1150.

16 I'm going to show you now what has
17 previously been tendered to us by the Commerce
18 Commission as Bates Stamp Number 000319.

19 MR. BURZAWA: Can I just take a
20 quick look at that?

21 BY MR. PERL:

22 Q. And I'm going to use this to

1 refresh your recollection regarding whether or
2 not you wrote any other citations for this
3 particular file. This is a document which is
4 your, what would you call this? Your
5 investigative notes?

6 A. Well, this is just a little summary
7 sheet of investigation.

8 Q. That you prepared.

9 A. Correct.

10 Q. Regarding this ticket tow citation
11 8001149, correct?

12 A. Correct.

13 Q. And what is your -- what does your
14 complaint state, your narrative state?

15 A. She was illegally relocated by
16 Lincoln Towing Service when parked in the lot at
17 Broadway and Lawrence where it stated free
18 parking for Silver Seafood Restaurant. She saw
19 another Chinese restaurant across the street and
20 checked it out before deciding to go to the
21 Silver Seafood Restaurant. After dinner her
22 vehicle was gone.

1 Q. And how about the next paragraph?

2 A. I checked the Illinois Commerce
3 Commission Motor Carrier Information System,
4 MCIS, to verify that the operator and dispatcher
5 permits were valid and current and that the
6 contract was current and electronically filed
7 with the Commission. The permits were valid and
8 current, and the contract was current and
9 electronically filed with the Commission. The
10 lot has two entrances and multiple signs. You
11 want me --

12 Q. Just right there.

13 A. The lot was properly posted in
14 accordance with 625 ILCS 5/18a-302 and 92
15 Illinois Admin Code 1710.50-52 -- through 52.

16 Q. And just finally --

17 A. I issued the following
18 administrative citations: 8001149. It's a long
19 one 625 ILCS 5/18A-300, Subpart 19, Reference
20 982, Illinois Admin Code 1710.170C.

21 Q. So does this refresh your
22 recollection that you actually did not issue any

1 citations for what the motorist was complaining
2 about?

3 A. It does.

4 Q. And all you did was you went
5 through it and you gave them a citation for the
6 incomplete invoice, correct?

7 A. Correct.

8 Q. The tow in this particular case
9 itself, the underlying tow, that was proper,
10 correct?

11 A. I believe so, correct.

12 Q. I'm going to call your attention
13 now to 8001150, which is the next page, and this
14 is a citation that you had testified to under
15 direct examination that you wrote, correct?

16 A. Correct.

17 Q. And what was this citation for?

18 A. Same thing, inaccurate or
19 incomplete invoice.

20 Q. And there's no companion ticket
21 here for anything of a nature that would be
22 directly related to the public, correct?

1 A. I don't believe so, no.

2 Q. So, once again, can we assume that
3 somebody from the public complained about their
4 tow, you investigated it, determined that not to
5 be founded, but you did find that the invoice
6 was incompletely filled out, correct?

7 A. Correct.

8 Q. So the administrative ticket that
9 you wrote didn't have a direct bearing on the
10 public itself, but technically it was, in your
11 opinion, a violation of the statute?

12 A. Correct.

13 Q. Did you ever contact Lincoln Towing
14 to find out how it is this information was not
15 on the invoice?

16 A. No.

17 Q. And it's your understanding that
18 it's almost an automatic liability if a piece of
19 information is missing from an invoice. It has
20 to be 100 percent filled out accurately.

21 A. Unless they have an explanation as
22 to why it's not.

1 Q. But you never asked for an
2 explanation, correct?

3 A. I didn't.

4 Q. So if, in fact, they had an
5 explanation for why it wasn't, the citation
6 might not be founded, correct?

7 A. They can write it on there. If
8 they -- if they can't get a VIN, it's blocked,
9 they can write "blocked VIN." That's
10 acceptable.

11 Q. But I'm saying after the fact, once
12 you write the ticket, isn't it also possible
13 pursuant to the statute that if Lincoln Towing
14 has a good faith basis for why the information
15 isn't on there, it could happen, I think, and
16 has happened that the citation is not founded.

17 A. Sure. It's happened plenty of
18 times.

19 Q. So you don't really know whether or
20 not either one of these two citations ultimately
21 was founded.

22 A. No, I don't.

1 Q. Because it's possible that they had
2 a valid explanation for why the information
3 wasn't on there.

4 A. Yeah, could have been.

5 Q. Let's take a look at 8001351.

6 As a little bit of a followup, just
7 as a little bit of a followup to this last one
8 that we had, let me turn back to 8001150. We
9 were talking about sometimes inadvertently a
10 number could be improperly put on to an invoice,
11 maybe transposed, correct?

12 A. Correct.

13 Q. In your case file that you
14 submitted that's Bates stamped 00329 for this
15 particular tow, and I'm not going to make you go
16 through the whole thing and waste the Court's
17 time, but you noted on here the following
18 violations: The ILCC contract number box was
19 incomplete or inaccurate. It was marked 6930,
20 but it was actually 69301, so you wrote them a
21 citation because the 1 was left off of the end,
22 correct?

1 A. I did.

2 Q. The VIN was not completed, correct?

3 A. Correct.

4 Q. And the tow truck use had no lease
5 on file, correct?

6 A. Correct.

7 Q. Now, when you look up to see
8 whether there's a lease on file or not, what do
9 you do?

10 A. I go through our lease files. We
11 have both the physical hard copy file and the
12 MCIS as well.

13 Q. So you have the MCI that you look
14 up, correct?

15 A. Yes.

16 Q. That's to see if it's e-filed
17 because that's the only way to know if it was
18 actually e-filed.

19 A. Well, they don't e-file --

20 Q. To the extent the lease --

21 A. They're paper copies.

22 Q. You don't keep those paper copies

1 yourself, do you?

2 A. No, it's in the office in a file.

3 Q. So you wouldn't really know whether
4 or not Lincoln Towing sent the file in and the
5 Commerce Commission lost it, would you?

6 A. No.

7 Q. Because you're not the person that
8 takes in the information --

9 A. That's correct.

10 Q. -- right? And you wouldn't know if
11 it was somewhere else in the office as opposed
12 to where you were looking, would you?

13 A. No.

14 Q. So, in actuality, you wrote these
15 citations based upon missing one number off the
16 6930?

17 A. And the VIN.

18 Q. I'm sorry?

19 A. And the VIN.

20 Q. And the VIN. I'll get there. And
21 the VIN.

22 Now, the VIN, we all know, is not

1 readily apparent to anybody, correct? When you
2 look at a vehicle, you could see the car and the
3 license plate, correct?

4 A. Correct.

5 Q. Easily.

6 A. Sure.

7 Q. But to get to the VIN, you actually
8 have to go to the --

9 A. Window.

10 Q. -- front window and then look down
11 into the vehicle.

12 A. Sure.

13 Q. And try to read it.

14 Now, somebody like me without
15 reading glasses would never be able to read it,
16 correct?

17 A. I don't know.

18 Q. Can -- do you wear glasses?

19 A. I wear contacts.

20 Q. Without your contacts do you think
21 you could read a VIN number from the outside of
22 a car looking into the car?

1 A. Yes, yes.

2 Q. Okay. What if the VIN was blocked

3 by snow, ice or papers on someone's windshield?

4 A. Write "blocked."

5 Q. So they didn't write "blocked"?

6 A. No.

7 Q. But it's possible that it was

8 blocked?

9 A. Could have been.

10 Q. So of these three issues on the

11 invoice, one of them is the lease, correct?

12 A. Correct.

13 Q. And you don't really know whether

14 or not they filed the lease for the equipment.

15 You just know you didn't find one.

16 A. Correct.

17 Q. The contract box was one number

18 off, right?

19 A. Correct.

20 Q. Possible that the dispatcher typed

21 in all of them but maybe one of the fields was

22 left off by the computer, you didn't check into

1 that?

2 A. I did not check into that.

3 Q. And as far as the VIN number goes,
4 although we would agree that you can read it,
5 it's not's easy to read as like a license plate
6 number.

7 A. No, that's correct.

8 Q. You kind of actually have to work
9 for it?

10 A. You do.

11 Q. And it could be a dirty windshield?

12 A. Sure.

13 Q. And it could maybe be snow or ice,
14 and you maybe can't see it.

15 A. Sure.

16 Q. And you would agree with me that
17 none of those things affected the public in that
18 the individual who parked there parked
19 illegally, correct?

20 A. In that case, yes.

21 Q. Because you didn't write a ticket
22 for anything else.

1 A. Correct.

2 Q. So you determined that that
3 individual parked illegally, and you then wrote
4 the administrative tickets -- citations.

5 A. Correct.

6 Q. Now, let's take a look at 8001351.

7 A. Are they in order? There we go.

8 Q. They're not exactly in order. It's
9 about four pages in, and they're not Bates
10 stamped but this is --

11 A. There we go.

12 Q. 800351, what was this citation
13 written for?

14 A. That was for no equipment lease on
15 file.

16 Q. So this is another case where a
17 consumer who had their car relocated complained
18 to the Commerce Commission, correct?

19 A. Correct.

20 Q. They didn't complain about no
21 equipment lease on file?

22 A. No, they did not.

1 Q. They complained that somehow or
2 another their tow was illegal, correct?

3 A. Correct.

4 Q. You did an investigation.

5 A. Yes.

6 Q. And you determined that the tow was
7 legal because you didn't write a citation for
8 it, right?

9 A. Based on what I'm looking at, I
10 don't see any other tickets issued.

11 Q. We can agree that if you had
12 determined the tow wasn't legal, you would have
13 written a citation for that, wouldn't you?

14 A. Yes.

15 Q. I mean, if there were no signs or
16 if you believed there were no signs, you would
17 have written a citation, correct?

18 A. Correct.

19 Q. And you didn't write any of that,
20 so this is another case where all you've got is
21 an administrative citation, correct?

22 A. Correct.

1 Q. And it says: No equipment lease on
2 file.

3 A. Correct.

4 Q. Same scenario. You're not the
5 keeper of records for the equipment lease --

6 A. Right.

7 Q. And that's not your area that you
8 deal with, is it?

9 A. No.

10 Q. When Lincoln Towing mails in an
11 invoice, it doesn't come to you.

12 A. No.

13 Q. And it's not under your purview to
14 even review the leases, correct?

15 A. No.

16 Q. You never checked with Lincoln
17 Towing before you wrote the citation to ask
18 them, hey, guys, did you send in this equipment
19 lease?

20 A. No, I did not.

21 Q. And you didn't say to them, do you
22 have proof, maybe like a postmark of an envelope

1 or something, that you sent in the lease, did
2 you?

3 A. No.

4 Q. So it's also possible that Lincoln
5 Towing sent the equipment lease in for citation
6 number 800351 and you just didn't find it?

7 A. Yeah, it's possible.

8 Q. Did you inquire with anybody else
9 at the Commerce Commission as to whether or not
10 this equipment lease was ever filed?

11 A. Yes, with Blanche -- are you saying
12 other than Blanche?

13 Q. Well, without telling me what they
14 said or not because that would be hearsay.

15 A. Right.

16 Q. I just want to know did you inquire
17 of anybody.

18 A. Blanche.

19 Q. Do you have any documentation what
20 you heard about, not hear -- not what she said
21 to you --

22 A. No.

1 Q. Okay. Now, like we did before, I'm
2 going to go over your case reports with you.

3 A. Okay.

4 Q. This is Bates number 00347. This
5 is your, and, again, I'm going to move it along
6 so you don't have to read everything.

7 This is your -- what do you call
8 this, your investigative report?

9 A. Yes.

10 Q. And I won't say the individual's
11 name, but an individual complained that her
12 vehicle was illegally --

13 MR. BURZAWA: Judge, I'm going to
14 object to this line of questioning. I'm trying
15 to also allow things to keep moving along.

16 This is improper recollection
17 refreshed. Officer Strand hasn't testified that
18 he can't recollect the answers to Mr. Perl's
19 questions, so Mr. Perl can use the investigative
20 summary to refresh Officer Strand's
21 recollection, but there's no basis to read the
22 summary into the record.

1 MR. PERL: Well, couple things.

2 One, these are documents that they
3 produced to me in discovery so they're basically
4 admissible; two, I don't need anyone's
5 permission to question him about his own
6 investigative report; three, I'll happily spend
7 15 minutes on every single one of these things
8 asking him whether he remembers. I highly doubt
9 that he's going to remember -- on the first one
10 I refreshed his recollection, he didn't know,
11 and I agree with Mr. Burzawa. I haven't done it
12 again. I will do it every single time, maybe we
13 should do it in sheets, but I doubt that Officer
14 Strand, as good a memory as he has, he passed
15 the bar so he must have a good memory, is going
16 to remember what he wrote two years ago in an
17 investigative report, but if you want me to,
18 I'll do that every single time. I don't care.
19 I'm trying to get us in and out of here by 4:30.
20 I won't do that -- if I have to do that, but I
21 understand --

22 JUDGE MONTAQUE: Well, just ask if

1 he recalls.

2 BY MR. PERL:

3 Q. Do you recall what your
4 investigative report says in this case?

5 A. No.

6 Q. Is there anything that would
7 refresh your recollection as to that?

8 A. My investigative report.

9 Q. Okay. Take a look at this
10 investigative report, and I don't want to read
11 everything into the record.

12 Just to summarize, an individual,
13 whose name I won't state, complained that her
14 car was illegally relocated by Lincoln Towing,
15 correct?

16 A. Correct.

17 Q. You read this complaint, correct?

18 A. Correct.

19 Q. You made this investigative report.

20 A. I did.

21 Q. You then determined that the car
22 wasn't illegally towed, didn't you?

1 A. I actually did in this case.

2 Q. Well, you stated that Lincoln

3 Towing didn't fill out all the data fields.

4 A. That's one of them, sure, that one.

5 Q. So towing a vehicle when owner was

6 present.

7 A. Correct.

8 Q. Do you have any documentation or

9 evidence that the owner was present?

10 A. No.

11 Q. You don't know whether she was or

12 wasn't, do you?

13 A. No.

14 Q. And you don't know whether that was

15 founded or not, do you?

16 A. No, I don't.

17 Q. The next one is 8001352 that you

18 had testified to, and that's the next page. I'm

19 going to ask you to take a look at this

20 administrative citation that you already

21 testified to. Do you recall writing the

22 citation?

1 A. Yes.

2 Q. And that's your signature, correct?

3 A. A variation of it, yes.

4 Q. Okay. What's the citation for?

5 A. It's another inaccurate invoice

6 citation.

7 Q. And you would agree, as we talked

8 about before, that if this is the only citation

9 you wrote regarding this investigation, that

10 would mean that the underlying complaint wasn't

11 founded, correct?

12 A. Correct.

13 Q. And what you wrote on here was:

14 Inaccurate invoice. ILCC number

15 listed 3106, actual 189324, correct?

16 A. Correct.

17 Q. So it wasn't that there was nothing

18 on there. It was --

19 A. Just the wrong one.

20 Q. And how did you determine it was

21 the wrong one?

22 A. By cross-referencing the number

1 listed and then the address to find the correct
2 one on file.

3 Q. And do you know what the final
4 resolution was of the citation that you wrote?

5 A. No.

6 Q. You don't?

7 A. No, I don't.

8 Q. The next one is 8001356, and that's
9 the very next page. And what was this citation
10 written for?

11 A. Incomplete invoice.

12 Q. Same thing as the other ones,
13 correct?

14 A. Correct.

15 Q. So up 'til now all the invoices
16 that you testified to on direct exam have all
17 been for administrative issues not related to
18 the tow themselves, correct?

19 A. Correct.

20 Q. And this was for an incomplete
21 invoice, no VIN, with no explanation. What does
22 that mean "no explanation"?

1 A. Because you can write in the reason
2 why something's missing. So no VIN, no
3 explanation, and then there was another one.

4 Q. So no tow plate listed, inaccurate
5 contract listed, correct?

6 A. Correct.

7 Q. Now, in order to determine
8 inaccurate contract you have to look in MCIS,
9 correct?

10 A. Correct.

11 Q. The Motor Carrier Information
12 System.

13 A. Correct.

14 Q. Now you don't input anything to
15 that --

16 A. No, never.

17 Q. And you don't really know who does,
18 do you?

19 A. Well, the relocaters can submit
20 their end, and then other people, mainly
21 Blanche, can input information as well as Kathy,
22 and then various IT people.

1 Q. So if I were to get into this
2 particular citation with you and I asked you,
3 who input the information particular to this
4 citation, would you know?

5 A. Not a clue.

6 Q. Would you know whether or not
7 Lincoln Towing actually submitted the
8 information properly to the Commerce Commission
9 but someone at the Commerce Commission got it
10 wrong?

11 A. I wouldn't know that.

12 Q. You wouldn't.

13 So it's possible that Lincoln
14 Towing actually submitted the correct contract
15 listed and somehow someone at the Commerce
16 Commission got it wrong, correct? Does that
17 seem possible?

18 A. Yeah, that's possible.

19 Q. But you don't know what occurred
20 because you're not in charge of that. You just
21 look on the screen.

22 A. Right.

1 Q. And see whatever's on the screen.

2 A. That's correct.

3 Q. Do you have any way of knowing when
4 you look at a screen it's actually accurate
5 information?

6 A. Not really.

7 Q. Let's look at the next one, which
8 is 8001358, which is the next page. This is
9 another citation that you wrote, correct?

10 A. Okay. Correct.

11 Q. And your signature's on that?

12 A. Correct.

13 Q. And this one is for -- and I
14 apologize. The remarks aren't in there, so I'm
15 trying to figure out --

16 A. No equipment lease.

17 Q. No equipment lease on file. Don't
18 want to take too long on this again, but you
19 don't really know whether there was an equipment
20 lease ever filed, do you? You just know that
21 when you looked it up you didn't find one.

22 A. Oh, in this case -- okay.

1 There was one filed after the fact,
2 and the citation was issued for not having one
3 on file at the time.

4 Q. But you don't know whether or not
5 they properly filed it, Commerce Commission lost
6 it and they had to refile it, do you?

7 A. I don't.

8 Q. Because it's possible that there
9 wasn't one that you found on file, but Lincoln
10 actually had sent it in, and then after the fact
11 they had to refile it because you can't let it
12 sit out there with no filing, correct?

13 A. Yeah, I don't know.

14 Q. Do you know how many equipment
15 leases are submitted to the Commerce Commission
16 on a yearly basis?

17 A. For relocation?

18 Q. For all relocations.

19 A. A fair amount.

20 Q. Would you say a lot?

21 A. Yeah. Well...

22 Q. I mean, we could ask you to define

1 "a lot."

2 A. I mean...

3 Q. There's I don't know how many
4 relocaters.

5 A. Yeah.

6 Q. And each one of them employs --

7 A. Okay. So we'll say there's a lot.

8 Q. Okay. That's what I want to get.
9 There's a lot.

10 A. Yeah.

11 Q. And these get mailed in, not
12 e-mailed in, these actually get hard copy
13 mailed.

14 A. Yeah, mailed or dropped off.

15 Q. So it's possible that somewhere
16 along the line the Commerce Commission, some of
17 these things don't make it to where they're
18 supposed to make it to, correct?

19 A. That's correct.

20 Q. So, again, just because you didn't
21 find the equipment lease doesn't mean there
22 wasn't one on file. In other words -- let me

1 strike that.

2 Doesn't mean Lincoln Towing didn't
3 drop one off at the Commerce Commission?

4 A. No, but you're also supposed to
5 wait until you get a hard copy equipment lease
6 stamped before you operate that vehicle so --

7 Q. Let's say they did, and it still
8 doesn't show up as on file. You wouldn't know
9 that when you write the citation, would you?

10 A. No.

11 Q. Let's say that I come into the
12 Commerce Commission and I give you my
13 application, you stamp my copy and yours, and
14 you take it from me.

15 A. Yeah.

16 Q. I leave there. I'm done. I did
17 what I was supposed to do, right? As far as I
18 know --

19 A. Yeah.

20 Q. -- better than me stamping it.

21 A. Yeah, you got it.

22 Q. Before you go home it falls on the

1 ground accidentally and the maintenance person
2 throws it in the garbage.

3 A. That could happen.

4 Q. How would I know?

5 A. You wouldn't.

6 Q. And when you went to look it up,
7 you wouldn't find the equipment lease, would
8 you?

9 A. No.

10 Q. So did you go anywhere else or do
11 anything else to determine whether or not --
12 like, did you call Lincoln and say, hey, guys,
13 do you have a stamped copy of your equipment
14 lease before you wrote the citation?

15 A. No.

16 Q. And you don't know the resolution
17 of this citation either, do you?

18 A. No, I don't. Well, I think this
19 might have been a reduced, but...

20 Q. Okay. And are you aware that when
21 an equipment lease is filed, on the back of it
22 it states "valid while pending" even if it

1 hasn't been approved yet?

2 A. Yes, you're right, you're right.

3 Q. So you could actually send it in
4 and you could still do work pending that
5 approval?

6 A. That is true. You are right.

7 Q. And you didn't check with Lincoln
8 Towing in this case --

9 A. No.

10 Q. -- to see if that was the case?

11 A. No.

12 Q. Can you flip to 8001359, which is
13 the next citation, and this is a citation that
14 you wrote?

15 A. Yeah, it's just smaller.

16 Q. And this citation is also for
17 inaccurate, incomplete invoice, ILCC contract
18 number and police relocate not completed or
19 accurately completed, correct?

20 A. Correct.

21 Q. You have better handwriting than
22 me.

1 A. No.

2 Q. So, again, this is another
3 situation where this is not a ticket for the tow
4 that directly impacts the public, correct?

5 A. Correct.

6 Q. It's an administrative ticket,
7 correct?

8 A. Correct.

9 Q. So the individual whose vehicle got
10 towed was properly towed. This didn't -- this
11 didn't affect them in any way.

12 A. Is this in the same?

13 Q. No, it's a different one.

14 A. For this one, for this -- yeah.

15 Q. Different one?

16 A. Is this still on the line with the
17 three-citation case?

18 Q. No. I think --

19 A. For the --

20 Q. No, I think this is a different
21 one.

22 A. Okay.

1 Q. Because I don't -- yeah --

2 A. All right.

3 Q. So, again, I'm just going through
4 the case where these tickets are written for
5 things other than things that affect the public,
6 like this one, and you would agree with me
7 that's a different scenario than if there was no
8 sign there, correct?

9 A. Correct.

10 Q. So this ticket here is for
11 incomplete or inaccurate information again,
12 correct?

13 A. Correct.

14 Q. Now, again, when -- you've got the
15 ILCC contract number, police relocate number not
16 accurately completed, correct?

17 A. Correct.

18 Q. That's based upon you looking up
19 the MCIS information, correct?

20 A. Correct.

21 Q. You don't know whether or not this
22 citation went to a hearing and was founded or

1 not founded.

2 A. I don't know.

3 Q. So do you recall in your
4 investigative report in this case, what you
5 stated?

6 A. No.

7 Q. Is there anything I could show you
8 that would refresh your recollection?

9 A. My investigative report.

10 Q. So let me show you your
11 investigative report on this particular case
12 file.

13 A. Okay.

14 Q. You stated and, again, I won't read
15 the complaint's name: The complainant stated
16 one of his vehicles was illegally relocated by
17 Lincoln Towing, correct?

18 A. Correct.

19 Q. You then did your investigation,
20 correct?

21 A. Correct.

22 Q. And you verified that the operator

1 and dispatcher permits were valid and current,
2 correct?

3 A. Correct.

4 Q. Contract was current and was
5 electronically filed with the Commission?

6 A. Correct.

7 Q. The lot was properly posted,
8 correct?

9 A. Correct.

10 Q. Now, these are all things that
11 might affect the public if they weren't done
12 properly.

13 A. That is correct.

14 Q. But they were done properly.

15 A. Yes.

16 Q. You also determined that the
17 individual thought he had permission to park
18 there from Cagan Management Company, but you
19 determined Cagan wasn't even affiliated with
20 this lot, correct?

21 A. That's correct.

22 Q. So he couldn't have permission to

1 park from Cagan.

2 A. Exactly.

3 Q. So you didn't write any citations
4 regarding the tow itself.

5 A. No.

6 Q. Now, let's look at 8001361, next
7 page. Did you write this citation?

8 A. I did.

9 Q. And this one says: No lease on
10 file for above truck.

11 A. Correct.

12 Q. So, once again, individual
13 complains about something having to do with the
14 tow. You do an investigation, you must have
15 determined that the tow was proper because
16 there's no citation for it, but you do find on
17 the invoice that the lease was not on file for
18 the above truck, correct?

19 A. Correct.

20 Q. Now, we haven't done this yet, but
21 what does that mean, "the lease"? Can you
22 explain to the judge what that means to not have

1 a lease on file? It's not the lease for the
2 property.

3 A. No, for the -- if the vehicle is --
4 the tow vehicle is owned by anybody other than
5 the relocation towing company, whether it's one
6 of their operators or however they want to
7 classify their employees.

8 Q. So it's like -- it's called an
9 equipment lease?

10 A. [Nonverbal response.]

11 Q. Lincoln Towing would -- for
12 their -- for their own vehicles they don't need
13 it, correct?

14 A. Correct.

15 Q. It's only when they have an
16 independent contractor who's towing, correct?

17 A. Correct.

18 Q. And they can use -- the independent
19 contractor can use their own truck.

20 A. Correct.

21 Q. And they enter into like an
22 equipment lease with Lincoln Towing for that?

1 A. Correct.

2 Q. Okay. This ticket is strictly for
3 saying that the -- there was no lease on file,
4 correct?

5 A. Correct.

6 Q. And, again, all you know is you
7 didn't find a lease on file, correct?

8 A. Correct.

9 Q. You don't know whether or not
10 Lincoln actually dropped one off or it was
11 pending at the time, anything like that,
12 correct?

13 A. Correct.

14 Q. Because you didn't call Lincoln to
15 ask them whether that was pending, did you?

16 A. No.

17 Q. And you didn't ask -- or you didn't
18 obtain information from anyone else at the
19 Commerce Commission that Lincoln don't drop off
20 a lease, did you?

21 A. No.

22 Q. It's not your area that you cover

1 anyway.

2 A. Correct.

3 Q. Let's look now at 8001361 which is
4 the next citation, okay? And this was also
5 covered on the direct examination. This is a
6 citation that you wrote, correct?

7 A. Correct.

8 Q. This is also for incomplete,
9 inaccurate invoice, no VIN, no ILCC contract
10 number and no tow truck plate listed.

11 A. Correct.

12 Q. It doesn't mean there was no tow
13 truck plate on the car. It means they didn't
14 list it on the invoice?

15 A. Correct.

16 Q. And this is, again, another one of
17 these invoices that would have been an
18 underlying complaint from a consumer, correct?

19 A. Correct.

20 Q. Who had been towed complaining
21 their car was improperly or illegally towed,
22 correct?

1 A. Correct.

2 Q. Which you then determined the car
3 was legally towed.

4 A. Correct.

5 Q. But then you felt you found some
6 what I'll call technical violations on the
7 invoice that you wrote this citation for,
8 correct?

9 A. Correct.

10 Q. And, again, you didn't inquire with
11 Lincoln as to why this information somehow was
12 left off, correct?

13 A. Correct.

14 Q. As you stand here today, for any of
15 these citations, did you know whether Lincoln
16 did it intentionally?

17 A. I do not know.

18 Q. Do you know whether they did it
19 negligently?

20 A. I can have an opinion on that,
21 but...

22 Q. Well, you -- what you know is the

1 information wasn't there, correct?

2 A. Correct.

3 Q. You don't know whether the computer
4 messed up or whether the printer messed up,
5 anything like that, correct?

6 A. I do not know any of that.

7 Q. Because that's possible.

8 A. It's possible.

9 Q. Because although it looks like
10 there's a lot of these citations, if there's
11 13,000 tows and there's 10 or 15 of them, like
12 you testified earlier, that's really not a lot,
13 is it?

14 A. Not really, no.

15 Q. Let's look at 8001365, which is the
16 next page. This is a citation that you wrote,
17 correct?

18 A. Correct.

19 Q. And you wrote this one for after
20 the fact, lease number 277612 filed 10/21 of
21 '15; date of tow 6/12/15; correct?

22 A. That's what I wrote.

1 Q. So, again, you didn't write the
2 citation because you did an independent
3 investigation checking on whether or not Larry
4 Campbell had filed his lease, correct?

5 A. Correct.

6 Q. You did it because a consumer
7 complained that the tow wasn't proper or legal,
8 correct?

9 A. Correct.

10 Q. You investigated it, you determined
11 that the tow was legal and proper, but you found
12 a problem on the invoice itself, correct?

13 A. Correct.

14 Q. Okay. And you also, again, on this
15 one, you don't know for a fact, even though
16 Mr. Campbell filed it afterwards, you don't know
17 whether it was pending at the time of the tow,
18 do you?

19 A. I only know when they mailed it in.

20 Q. And in this -- do you recall your
21 investigative report in this particular case?

22 A. No.

1 Q. Is there anything I could show you
2 to refresh your recollection?

3 A. My investigative report.

4 Q. So I'm going to show you your
5 investigative report.

6 A. Okay.

7 Q. Your narrative states that the
8 individual complained that there were no towing
9 signs.

10 A. Okay. Correct.

11 Q. You did an investigation?

12 A. I did.

13 Q. And you didn't write a citation for
14 there being no signs, correct?

15 A. I don't believe so.

16 Q. So that would mean that you
17 believed that their signs were there and the tow
18 was proper, other than the fact that the VIN
19 number wasn't properly on their -- I'm sorry.
20 The lease wasn't filed at the time of the tow.

21 A. Correct.

22 Q. You also determined that the

1 operator and dispatcher permits were valid and
2 current and that the contract was current and
3 electronically filed with the Commission,
4 correct?

5 A. Correct. How many sheets do you
6 have?

7 Q. I'm only going through the ones
8 they went through.

9 A. Well, I can't see the book. It's
10 not the right height. Let's go.

11 Q. Honestly, put it down over here.
12 I'll come over here.

13 A. All right.

14 Q. Okay. 8001366, that's another
15 citation that you wrote during the relevant time
16 period, correct?

17 A. Correct.

18 Q. And this is for
19 incomplete/inaccurate invoice, correct?

20 A. Correct.

21 Q. No VIN with no explanation.

22 A. Correct.

1 Q. ILCC contract number digit missing,
2 correct?

3 A. Correct.

4 Q. That means that they put an ILCC
5 contract number on there but they were missing
6 one digit.

7 A. Correct.

8 Q. And technically, as you say, that's
9 a violation.

10 A. Correct.

11 Q. You didn't inquire with Lincoln
12 Towing as to how it is that occurred, did you?

13 A. I did not.

14 Q. On any of these.

15 A. No.

16 Q. And, once again, this would have
17 been a tow where an individual complained that
18 the relocation was illegal or improper, you then
19 do an investigation, correct?

20 A. Correct.

21 Q. You determined that the tow was
22 proper and legal. However, there was a

1 violation of the invoice not being properly
2 filled out.

3 A. Correct.

4 Q. Do you recall what your
5 investigative report says?

6 A. No.

7 Q. Is there anything I could show you
8 to refresh your recollection?

9 A. My investigative report.

10 Q. So let's take a look at your
11 investigative report for this particular
12 citation.

13 A. Okay.

14 Q. And the individual complained that
15 the vehicle was illegally relocated, correct?

16 A. Correct.

17 Q. Now, on every one of these that
18 I've showed you so far, the individual always
19 complains the tow was illegal.

20 A. Absolutely.

21 Q. And in each one of these you
22 determined that it actually was legal.

1 A. Correct.

2 Q. So the reason I bring that up is
3 because there were 166 investigations like this
4 initiated during the relevant time period. Do
5 you recall that?

6 A. Yes.

7 Q. And I asked you were there times
8 when you got the investigations and didn't write
9 a citation, do you recall?

10 A. Yes.

11 Q. Does this refresh your recollection
12 that there are many times that those
13 investigations came to you and you didn't write
14 a citation, because each one of these you only
15 wrote the citations for the --

16 A. Sure.

17 Q. -- invoice?

18 A. So based on the tow itself, yes,
19 there's many.

20 Q. So there's many times when you open
21 up an investigation and don't write a citation?

22 A. Yes.

1 Q. Okay. This one you stated that the
2 permits were valid for the operator dispatcher,
3 contract was current and electronically filed
4 with the Commission, permits were valid and the
5 current contract was current and electronically
6 filed with the Commission, correct?

7 A. Correct.

8 Q. The lot had one entrance and two
9 signs, correct?

10 A. Correct.

11 Q. It was properly posted, correct?

12 A. Correct.

13 Q. So the tow itself was okay.

14 A. Yes.

15 Q. But you found that there were some
16 issues with the invoice, correct?

17 A. Correct.

18 Q. What we call the administrative
19 issues.

20 A. Correct.

21 Q. Let's look at 8001393. And that's
22 the very next page.

1 A. Okay.

2 Q. This is a citation that you wrote,
3 correct?

4 A. Correct.

5 Q. And the citation is for
6 inaccurate/incomplete invoice, contract number
7 missing digit and no tow truck license plate
8 number.

9 A. Correct.

10 Q. There would have been an underlying
11 investigation on a complaint from a consumer,
12 correct?

13 A. Correct.

14 Q. That didn't involve an inaccurate
15 invoice, correct?

16 A. Correct.

17 Q. You did your investigation, you
18 determined the tow to be legal and proper,
19 correct?

20 A. Correct.

21 Q. And then you found, when you were
22 doing your investigation, the invoice itself

1 wasn't filled out completely.

2 A. Correct.

3 Q. So you wrote your citations.

4 A. Correct.

5 Q. And you didn't contact Lincoln
6 Towing to determine how it was that the invoice
7 wasn't properly filled out.

8 A. I did not.

9 Q. You didn't check with anybody at
10 the Commerce Commission to determine that as
11 well other than yourself.

12 A. No.

13 Q. And do you recall what your
14 investigative report states in this particular
15 case?

16 A. No.

17 Q. Anything I could show you to
18 refresh your recollection?

19 A. Investigative report.

20 Q. Okay. So let's take a look at your
21 investigative report, and I'll -- complainant
22 again states the vehicle was illegally towed --

1 I'm sorry. Illegally relocated, correct?

2 A. Correct.

3 Q. You do your investigation. Do you
4 find that not to be truthful -- I'm sorry, not
5 to be accurate?

6 A. Correct.

7 Q. Because he wasn't illegally towed.
8 However -- strike that.

9 You also look up and you find that
10 the operator and dispatcher permits were valid
11 and current, correct?

12 A. Correct.

13 Q. The contract was current and
14 electronically filed with the Commission?

15 A. Correct.

16 Q. The permits were valid and current,
17 and the contract was current and electronically
18 filed with the Commission?

19 A. That's a little wordy, yes. That's
20 my own writing.

21 Q. Well, you are a lawyer so.

22 And then you inspected the invoice

1 and found that the contract number was missing a
2 digit.

3 A. Correct.

4 Q. So it wasn't they left it off
5 completely --

6 A. No.

7 Q. -- it was missing a digit.

8 And the tow truck license plate was
9 listed -- no tow truck license plate was listed.

10 A. Yes.

11 Q. Okay. Let's move on to 8001824,
12 which is the very next one.

13 A. Okay.

14 Q. This one is again an
15 administrative --

16 A. This one?

17 Q. Yeah.

18 A. I think we just went over this one.

19 Q. Yes.

20 A. Okay.

21 Q. So it's 1824?

22 A. This is 1824.

1 Q. Yes.

2 A. Okay.

3 Q. No contract on file, correct?

4 A. Correct.

5 Q. And that's the only thing you wrote
6 the citation for, correct?

7 A. I believe so, correct.

8 Q. So the underlying complaint from
9 the citizen or consumer would have been that
10 there was an illegal or improper tow, correct?

11 A. Correct.

12 Q. You would do an investigation to
13 determine that wasn't the case?

14 A. Correct.

15 Q. But you would then find something
16 missing or something improper on the invoice,
17 correct?

18 A. Correct.

19 Q. And this one says: No contract on
20 file.

21 A. Correct.

22 Q. What does that mean, "no contract

1 on file"?

2 A. This one I'd have to refresh my
3 memory, so it's not that there wasn't a
4 contract, it was that it wasn't e-filed.

5 Q. Correct. And that's what I'm going
6 to ask you now.

7 A. Sure.

8 Q. There's two different things.

9 One could be that Lincoln doesn't
10 have a contract to tow.

11 A. Correct.

12 Q. And the other could be that the
13 contract wasn't e-filed, correct?

14 A. Correct.

15 Q. And when did -- and I know we know
16 this, but for purposes of the hearing, when did
17 e-filing start if you know?

18 A. I believe around 2007, at least
19 that's when they put the bulk of the paper
20 contracts in there.

21 Q. So prior to 2007, if Lincoln Towing
22 wanted the authority to tow from a lot, they

1 would enter into a contract with their consumer
2 or customer?

3 A. Correct.

4 Q. They would then take that contract
5 and send it or bring it over to the Commerce
6 Commission, correct?

7 A. Correct.

8 Q. The Commerce Commission entered
9 it -- this is before the computer --

10 A. Sure.

11 Q. -- age. Entered it somewhere, and
12 there was a file -- now we are done.

13 A. I believe so.

14 Q. But once the e-filing started,
15 there was this extra added thing that you not
16 only have to have a contract with your customer,
17 you have to actually e-file it.

18 A. Correct.

19 Q. Now you don't have anything with
20 e-filing?

21 A. No.

22 Q. You're not in charge of the MCIS

1 system or e-filing for the Commerce Commission,
2 correct?

3 A. Correct.

4 Q. You never put anything regarding
5 e-filing, correct?

6 A. Correct.

7 Q. When Lincoln Towing or whoever
8 inputs the information on e-filing, it has
9 nothing to do with you.

10 A. Correct.

11 Q. In this particular case, who is it
12 that inputs the information regarding this
13 particular contract in the MCIS system if you
14 know?

15 A. I know the relocaters send the
16 request for that address for their contract with
17 the summary, and then I don't know how much work
18 we have to do on our side to be honest. I don't
19 know.

20 Q. Because you --

21 A. I don't do it, yeah.

22 Q. So do you know in this particular

1 case how it is it turned out that this contract
2 that Lincoln had wasn't e-filed?

3 A. No, I don't. In this case, no.

4 Q. But you didn't -- you're not
5 claiming that there was no contract in this
6 case --

7 A. No.

8 Q. -- you didn't take anything from
9 the contract?

10 A. No, I'm not claiming that.

11 Q. So it's possible, since you have
12 nothing to do with the MCIS system -- MCIS
13 system --

14 A. Yes.

15 Q. -- that Lincoln Towing properly
16 e-filed this, and somehow within the Commerce
17 Commission's records it got lost or mistaken?

18 A. It's possible.

19 Q. Let me ask you this question:

20 Do you know since 2007 how many
21 contracts have been e-filed by all the
22 relocaters in the State of Illinois?

1 A. A lot.

2 Q. A real lot, right?

3 I mean, Lincoln Towing might have
4 20,000 on their own, correct?

5 A. Right.

6 Q. And in 2007, I know you were not
7 working for the Commerce Commission yet, are you
8 aware that the relocaters did this bulk filing
9 where they literally bulk filed, you know,
10 10,000 lots at a time? Have you ever heard
11 about that?

12 A. Yeah, I've heard of it.

13 Q. So it's very possible, since
14 conservatively between Lincoln Towing and
15 Rendered alone, there could be 30 or 40,000
16 contracts e-filed, correct?

17 A. That sounds feasible.

18 Q. If you add up all the other ones,
19 there might be another 20 or 30,000?

20 A. Sure.

21 Q. Let's say there's between 75 and a
22 hundred thousand e-filed contracts in the State

1 of Illinois.

2 A. Okay.

3 Q. Because you guys operate the state.

4 A. Well, no. We are --

5 Q. The Commerce Commission does.

6 A. But it would only be in the collar
7 counties. Outside of the regulated counties
8 they don't file anything with us.

9 Q. Agreed, but that's still the whole
10 state. Whatever collar counties are within the
11 state that you govern --

12 A. Right.

13 Q. -- without going through Cook,
14 DuPage, Lake --

15 A. Yeah.

16 Q. McHenry --

17 A. McHenry --

18 Q. McHenry you don't. And Winnebago?

19 A. And Winnebago.

20 Q. Okay. So I'm just saying that
21 generally there could be 75 to a hundred
22 thousand contracts?

1 A. There very well could be.

2 Q. Okay. Isn't it possible that with
3 a hundred thousand contracts filed or e-filed
4 that mistakes can be made by the Commerce
5 Commission?

6 A. Yes.

7 Q. And this could be one of them?

8 A. It could be.

9 Q. Did you look into that?

10 A. I don't remember.

11 Q. There's nothing noting in your
12 files anywhere that you did though, correct?

13 A. Unless it's in my report, I don't
14 know.

15 Q. Routinely do you do that?

16 A. For e-relocator stuff? No.

17 Q. And I'm not saying you should. I
18 mean, you look on a screen, it's not there.
19 Your assumption is that it's improper?

20 A. Sure.

21 Q. But you don't know -- if I were to
22 say to say to you right now under oath:

1 Do you know specifically that
2 Lincoln Towing didn't e-file this contract, do
3 you know for a fact that they didn't e-file it?

4 A. No.

5 Q. Because there could be a mistake
6 made on the computer system, correct?

7 A. Correct.

8 Q. There could be a mistake made by
9 the Commerce Commission?

10 A. Correct.

11 Q. And you don't know how this
12 particular ticket was resolved, do you? I'm
13 sorry. Citation.

14 A. I do not.

15 Q. Let's look at 8001832. And that's
16 the last one in Exhibit L.

17 A. Okay.

18 Q. This is a citation that you wrote,
19 correct?

20 A. Correct.

21 Q. And this one is for -- it says:
22 Used dispatcher number 238 with permit expired

1 11/5/15, correct?

2 A. Correct.

3 Q. Do you recall what the underlying
4 complaint was from the consumer in this case?

5 A. (Inaudible.)

6 THE REPORTER: I'm sorry. I didn't
7 catch your last answer.

8 THE WITNESS: I was jesting that --
9 assuming that they were complaining that they
10 were illegally relocated.

11 BY MR. PERL:

12 Q. Okay. And do you recall what your
13 investigative report shows?

14 A. No.

15 Q. Is there anything I can give you to
16 show you to refresh your recollection?

17 A. My investigative report.

18 Q. So let's take a look at your
19 investigative report for this particular case:

20 Complainant stated her vehicle was
21 illegally relocated by Lincoln Towing with
22 deceptive signs that implies parking is

1 restricted to the area of Starbucks but nowhere
2 where else. Do you see that?

3 A. Yes.

4 Q. Now, you did an investigation?

5 A. I did.

6 Q. And you determined that wasn't the
7 case.

8 A. Correct.

9 Q. So the tow itself was proper.

10 A. Correct.

11 Q. But during your investigation, you
12 determined that the dispatcher number used was
13 expired.

14 A. I did.

15 Q. Do you know whether or not that
16 dispatcher -- hold on. Time out. Strike that.

17 Did dispatchers have to be
18 licensed?

19 A. It doesn't appear to be after all
20 of our hearings.

21 Q. When a car is released to somebody,
22 does the individual who releases the vehicle

1 have to be licensed?

2 A. I don't believe so any more.

3 Q. So if in fact that was the only
4 violation potentially, it really is not even a
5 violation?

6 A. No.

7 Q. Now, we have got to turn to Exhibit
8 M, the next exhibit, and I apologize but these
9 are not Bates stamped, so it will take me a
10 second to...

11 8001353. This is a citation that
12 you wrote, correct?

13 A. Correct.

14 Q. During the relevant time period I
15 believe, October 20, 2015, correct?

16 A. Correct.

17 JUDGE MONTAQUE: I'm sorry, one
18 second. 13 what?

19 MR. PERL: 53, Judge. Towards the
20 middle of this --

21 JUDGE MONTAQUE: Okay. I'm there.

22 BY MR. PERL:

1 Q. Okay. This is a citation that you
2 wrote, and this is, once again, for no equipment
3 lease on file, correct?

4 A. Correct.

5 Q. There's no other citation
6 referenced or written for this particular file,
7 correct?

8 A. I don't believe so.

9 Q. And there would have been an
10 underlying complaint from a consumer that would
11 have brought your attention to this particular
12 tow, correct?

13 A. Correct.

14 Q. And do you recall what the
15 underlying complaint was in this particular
16 case?

17 A. I do not.

18 Q. Is there anything I could show you
19 to refresh your recollection?

20 A. My investigative report.

21 Q. So if you look at your
22 investigative report in this particular case:

1 Complainant stated his vehicle was
2 illegally relocated by Lincoln Towing. You did
3 an investigation.

4 A. I did.

5 Q. You didn't write a ticket for that,
6 did you? Or I'm sorry. Citation. I keep
7 saying --

8 A. Actually, I believe I did on this
9 one.

10 Q. Well, you verified
11 operator/dispatcher permits were valid and the
12 contract was current. And you stated. I
13 reviewed the invoice and noted the following
14 violations: ILCC contract number box was
15 completed. The VIN was not completed and the
16 tow truck use had no lease on file.

17 A. All right. I think there's more.
18 It's just haphazardly prepared. Oh, no. That's
19 all administrative stuff.

20 Q. All administrative, correct?

21 A. Correct.

22 Q. And I won't belabor this. I asked

1 you earlier if Mr. Munyon was responsive to you
2 when you asked for information from him, and I
3 said there was an e-mail showing that he was,
4 correct?

5 A. Yes.

6 Q. So I just want to show you that
7 attached to your investigative report that you
8 tendered to us, which is Bates stamped from the
9 Commerce Commission 000360, there's an e-file
10 chain here from -- I won't read it into the
11 record but this is your e-file address, correct?

12 A. Not any more.

13 Q. Was your e-file at the time?

14 A. You can read it in if you want.

15 Q. And you sent Mr. Munyon an e-mail:

16 Good morning, Bob. Can you have
17 someone fax over the contract for 2935 North
18 Clark, correct?

19 A. Correct.

20 Q. Sent it at 10:33 a.m.?

21 A. That was a quick one.

22 Q. At 11:12 a.m. he responded to you?

1 A. Yes.

2 Q. So that's pretty responsive?

3 A. Yes.

4 Q. And then at 11 -- 12:05, he

5 actually sent you the contract. Or, I'm sorry.

6 1:03 sent you the contract.

7 A. Yes.

8 Q. So pretty cooperative?

9 A. Sure.

10 Q. Giving you the information you

11 asked for in a timely manner?

12 A. Correct.

13 Q. Let's look at 8001354, which is the

14 next page, also a citation that you wrote,

15 correct?

16 A. Correct.

17 Q. This is also for an incomplete

18 invoice, no VIN?

19 A. No explanation.

20 Q. No explanation, correct?

21 A. Correct.

22 Q. Once again, this is not a citation

1 that directly affects the public, correct?

2 A. Correct.

3 Q. No way the individual who parks
4 illegally can say I wouldn't have parked
5 illegally had there been a completed invoice
6 later on down the road.

7 A. Correct.

8 Q. Okay. And this one -- I'm sorry.
9 This is actually the same tow we
10 just looked at because I think you wrote three
11 different citations for it?

12 A. Correct.

13 Q. So 1354 and 1355 are, I believe,
14 the same -- yes, they are. So these three
15 citations were all the administrative citations
16 we referenced just a moment ago.

17 A. Correct.

18 JUDGE MONTAQUE: Can you list the
19 three again for the record?

20 MR. PERL: 8001353, 8001354 and
21 8001355 are all administrative citations
22 relating to the same consumer complaint.

1 THE WITNESS: Correct.

2 BY MR. PERL:

3 Q. And the consumer complaint itself

4 you found to be unfounded, correct?

5 A. Correct.

6 Q. Now, we could look at 8001357,

7 which is the next page. This is a citation that

8 you wrote to Lincoln Towing/Protective Parking

9 Service during the relevant time period,

10 correct?

11 A. Correct.

12 Q. It says: Incomplete invoice. No

13 VIN. No explanation. ILCC contract --

14 A. Yeah.

15 Q. -- the number missing, digits.

16 A. Yeah.

17 Q. Missing of digits?

18 A. Yes.

19 Q. Inaccurate invoice reported at

20 7:11, invoice said 7:26, actually 5:30, correct?

21 A. Correct.

22 Q. So this is another situation where

1 a member of the public gets their car relocated,
2 they complained to you that it was illegal, and
3 you determined in your investigation the tow was
4 proper?

5 A. Correct.

6 Q. However, you find some errors in
7 the invoice, correct?

8 A. Correct.

9 Q. Did you do anything to determine
10 how it is that the invoice was incomplete or why
11 it was?

12 A. No.

13 Q. You didn't call Lincoln and say:
14 Lincoln, there's no VIN number on
15 here. Was it because the VIN was blocked?

16 A. No, I did not.

17 Q. Was it because the VIN was
18 scratched out?

19 A. No.

20 Q. Nothing like that, correct?

21 A. No, correct.

22 Q. And as we stand here today or sit

1 here today, you still don't know whether or not
2 that's the case, do you?

3 A. I do not.

4 Q. And the contract number was missing
5 one digit, correct?

6 A. Correct.

7 Q. And you don't know how that
8 happened either, do you?

9 A. No.

10 Q. Could be a computer error, could be
11 anything, correct?

12 A. Correct.

13 Q. Let's look at 8001360, the very
14 next one. This is a citation that you wrote
15 during the relevant time period, correct?

16 A. Correct.

17 Q. For ina- --

18 A. Inappropriate signage.

19 Q. Inappropriate signage, too close to
20 the ground, no towing charges listed. Now, this
21 particular invoice is for something that you
22 would consider would impact the public.

1 A. Correct.

2 Q. Because this is not for something
3 that's what we call administrative owing,
4 correct?

5 A. Correct.

6 Q. Towing. Of all of the citations we
7 reviewed so far this afternoon, and if you want
8 to trust my math, this is the 19th citation that
9 we are looking at, correct?

10 A. I'll trust your math.

11 Q. And this is the first one we have
12 come upon that has anything to do with the tow
13 itself, isn't it?

14 A. I believe so.

15 Q. When you say the signage was too
16 close to the ground, can you tell the Court what
17 that means?

18 A. It was below four feet. It's a
19 4- to 8-foot window that's permissible for
20 signage.

21 Q. Now, you don't know whether or not
22 the individual who was towed saw the sign before

1 they parked, do you?

2 A. I don't.

3 Q. Do you know for certain that the
4 sign was too low at the time of the tow?

5 A. I do not at the time of the tow.

6 Q. Because you didn't see the sign at
7 the time of the tow?

8 A. No, I did not.

9 Q. You, if you did see the sign at
10 all, it would have been sometime after the tow.

11 A. Correct.

12 Q. Do you recall -- strike that.

13 Do you have any documentation with
14 you here today showing that at the time of the
15 tow the sign was too low?

16 A. No. I could not even -- I couldn't
17 document or testify to that.

18 Q. In other words, if you had a
19 picture from a consumer with a time stamp on it
20 showing the date the picture was taken, you
21 might know that, correct?

22 A. Yeah, but even then --

1 Q. Well, you'd have to trust that the
2 person don't doctor up the picture.

3 A. True.

4 Q. But you don't even have that?

5 A. I don't.

6 Q. So all you have is the testimony --
7 strike that.

8 All you have is the consumer
9 telling you that, correct?

10 A. Correct.

11 Q. The same goes for where it says:
12 No towing charges listed.

13 A. Correct.

14 Q. Does that mean the sign had nothing
15 on it?

16 A. I don't think there was any rates
17 listed.

18 Q. As opposed to the wrong rate.

19 A. Correct.

20 Q. Now, are you aware that various
21 times during the year or years the relocation
22 companies put in for and did receive rate

1 increases?

2 A. Correct.

3 Q. Happens all the time?

4 A. Yes.

5 Q. I think the current rate is

6 \$216.50?

7 A. 216.

8 Q. 216 per tow?

9 And they never ask to lower it,

10 they always ask to increase it.

11 A. Correct.

12 Q. And when they do increase it, would

13 you agree with me that oftentimes all they do is

14 put a sticker over the sign?

15 A. Yes.

16 Q. Because changing out 20,000 signs

17 is expensive.

18 A. Yes.

19 Q. Do you know at the time of the tow

20 if there was a sticker on the sign showing what

21 the amount was for the tow at the time was

22 towed?

1 A. I do not. I don't remember if
2 there was a picture submitted with this one.

3 Q. And if there were a picture that
4 was date stamped and that we knew that was
5 accurate, it could show that --

6 A. It could.

7 Q. -- the sign was too low at the time
8 of the tow and there was no amount listed,
9 correct?

10 A. Correct.

11 Q. But you don't have that
12 documentation.

13 A. It would be in my case file.

14 Q. If we had it.

15 A. We don't?

16 Q. I'm talking about today.

17 A. Oh. We don't have them?

18 Q. I don't have them.

19 MR. PERL: If you do --

20 MR. BURZAWA: If the ticket is in
21 the book in Exhibit M, then I'm going to assume
22 that the corresponding investigation file is in

1 the investigation file index.

2 MR. PERL: So I'll get to that. I
3 don't want to belabor it. I'll get to that as I
4 go along, and I'm just going through Exhibit M.

5 So I'll withdraw the question, and
6 I'll come back to it when I get to the other
7 exhibits.

8 MR. BURZAWA: Okay.

9 MR. PERL: So moving along to 1394.

10 THE WITNESS: Okay.

11 JUDGE MONTAQUE: Do you mean 800 --

12 MR. PERL: I'm sorry. 8001394.

13 BY MR. PERL:

14 Q. Okay. This is --

15 A. Okay.

16 Q. This is a citation that you wrote,
17 correct?

18 A. Correct.

19 Q. And you stated on here:

20 Patrol call only, contract lot.

21 This one I don't know what that means.

22 A. It says: Per service agreement.

1 In contract summary: Relocation authorized on
2 call-only basis.

3 Q. Okay. So just to speed things up,
4 there's basically maybe three different ways you
5 can have a contract?

6 A. Well --

7 Q. Call lot?

8 A. Two.

9 Q. Well, two, but you can have both.
10 If you have a patrolled lot, you can also have
11 it be a call lot.

12 A. Sure.

13 Q. But if you have a call lot, you
14 can't necessarily do a patrol?

15 A. Well...

16 Q. Let's go --

17 A. Where we are at now.

18 Q. Where we are at now.

19 So call lot means that Lincoln
20 Towing has a contract with their customer, and
21 the customer is going to call Lincoln Towing to
22 tow improperly parked vehicles.

1 A. Correct.

2 Q. And then typically there's a list
3 of individuals who are allowed to call.

4 A. Correct.

5 Q. And that gets submitted to the
6 Commerce Commission.

7 A. Correct.

8 Q. And then e-filed?

9 A. Well, we don't --

10 Q. Not the list. Not the list.

11 A. Yeah.

12 Q. But the contract itself.

13 A. Correct.

14 Q. You could also have a patrolled
15 lot?

16 A. Correct.

17 Q. Where it says, I don't have to call
18 you. You just patrol my lot. You find any
19 improper vehicles park, tow them?

20 A. Correct.

21 Q. You could also have a situation
22 where a lot is a patrol -- a call lot during the

1 day but a patrolled lot at night because no
2 one's allowed to park say after midnight.

3 A. That happens.

4 Q. Because if a business closes at
5 midnight, there shouldn't be any cars in there.

6 A. Yeah, that happens.

7 Q. So this particular citation is
8 strictly for patrol-call-only contract lot,
9 correct?

10 A. Correct.

11 Q. Now, that's not something the
12 individual who parked there could have known, is
13 it?

14 A. No.

15 Q. So the person who parks there where
16 a car was relocated wasn't directly affected by
17 this, were they?

18 A. Well, it depends. You know, it
19 would have to go in the nature of each contract.
20 I don't know on this one --

21 Q. Well, here's my --

22 A. Sure.

1 Q. So here's what I mean by that,
2 Officer Strand: When the individual -- let's
3 say there's a sign that says "no parking," the
4 sign's perfect, no citation for the sign being
5 wrong, they're all between 4 and 8 feet off the
6 ground --

7 A. Sure.

8 Q. -- they have the relevant
9 information. I pull in and park illegally. I
10 don't know at that time if they're call or
11 patrolled lot, do I?

12 A. No, you don't.

13 Q. So when I'm parking illegally, the
14 fact that it was a call versus patrolled lot
15 didn't affect me, did it?

16 A. Well, I mean it could have.

17 Q. How?

18 A. Because if nobody called Lincoln to
19 relocate, which is the nature of the contract,
20 and let's say that person parked at a
21 business -- I don't know the circumstances. I'm
22 just trying to think.

1 Q. Okay.

2 A. When that could affect the public.

3 And they're going -- they're
4 patrolling, let's say, for not having a permit,
5 but, you know, they -- the person who filed the
6 contract only wanted cars based on call. Who
7 knows the situation? But that could affect the
8 public, but I would have to read the nature of
9 the complaint in this particular one to tell
10 you.

11 Q. But this is what would happen in
12 that case I think: If you have -- because you
13 raised a valid point.

14 If you have a lot that's supposed
15 to be a call but Lincoln patrols it, and they
16 tow the car and you do an investigation, and you
17 determine that the car was lawfully there, you'd
18 write Lincoln a citation for that, wouldn't you?

19 A. I did.

20 Q. But you didn't do that in this
21 case.

22 A. I don't believe I did.

1 Q. So it would only affect the public
2 if the public says to you:

3 I was lawfully parked there,
4 because I had permission from the owner, and
5 they towed me anyway, correct?

6 A. Correct.

7 Q. And then you would write Lincoln a
8 citation saying: You illegally or improperly
9 towed the vehicle.

10 A. Yeah, relocated an unauthorized
11 vehicle.

12 Q. But you didn't do that in this
13 case?

14 A. I don't believe so.

15 Q. So it appears in this case the
16 individual was illegally or, excuse me, properly
17 parked but they still somehow hadn't mis-e-filed
18 a patrol versus call lot?

19 A. I don't think it was an e-filing.
20 This wasn't an e-filing issue. This was an
21 actual -- based on the actual contract I got
22 from Bob.

1 Q. Okay.

2 A. So little different.

3 Q. Well, it is, except that I agree
4 with you, and I wouldn't in the old days agree
5 with you, but actually, I think from what you
6 guys say, the determining factor is how it's
7 e-filed.

8 A. No, this wasn't a citation for an
9 e-file.

10 Q. I know, but they would have to
11 e-file it as well.

12 A. Well, yeah, but that's a separate
13 issue. I wrote them for no written
14 authorization to relocate on a patrol basis.

15 Q. Okay. Got you. Perfect.

16 Okay. So it's a difference without
17 a distinction or a distinction without
18 difference. Whatever is it --

19 A. Sure.

20 Q. -- we're saying the same thing.

21 So this particular individual -- do
22 you recall what your investigative report

1 states?

2 A. No.

3 Q. Anything that could refresh your
4 recollection?

5 A. My report.

6 Q. Okay. So this is the actual report
7 where the individual explained and stated his
8 vehicle was illegally relocated, correct?

9 A. Correct.

10 Q. But you didn't write a citation for
11 illegally relocating this vehicle.

12 A. Correct.

13 Q. So that means that the vehicle
14 probably wasn't legally relocated. It's just a
15 call versus patrolled lot issue.

16 A. Correct.

17 Q. Which is an administrative issue.

18 A. Can be.

19 Q. Well, if it doesn't have a direct
20 impact on this guy --

21 A. Not on this guy.

22 Q. Because you didn't write a citation

1 for that.

2 A. No, I did not.

3 Q. And I'm assuming, had you believed
4 there was a violation, you would have written a
5 citation.

6 A. Another one probably.

7 Q. Right.

8 A. Probably would have written two.

9 Q. Okay. But you did not.

10 A. I did not.

11 Q. Okay. Now let's look at 8001396,
12 which is the next page. This is also a citation
13 that you reviewed on direct examination with
14 counsel for the Commerce Commission, and this is
15 for incomplete invoice, no ILCC contract number
16 on the invoice, correct?

17 A. Correct.

18 Q. What does that mean, "no ILCC
19 contract number on the invoice"?

20 A. It's blank where there's supposed
21 to be typed or handwritten a contract number.

22 Q. So what that means is the Illinois

1 Commerce Commission assigns every contract a
2 number, correct?

3 A. Correct.

4 Q. The public doesn't know that.

5 A. They do not.

6 Q. So when I park my vehicle illegally
7 or improperly, I don't know whether or not
8 you're going to put the Illinois Commerce
9 Commission contract number on the invoice,
10 correct?

11 A. You don't know that.

12 Q. So this particular instance, like
13 the other once, except for the one with the
14 sign, doesn't have a direct impact on the
15 public, does it?

16 A. No.

17 Q. And this particular case you didn't
18 write a citation for anything other than for
19 anything that has to do with incomplete
20 invoice -- incomplete invoice, no ILCC contract.

21 Again, the ILCC contract is not
22 something readily available to the general

1 public.

2 A. Correct.

3 Q. So when the individual receives his
4 invoice back, he doesn't know what that means?

5 A. No, he does not.

6 Q. I'm sorry. Or she doesn't know
7 what that means?

8 A. [Indicating].

9 Q. So as far as you know, as you stand
10 here today, the tow itself was valid but there
11 was no ILCC contract number on the invoice?

12 A. Correct.

13 Q. Okay. Let's go to 8001397.

14 This is an administrative citation
15 that you wrote to Protective Parking regarding
16 an incomplete invoice, in particular no VIN,
17 ILCC contract number or tow truck plate,
18 correct?

19 A. Correct.

20 Q. And, again, same situation as the
21 others. Consumer makes a complaint about an
22 illegal tow, you investigate, you determine the

1 tow is proper. However, when you do that, you
2 determine that the invoice itself wasn't
3 completed completely.

4 A. For that citation, correct.

5 Q. Okay. Did you do any investigation
6 to determine how it is this information got left
7 off the invoice?

8 A. No.

9 Q. All right. Let me move along to
10 8001398. This is a citation that you wrote
11 during the -- well, this one's actually outside
12 the --

13 A. For -- it's the same data, it's the
14 same case, so what does that say?

15 Q. Well, actually, these citations
16 were written outside of the relevant time
17 period?

18 A. Doesn't even say.

19 Q. 4/14/2016. And the relevant time
20 period only goes to 3/23/2016?

21 MR. PERL: So, Your Honor, and I
22 think we raised this issue before. There were a

1 couple citations that were either inadvertently
2 put in here by the Commerce Commission, I can't
3 tell you what for sure, but this citation wasn't
4 written until almost a month after the relevant
5 time period, so I would move to strike from --
6 if at some point in time it's all admitted, I
7 would move to strike 8001397, 1398 and 1399.

8 And it's page number 4 -- I'm
9 sorry. Oh. We had a hearing of the transcript
10 typed out, and it's page number 971, line 4,
11 page number 971, line 20 to 21, page number 972
12 line 13 and 14. And these are three -- and
13 maybe I could speak to counsel briefly to see if
14 we have an agreement on it that these three
15 invoices the citations shouldn't be in here.

16 JUDGE MONTAQUE: Let's go off the
17 record.

18 (Discussion off the record.)

19 MR. PERL: So for the record,
20 Judge.

21 JUDGE MONTAQUE: Go ahead.

22 MR. PERL: I'm sorry. It's

1 respondent's Protected Parking's motion to
2 remove from the exhibit book and from this
3 hearing the following citations because they
4 fall outside the relevant time period of July 8,
5 2015, to March 23rd, 2016. The following
6 citations we seek to be removed:

7 8001395, 800139 -- I apologize,
8 Judge, that's not correct. 8001397, 8001398,
9 0881399, and 8001803, 8001801, 80018 -- I'm
10 sorry, 8001801, 8001802, 8001803, 8001809,
11 8001810, 8001811, 8001812, 8001814, 8001815,
12 8001816, 8001822 -- do you know what, Judge? I
13 think -- I'm sorry. I can keep going. 8001822,
14 8001823, 8001825, 8001826, 8001827, 8001828,
15 8001829, 8001830, 8001831, 8001835, 8001851,
16 8001852, 8001854, 8001879, 8001880.

17 Now, I'm going into some that
18 aren't Officer Strand's, so I'm still going to
19 move these are under Officer Geisbush's, some of
20 them.

21 JUDGE MONTAQUE: You said 52, and
22 that's Officer Geisbush.

1 MR. PERL: So, actually, for today,
2 Judge, for today all the way through 8001835,
3 those are the ones that are Officer Strand's.

4 JUDGE MONTAQUE: Um-hmm.

5 MR. PERL: Everything after that
6 starting at 8001851 is Officer Geisbush, and I
7 can move on those when I do him.

8 JUDGE MONTAQUE: Okay. All right.
9 Let's do that.

10 MR. PERL: So for the record if
11 it's agreed that those are stricken, I will not
12 be cross-examining him on all those if there's
13 an agreement or if the Court rules that these
14 citations are not to be considered in this
15 hearing, either way, otherwise, I have got to go
16 through every single one of them.

17 JUDGE MONTAQUE: No, no, I
18 understand.

19 MR. PERL: To establish that
20 they're outside the scope.

21 JUDGE MONTAQUE: Right. I do
22 recall that the parameters for this case were

1 through --

2 MR. PERL: March 23rd.

3 JUDGE MONTAQUE: -- March 23rd of
4 2016.

5 MR. PERL: 2016.

6 JUDGE MONTAQUE: And these are
7 beyond those -- that date. So these citations
8 will be stricken from the record.

9 MR. PERL: Okay. In that case I
10 need a moment.

11 JUDGE MONTAQUE: All right.

12 BY MR. PERL:

13 Q. Okay. I will go to 8001400.

14 Officer Strand, do you recognize
15 this particular citation?

16 JUDGE MONTAQUE: Hold on a second.
17 Where is that?

18 MR. PERL: It's the next one, but
19 it actually is within the -- this is the
20 March 10, 2016, citation. It's within the time
21 period. It's right after 8001399, the one I was
22 just going over.

1 JUDGE MONTAQUE: Let me get there
2 again. Okay. So you say 8001400?

3 MR. PERL: Yes, Your Honor.

4 BY MR. PERL:

5 Q. Do you recognize this particular
6 citation, Officer Strand?

7 A. I do.

8 Q. And what is this citation?

9 A. It's for using an expired
10 dispatcher.

11 Q. Without an active permit, correct?

12 A. Correct.

13 Q. And is it your testimony that the
14 member of the public who complained wouldn't
15 have complained about Lincoln Towing using an
16 expired dispatcher permit?

17 A. Correct.

18 Q. So there was an underlying
19 complaint in this matter, correct?

20 A. Correct.

21 Q. And do you recall what the
22 underlying complaint was?

1 A. Not offhand.

2 Q. Is there anything I could show you
3 to refresh your recollection?

4 A. My report.

5 Q. So if I show you your report in
6 this case, it states: The complainant stated
7 his vehicle was illegally relocated by Lincoln
8 Towing service. You see that, correct?

9 A. Correct.

10 Q. Now, you did an investigation,
11 correct?

12 A. Correct.

13 Q. The -- in this particular case I
14 think you determined that the complainant
15 admitted he left the parking lot.

16 A. Correct.

17 Q. And then was towed?

18 A. Correct.

19 Q. So based upon that you probably
20 determined that the tow was proper.

21 A. Correct.

22 Q. Because the signs were clear you

1 can't leave the lot.

2 A. He admitted leaving. I don't know
3 if I even got into that.

4 Q. Okay. And you then stated that you
5 checked MCIS to verify that the operator and
6 dispatcher permits were valid and current and
7 the contract was current and electronically
8 filed with the Commission, correct?

9 A. Correct.

10 Q. The operator reported dispatcher
11 permits were valid and releasing dispatcher's
12 permit was expired?

13 A. Correct.

14 Q. This is the important part. You
15 wrote a citation because the releasing
16 dispatcher's permit was expired?

17 A. Correct.

18 Q. We learned later through a hearing
19 you don't need a permit for the releasing
20 dispatcher, didn't we?

21 A. Correct.

22 Q. So as we sit here today, would you

1 have written the citation?

2 A. No.

3 Q. Let's look at 8001804.

4 A. Okay.

5 Q. That is during the relevant time
6 period?

7 A. Correct.

8 Q. And this is a citation that you
9 wrote, correct?

10 A. Correct.

11 Q. To Lincoln Towing service, correct?

12 A. Correct.

13 Q. This is also for an incomplete
14 invoice, no ILCC contract number, police
15 personnel?

16 A. Contacted.

17 Q. Contacted. Did you mean to say
18 that they were not contacted?

19 A. No. There's a field for the person
20 they speak with for the operator number.

21 Q. So the field wasn't filled out.

22 A. Correct.

1 Q. Okay. This particular case there
2 would also be a complaint from the person who
3 was relocated, correct?

4 A. Correct.

5 Q. And these wouldn't have been any
6 one of those complaints, correct?

7 A. Correct.

8 Q. So this administrative citation,
9 once again, doesn't directly impact the public?

10 A. It does not.

11 Q. This is an administrative issue,
12 correct?

13 A. Correct.

14 Q. Prior to writing this citation, did
15 you check with Lincoln Towing to determine how
16 it is that the invoice was incomplete?

17 A. I didn't.

18 Q. Did you check with anyone in the
19 Commerce Commission regarding the citation?

20 A. I didn't.

21 Q. Take a look at 8001805.

22 A. Okay.

1 Q. I believe that this says: Use
2 dispatcher 238 without active permit.

3 A. Correct.

4 Q. What does that mean?

5 A. It was a guy that was an issue with
6 an expired permit.

7 Q. For a dispatcher.

8 A. Correct.

9 Q. Now, if, in fact, all the
10 dispatcher did was release the vehicle, they
11 don't really need a permit, do they?

12 A. Correct.

13 Q. So as you sit -- and, by the way,
14 as far as you know, the Commerce Commission
15 rules and statutes were the same during the
16 relevant time period than they are now regarding
17 the dispatchers.

18 A. I believe so.

19 Q. So at the time this citation was
20 written no relocation company needed a permit
21 for a dispatcher to release a vehicle?

22 A. I don't believe so.

1 Q. Because we had a hearing on that
2 already, and it was determined you don't.

3 A. Correct.

4 Q. Would you have written the citation
5 today knowing that?

6 A. No.

7 Q. Take a look at 8001806. This is an
8 incomplete invoice note Illinois Commerce
9 Commission contract number, correct?

10 A. Correct.

11 Q. Now, this is the same investigation
12 as the one I just spoke about, correct?

13 A. Correct.

14 Q. It's a companion ticket?

15 A. Correct.

16 Q. This one is for no ILCC contract
17 number, correct?

18 A. Correct.

19 Q. Did you inquire with Lincoln Towing
20 as to how it is that that one field got left
21 off?

22 A. I did not.

1 Q. Do you know whether or not it was a
2 computer error or computer glitch?

3 A. I don't.

4 Q. You don't know whether or not they
5 did it intentionally, do you?

6 A. I do not.

7 Q. There are only...

8 MR. PERL: I think I only have
9 three left, Judge, from the direct examination.
10 Looking for 80012821.

11 MR. BURZAWA: (Tendered document to
12 Mr. Perl.)

13 MR. PERL: Okay. Thank you.

14 BY MR. PERL:

15 Q. Turning your attention to
16 Exhibit N.

17 A. That one too.

18 Q. 8001820 and 8001821 are actually
19 outside the scope of the relevant time period,
20 the 4/19/2016.

21 MR. PERL: I move to strike these
22 two as well, Your Honor.

1 JUDGE MONTAQUE: Let me find them.

2 MR. PERL: They're towards the end
3 of Exhibit M.

4 THE COURT: Citations 8001820 and
5 8001821 are stricken from the record.

6 MR. PERL: And I only have one
7 more, which is the page before that, which is
8 8001364.

9 BY MR. PERL:

10 Q. So do you see 8001364?

11 A. Yes.

12 Q. And that is within the relevant
13 time period?

14 A. Correct.

15 Q. And this is the citation that you
16 wrote to Lincoln Towing, correct?

17 A. Correct.

18 Q. Patrolled lot e-filed as call only.

19 A. Correct.

20 Q. Now, this is a situation where we
21 talked about before. You looked this up on
22 MCIS, correct?

1 A. Correct.

2 Q. And you see what MCIS shows,
3 correct?

4 A. Correct.

5 Q. But you don't put the information
6 into MCIS, correct?

7 A. Correct.

8 Q. And you don't know who does in this
9 particular case?

10 A. Correct.

11 Q. So it's possible that Lincoln
12 Towing could have properly e-filed it, and
13 somehow it was improper in the system, correct?

14 A. It's possible, correct.

15 Q. Because there's 75 to a hundred
16 thousand contracts file with the Illinois
17 Commerce Commission?

18 A. Correct.

19 Q. You did not do anything to
20 determine that was the case, did you?

21 A. I do not.

22 Q. So by writing the citation, you

1 don't really know whether or not Lincoln Towing
2 violated any of the rules, do you?

3 A. I don't.

4 Q. Now, I believe Officer Strand, I
5 have now gone over with you every single
6 citation that I believe Mr. Butler of the
7 Commerce Commission went over with you at
8 your --

9 A. Who?

10 Q. I'm sorry. Mr. Barr. I know a Ben
11 Butler too.

12 That Mr. Barr went over with you in
13 your direct examination, correct?

14 A. Correct.

15 Q. I'm going to take a moment now --
16 and with the exception of the ones that were
17 stricken.

18 A. Okay.

19 Q. So I'm going to take a moment now,
20 and it won't take me very long, and I'm going to
21 count up for you all the citations we went
22 through, and maybe if you wouldn't mind just

1 looking along with me. Agreed?

2 A. Agreed.

3 MR. PERL: So just for the record I
4 counted the number of citations that I went over
5 today with the witness and the total was 29, not
6 including the ones I did not go over because
7 they were stricken.

8 BY MR. PERL:

9 Q. Of those 29 citations that you
10 wrote, would you agree with me that only one of
11 them had to do with the public?

12 A. Yes.

13 Q. All other 28 citations were
14 strictly regarding invoice infractions where the
15 invoicing was either improperly or inaccurately
16 filled out or e-filing versus call, not e-filed,
17 correct?

18 A. Correct.

19 Q. So of all 29 citations that
20 Mr. Barr went over with you on your direct only
21 one of them had to do with a tow itself?

22 A. Correct.

1 Q. And this is for a nine-month period
2 of time from July 24th, 2015 to March 23, 2016,
3 correct?

4 A. Correct.

5 Q. And just to summarize, whenever
6 there was any --

7 A. I'll sit for this.

8 Q. And just to summarize, if this is
9 accurate, any time there's any information that
10 you're reading off the MCIS screen, you don't
11 know would input the information, correct?

12 A. Correct.

13 Q. You don't know if the information
14 is accurate, correct?

15 A. I don't.

16 Q. You don't know when the information
17 was input?

18 A. No.

19 Q. You know how it was input.

20 A. True.

21 Q. So for all of the citations that
22 you wrote regarding any of that, you don't know

1 whether or not Lincoln Towing actually violated
2 any rules.

3 A. I do not.

4 Q. And, more importantly, for the
5 relevant time period, you don't even know
6 whether or not these were adjudicated during
7 time period and how they came out?

8 A. I do not.

9 Q. And of those 29 citations, some of
10 them you wouldn't have written now because you
11 know the rule is you don't need to have a
12 licensed dispatcher to release vehicles,
13 correct?

14 A. Correct.

15 Q. Very briefly, earlier today you
16 testified that sometimes you might do a sting
17 operation as part of a proactive regulation,
18 correct?

19 A. Yeah.

20 Q. During the relevant time period you
21 did not do a sting operation regarding Lincoln
22 Towing, did you?

1 A. I think we may have.

2 Q. Well, I'm asking you because we
3 never got any documents on it.

4 A. What would you want on it? I don't
5 know what documentation I could provide.

6 Q. Well, if you did one during the
7 relevant time period, it's not in any of the
8 books. It's never been alleged that you did
9 one, so --

10 A. It wouldn't have been written up as
11 a case file. It would have been just like a
12 setup thing like we do with household good
13 movers.

14 Q. So let's say you did a sting
15 operation.

16 A. Yeah.

17 Q. So there's no documentation here
18 regarding any citations from it, is there?

19 A. No, none of these are.

20 Q. So if you did one, clearly you
21 didn't find anything illegal or improper,
22 correct?

1 A. Not based on these tickets, no.

2 Q. Okay. So if you did a sting
3 operation, there's no citations, nothing
4 improper was found, correct?

5 A. Correct.

6 Q. I talked to you briefly about the
7 necessity for towing and relocation companies,
8 correct?

9 A. Correct.

10 Q. Even more important in dense
11 population, where there's businesses located on
12 every corner, sometimes they're in the whole
13 block, correct?

14 A. Right.

15 Q. An example would be if you have a
16 Walgreens parking lot and across the street
17 there happens to be a Hard Rock -- I give that
18 example because it exists, correct?

19 A. Portillo's, 841 North Clark.

20 Q. There's also a Portillo's and
21 there's a Hard Rock Cafe and there's a
22 Walgreens, correct?

1 A. Correct.

2 Q. And very often people will come and
3 park in the Walgreens lot and go to either
4 Portillo's because it's right across the street
5 this way or Hard Rock because it's across the
6 other way, correct?

7 A. Correct.

8 Q. And the reason they do that if you
9 know is because there's no parking for those --

10 A. Sure.

11 Q. So would you agree that when an
12 individual does that and they get towed -- I
13 mean, it's a necessary thing that we need. We
14 need to do this because Walgreens' customers
15 wouldn't be able to find parking if we allowed
16 everyone else to park there, correct?

17 A. I would agree.

18 Q. Based upon that, it's absolutely a
19 necessity to have relocation companies
20 relocating illegally parked cars from private
21 property, the City of Chicago and all the
22 counties that the Commerce Commission regulates,

1 correct?

2 A. Yeah, as far as -- yeah, I would
3 say it is necessary.

4 Q. And based upon all your testimony
5 here today, the fact that the Commerce
6 Commission only presented 29 citations on direct
7 examination that weren't stricken to help
8 bolster their case in this particular case, do
9 you have an opinion as to whether or not Lincoln
10 Towing was fit and proper to hold a relocater's
11 license in the relevant time period?

12 Now I want you to think about this.

13 A. Right.

14 Q. Because I'm going to get to the
15 point where I'm going to try to certify you as
16 an expert potentially, so let's go real quick.

17 You work for the Commerce
18 Commission as a police officer?

19 A. Yes.

20 Q. You have done so since 2012?

21 A. Correct.

22 Q. You have training in that regard?

1 A. Correct.

2 Q. You're also a police officer for
3 other villages?

4 A. Correct.

5 Q. You're also an attorney?

6 A. Correct.

7 Q. So you've done a lot of
8 investigations, and your focus right now,
9 40 hours a week, is the Illinois Commerce
10 Commission, correct?

11 A. Yes.

12 Q. And you write citations for them on
13 a daily basis?

14 A. Yes, I do.

15 Q. And you don't write citations for
16 them sometimes on a daily basis?

17 A. I do.

18 Q. Based upon all of that that you see
19 all the time and every day, based on the fact
20 that we have established to some reasonable
21 degree of certainty that Lincoln Towing --
22 somewhere around 9 or 10,000 vehicles during the

1 relevant time period, and we've narrowed it down
2 in your particular citations to 29 of which 28
3 of them are administrative, one had to do with
4 the public, and we don't even know if that was
5 founded. Based upon all of that, do you have an
6 opinion as to whether or not Lincoln Towing was
7 fit to hold a license during the relevant time
8 period?

9 MR. BURZAWA: Objection,
10 irrelevant. Officer Strand is not here to
11 testify concerning his opinion. That, again, is
12 a question to be decided by the trier of fact.

13 MR. PERL: Judge, I don't know how
14 that's an objection. Yes, at the end of the day
15 you have to determine it, but it doesn't mean
16 that I can't have someone else testify. That's
17 called expert testimony.

18 So if I certify him as an expert,
19 which I just did, there's no way he's not an
20 expert in terms of relocation towing. He is.
21 And if he isn't, how does he write tickets on a
22 daily basis?

1 But beyond that, there was no
2 objections to my examination. I'm certifying
3 him as an expert in this field. He is an
4 expert. He's allowed to testify. Counsel might
5 not like what he's going to say, that's true,
6 but I've never heard an objection that he can't
7 testify to it because it goes to the -- and, by
8 the way, they tried this one at the deposition
9 too. They said, objection, it goes to the final
10 decision of the trier of fact. So what?

11 All of this is going to go to you
12 at some point in time. I think he's certified
13 as an expert. What makes it even more
14 interesting is he's their witness, not mine. I
15 don't understand why they don't want him to be
16 someone who's knowledgeable about towing, but
17 somehow for some reason the Commerce Commission
18 says he's not an expert or doesn't know about.
19 He does.

20 I asked him -- I put in every
21 qualifier that I could, all the testimony today,
22 all the relocations that he performed,

1 everything that he's done.

2 I'm not just saying in general now,
3 Judge. I'm saying specifically based upon
4 everything we heard today, based upon those nine
5 or ten months of the time period, based upon the
6 citations that you wrote, based upon your
7 testimony and me refreshing your recollection,
8 you've got to have an opinion now. And I'm not
9 saying pull it out of thin air. Base it upon
10 everything you heard and said today and all the
11 evidence presented, and he can do that.

12 They might not like what he's going
13 to say, because we all know what he's going to
14 say. I know they don't like it, but that's not
15 a basis for an objection, nor is it a basis to
16 say he can't testify to it because it goes to
17 the final conclusions you're going to rule on.
18 Of course he can. That's what experts do every
19 day. Lay witnesses can do that if he's headed
20 for a proffer. He is an expert in this case. I
21 certified him. I presented to this Court -- I
22 present to the Court -- I'm presenting him to

1 you as an expert, as an adverse witness and an
2 expert, and I think he should be allowed to
3 testify and give his opinion based upon
4 everything we heard today.

5 MR. BURZAWA: Judge, for the
6 purposes of that question, Mr. Perl did not
7 qualify Officer Strand as an expert.

8 The question posed to him is
9 whether or not Lincoln is fit under the
10 commercial -- under the commercial
11 transportation law, and that is a different
12 standard than the types of violation that
13 Officer Strand enforces on a day-to-day basis,
14 so he may be an expert in terms of the
15 commercial transportation law and these specific
16 violations and whether or not a relocater
17 violated specific sections of the law, but he
18 isn't -- in his capacity as an Illinois Commerce
19 Commission police officer doesn't utilize the
20 same standard when there's -- when he's -- that
21 the Commerce Commission uses to judge the
22 fitness of a relocater.

1 They look at the relocater's entire
2 business operations, their financial fitness,
3 you know, their compliance history. Those are
4 all categories of analysis beyond the scope of
5 Officer Strand's duties.

6 MR. PERL: Actually, Judge, that's
7 incorrect. Here's why:

8 Look at the July -- the
9 February 24th order. They don't call into
10 question our insurance. They don't call into
11 question anything other than this. And I would
12 submit to you, Judge, that that's -- this is why
13 the ball keeps moving.

14 Now, I guess, even though this is
15 not the hearing -- this is not a hearing that we
16 did something wrong. This is like in the middle
17 of a two-year thing they say you may not be fit.
18 They have never once said in any of their
19 documentation that we don't have the proper
20 insurance, the financials, anything. They have
21 never made that an issue. We have actually
22 talked about this before.

1 The only thing -- I actually don't
2 know why we're here, but the only thing they
3 possibly are raising is that we get too many
4 citations, I guess, because if you look at that
5 order, that's why every time I've said to you,
6 Judge, why are we here? What are they claiming
7 we did wrong? And you know what they say every
8 time? Because the statute provides us to do
9 that. Trial by ambush.

10 So now that Mr. Burzawa says, oh,
11 my gosh, he didn't testify as to whether they
12 had insurance or not, that's never been an
13 allegation we don't have the insurance, because
14 we had the proper insurance and permits all
15 through until July 24th of 2015.

16 The only reason I can glom from
17 Exhibit 3 that we have introduced into evidence,
18 if you look at that, the only thing I could come
19 up with is that something -- we must be doing
20 something different than we were before because
21 we got our license six months -- eight months
22 earlier, so there must be some reason they're

1 doing it.

2 What I'm asking this witness who is
3 their witness, and now counsel says I didn't
4 certify him as an expert? Yes, I did. I just
5 said it to you, I'm tendering him to you as an
6 expert, Judge. I went -- about ten minutes ago,
7 five minutes ago, I said, okay. I'm certifying
8 him. I'll do it now. I went through 20
9 questions with him, not to mention his
10 testimony.

11 I said to you he's a Commerce
12 Commission police officer, he's an attorney, he
13 writes the citations every day. This is what he
14 does for a living. All those things make name
15 an expert in relocation towing.

16 Whether or not he's the individual
17 at the Commerce Commission that makes the
18 ultimate determination of fitness doesn't
19 matter. He's still the expert, no different
20 than me bringing in an expert, a third-party,
21 having them listen to all this testimony and say
22 based upon that X, Y or Z, this individual is

1 expert in his field. Like it or not. He's
2 certified. I'm asking you to certify him as my
3 expert.

4 He's an adverse witness. He's an
5 adverse witness, agreed, but I don't need to --
6 essentially makes him more interesting because I
7 would think they would want him to...

8 Rule 702, Testimony By Experts.
9 This is Rule 702.

10 JUDGE MONTAQUE: Hold on one
11 second.

12 MR. PERL: The Rules of Evidence.

13 MR. BURZAWA: Judge, I've heard
14 testimony that is admissible when that expert
15 testimony was held for the trier of fact to make
16 a determination on a question of fact.

17 In this situation, that -- the
18 answer to that question will be made by you
19 based on the evidence already presented, not
20 based on the opinions of the witnesses.

21 JUDGE MONTAQUE: Well, it's the
22 weight. I guess -- I mean, I can allow it.

1 MR. PERL: Well, Judge, here's the
2 thing:

3 I think Mr. Burzawa is correct. If
4 you believe it will help you and assist you --
5 it says:

6 If scientific, technical, or other
7 specialized knowledge will assist the trier of
8 fact to understand the evidence or to determine
9 the fact in issue, a witness qualifies as an
10 expert by knowledge, check, skill, check,
11 experience, check, training, check, education,
12 check, he has all of those, can testify thereto
13 in the form of an opinion or otherwise.

14 This individual has all those
15 things.

16 How this Court couldn't be aided by
17 the exact officers who are writing the
18 citations, it's almost mind boggling how you
19 couldn't be aided by that. Of course you can.

20 Now you don't have to agree with
21 him, I guess. Certainly you get aided by it.

22 JUDGE MONTAQUE: I think I'll allow

1 it, but I'll limit it to fitness as it relates
2 to citations only from that perspective, and not
3 from whether, you know, they meet the financial
4 requirement or anything of that nature.

5 MR. PERL: Absolutely.

6 JUDGE MONTAQUE: Purely based on --

7 MR. PERL: I'll agree with that, no
8 question about it.

9 JUDGE MONTAQUE: -- issuing or
10 writing citations, and that fact alone, and I,
11 you know, will --

12 MR. PERL: Well, I would agree with
13 you, Judge.

14 JUDGE MONTAQUE: -- give it the
15 appropriate weight.

16 MR. PERL: I would agree with you,
17 Judge. The burden -- by the way, the burden is
18 on the Commerce Commission. We've established
19 that. They go first. The burden is on them in
20 this particular hearing. They never raised that
21 issue. I don't have to do anything.

22 They never raised the issue with

1 this Court that we don't have the proper
2 insurance, certification. They have never
3 raised that issue with you, so how could I
4 cross-examine a witness on it? They didn't
5 raise it. They don't have any documents in any
6 of their exhibits, so I think it's a little bit
7 far afield because you don't need to get to that
8 issue.

9 I think that the only thing they
10 presented to you -- and, by the way, I'm
11 defending this case. I'm not bringing it, they
12 are. They wanted me to go first, but they have
13 to go first because it's their burden. So when
14 they go forward they never said to you in this
15 hearing we don't have the insurance, the
16 financials or anything. How is that even an
17 issue right now? I don't understand how they
18 manufactured that.

19 JUDGE MONTAQUE: I'm not saying it
20 is an issue. All I'm saying is that testimony
21 regarding your question that you asked is
22 related for the very narrow purposes or within

1 the limits of citations that he has written and
2 seen.

3 MR. PERL: It's the only thing they
4 have raised in this whole case.

5 JUDGE MONTAQUE: Okay. I'm just
6 making it clear that's where we limit it to
7 that.

8 BY MR. PERL:

9 Q. Okay. I know you heard everything
10 that was just stated.

11 A. Yeah.

12 Q. So based upon the fact that you do
13 have the knowledge and expertise in the
14 relocation area, we've gone through that
15 ad nauseam, based on the fact that we've
16 established Lincoln Towing towed somewhere
17 between 9 and 10,000 vehicles during the
18 relevant time period, based upon the fact that
19 of the 29 citations you wrote during the
20 relevant time period only one had to do with the
21 relocation of a vehicle, the other 28 had to do
22 with administrative issues, based upon the fact

1 that you've admitted some of those you wouldn't
2 write today because you don't -- you can't write
3 it for a dispatcher not having a license for the
4 releasing of vehicles.

5 A. Correct.

6 Q. Based on the fact that of all of
7 those -- also, you basically stated you don't
8 really know whether Lincoln violated any of
9 those because you didn't input the information
10 to the MCIS, you don't know any of that, you
11 don't through any violations.

12 Based upon all of that, do you
13 believe that Lincoln Towing was fit to hold a
14 relocater's license during the relevant time
15 period?

16 A. Based on everything that we have
17 gone through today?

18 Q. Yeah.

19 A. I mean, it's mostly just technical
20 stuff that I issued citations for. So if it's
21 based on that alone during that time period when
22 I wrote, I can't say that they wouldn't be fit

1 to hold a license on whatever criteria you are
2 going off of because I'm not using a fitness
3 standard --

4 Q. Well, let's go on this criteria:
5 9,500 tows. Let's split the difference.

6 A. Oh, no, I was just saying like
7 based on, like, the whole fitness criteria, so
8 we can put that to bed, but based on what we
9 went over --

10 Q. Do you believe Lincoln Towing based
11 upon what we went over is fit to hold a license
12 during the relevant time period?

13 A. Yes.

14 MR. PERL: Nothing further.

15 JUDGE MONTAQUE: Mr. Burzawa?

16 MR. BURZAWA: Just a few redirect
17 based on that, Judge.

18 REDIRECT EXAMINATION

19 BY MR. BURZAWA:

20 Q. Officer Strand, what is your
21 overall opinion concerning Lincoln Towing?

22 MR. PERL: Objection, relevance.

1 We're talking --

2 MR. BURZAWA: It is --

3 MR. PERL: I'm going to tell you
4 why. We're talking about the relevant time
5 period only.

6 JUDGE MONTAQUE: Do you mean within
7 the relevant time period?

8 BY MR. BURZAWA:

9 Q. Okay. Within the relevant time
10 period what is your general impression of
11 Lincoln Towing's relocation business?

12 A. I don't really have an opinion as
13 to their business across the board during the
14 period. The only interest I had to take in them
15 was investigating cases I was assigned. Outside
16 of that, I don't really have an opinion.

17 Q. Well, during the relevant time
18 period do you have an opinion of Lincoln Towing
19 versus other towers?

20 MR. PERL: Objection, relevance.
21 This is a citation -- this is a hearing, a
22 proceeding regarding Lincoln Towing being fit.

1 If, however -- and, by the way, here's what my
2 real objection is: I tried to get information
3 from them regarding Rendered Service and they
4 said you can't have it because it's not
5 relevant. So how in the world can they say it's
6 not relevant when I seek discovery, and now he's
7 making irrelevant? Let me go back and open up
8 discovery, and I'll reopen that, and then I'll
9 show you the stuff. They wouldn't even give it
10 to me because it's not relevant. Now he wants
11 to make it relevant. I know Mr. Burzawa wasn't
12 in the case back then, but I made this argument
13 before and I was shot down, so if you want to
14 open up the door to it, then I want to reopen
15 discovery.

16 JUDGE MONTAQUE: We are not
17 reopening discovery.

18 MR. PERL: Then he shouldn't be
19 allowed to enter this -- there's nothing that
20 they presented anywhere regarding -- by the way,
21 it goes beyond the scope of my cross, and
22 there's nothing in their direct regarding it.

1 MR. BURZAWA: Judge, it's not
2 beyond the scope of Mr. Perl's cross. Mr. Perl
3 asked Officer Strand to base his opinion,
4 although during the relevant time period based
5 on his overall experience as an ICC police
6 officer, his interactions with Lincoln, so this
7 just is a followup on that line of questioning.

8 JUDGE MONTAQUE: I guess the issue
9 of relevance is what do other towing companies
10 have to do with this matter today?

11 MR. BURZAWA: Well, a lot of
12 opinions, and that's what Officer Strand
13 offered, are typically formed by comparison to
14 other entities or businesses.

15 MR. PERL: Well, I didn't ask this
16 witness to compare -- I specifically said:
17 Based upon the evidence presented today and your
18 testimony and everything. I did not ask him
19 to -- okay.

20 Here is Question Number 11 from our
21 eighth answer from the Commerce Commission. If
22 this is not directly on point, I don't know what

1 is. Number 11:

2 Identify how many ICC violations
3 Rendered Services, Inc. Chicago has been found
4 guilty of in the last three years.

5 You want to hear the objection?

6 Staff objects to this request as
7 irrelevant to Protective Parking Service
8 Corporation's fitness to operate as a
9 commercial --

10 JUDGE MONTAQUE: What's the
11 question having --

12 MR. PERL: -- vehicle relocator.

13 This is their response the eighth
14 time around.

15 (Document tendered to Judge.)

16 JUDGE MONTAQUE: Oh, Rendered.

17 MR. PERL: When I asked him about
18 Rendered, they said it's not relevant, and they
19 wouldn't give me any documents so I could get at
20 it.

21 JUDGE MONTAQUE: Okay. I do recall
22 that, and so I'm going to sustain the objection

1 on relevance grounds regarding other towing
2 companies.

3 BY MR. BURZAWA:

4 Q. I just have a couple questions,
5 Officer Strand, about the administrative
6 citations.

7 In general, are the administrative
8 citations, are they written up at the time of
9 your investigation?

10 A. The actual paper copy?

11 Q. Correct.

12 A. It really depends on how busy I am
13 at the time. A lot of times I just take notes
14 in my file, and then, because I only go to the
15 office about once every two weeks, so I'll
16 generally issue and sign them and date them the
17 date I go to the office.

18 Q. Typically, within how many days or
19 what type of time frame do you actually write
20 out the citation after you've completed your
21 investigation?

22 A. It really depends on the caseload,

1 because sometimes it could be a couple months
2 until I finalize it and turn it in just because
3 of the volume of doing other things.

4 Q. Well, the information contained in
5 the administrative citation, that's information
6 that you get from your investigation notes?

7 A. Yes.

8 Q. And then once you write out the
9 administrative citation, do you make copies of
10 that citation?

11 A. I do.

12 Q. Is that kept in the investigation
13 file?

14 A. Yes.

15 Q. And you issue administrative
16 citations during the course of your duties as an
17 Illinois Commerce Commission police officer.

18 A. Correct.

19 MR. BURZAWA: That's all the
20 questions I have, Judge.

21 JUDGE MONTAQUE: Anything further?

22 MR. PERL: No. No recross.

1 JUDGE MONTAQUE: So this witness
2 can be -- are we done for today?

3 MR. PERL: I believe so, Your
4 Honor.

5 JUDGE MONTAQUE: All right. Thank
6 you, Officer Strand. You may be excused.

7 MR. PERL: Judge, we filed a motion
8 to reconsider.

9 JUDGE MONTAQUE: Off the record.

10 (Discussion off the record.)

11 (Ending time noted: 3:42 p.m.)

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