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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
Cynthia J. Conforti, CSR, CRR
License No. 084-003064.
APPEARANCES:

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ILLINOIS COMMERCE COMMISSION, by
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On behalf of ICC Staff;

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(312) 243-4500

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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