



1 APPEARANCES:

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3 ILLINOIS COMMERCE COMMISSION  
4 BY: MR. MARTIN BURZAWA  
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8 Appeared on behalf of ICC Staff;

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11 PERL & GOODSNYDER, LTD.  
12 BY: MR. ALLEN R. PERL  
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1           JUDGE KIRKLAND-MONTAQUE:  Let's get back on  
2 the record.

3                   Go ahead, Mr. Perl.

4           MR. PERL:  Thank you, Judge.

5                   OFFICER GEISBUSH,  
6 called as a witness herein, having been  
7 previously duly sworn, was further examined and  
8 testified as follows:

9                   CROSS-EXAMINATION (Resumed)

10 BY MR. PERL:

11           Q.       Officer Geisbush, prior to July 24,  
12 2015, did you ever tell anyone at the ICC that  
13 Lincoln Towing was not fit to hold a license?

14           A.       No.

15           Q.       Once the license was issued on  
16 July 24th, 2015, did you ever complain to anyone  
17 that Lincoln Towing should not have their  
18 license renewed?

19           A.       No.

20           MR. PERL:  So, Judge, just preliminarily,  
21 Mr. Chirica did a review of all the citations  
22 that we were presented and that were examined

1 under oath last time on direct, and I think we  
2 found 19 citations that hadn't previously been  
3 disclosed to us in discovery that we would seek  
4 to bar.

5 And I want to just go over those --  
6 the numbers with you and tell you how it is we  
7 determined that these were never given to us in  
8 discovery.

9 MR. BURZAWA: Are these limited to Officer  
10 Geisbush?

11 MR. PERL: Yes, these are limited to  
12 Officer Geisbush.

13 MR. BURZAWA: Are you going to read through  
14 every single one?

15 MR. PERL: I'll just give you the numbers.  
16 It will just take a minute.

17 MR. BURZAWA: Before we -- because that may  
18 take a little while. He may be referring to  
19 citations that are included in the parties'  
20 settlement agreement, and the terms of the  
21 settlement agreement allow for reference of the  
22 citations at this hearing.

1           JUDGE KIRKLAND-MONTAQUE:  Are they part of  
2 the settlement agreement?

3           MR. PERL:  I don't know.

4           MR. BURZAWA:  Well, I checked and -- I  
5 don't know if -- we'll have to listen to  
6 Mr. Perl's list first, and then I can let you  
7 know whether or not they're part of the  
8 settlement agreement.

9           JUDGE KIRKLAND-MONTAQUE:  Before we --  
10 let's go off the record.

11                           (WHEREUPON, discussion was  
12                           had off the record.)

13 BY MR. PERL:

14           Q.       Officer Geisbush, I'd like to show  
15 you a document that was made part of Commerce  
16 Commission's exhibit book and referenced as  
17 000732 Bates stamp.  And this is Exhibit M.

18           MR. BURZAWA:  What investigation number is  
19 that?  I don't have Bates stamps.

20           MR. PERL:  1219.  It's also 150798.

21           JUDGE KIRKLAND-MONTAQUE:  1219.  I got it.

22

1 BY MR. PERL:

2 Q. So if you would take a look at  
3 8001219.

4 A. Okay.

5 Q. Was this a citation that you wrote?

6 A. Yes.

7 Q. And do you recognize your signature  
8 on it?

9 A. I do.

10 Q. What's the date of the citation?

11 A. The date of the -- the date issued or  
12 the date --

13 Q. Let's start with the date that you  
14 issued it.

15 A. December 29, 2015.

16 Q. Do you know the date of the  
17 complaint?

18 A. I don't know the date of the  
19 complaint.

20 Q. And do you know what the basis for  
21 the citation was?

22 A. It was improper signage on date of

1 tow.

2 Q. And were you -- what was the date of  
3 the tow?

4 A. 7/31/15.

5 Q. Were you present at the lot on the  
6 date of the tow?

7 A. No.

8 Q. Did you see the lot on the day of the  
9 tow?

10 A. No.

11 Q. Do you specifically know whether  
12 there were signs at the lot on the date of the  
13 tow?

14 A. I don't know.

15 Q. Did you take any pictures of this  
16 particular lot?

17 A. I don't have a recollection of taking  
18 pictures.

19 Q. Did you receive any pictures from the  
20 motorist on this particular lot?

21 A. I'm not sure.

22 Q. And do you recall any specifics of

1 this particular investigation?

2 A. No, other than what -- you know,  
3 what's handwritten on the ticket, I don't have a  
4 very -- I don't remember it off the top of my  
5 head.

6 Q. Is there anything I could show you  
7 that would refresh your recollection as to this  
8 particular tow?

9 A. I'm sure the report or the  
10 investigation file in general would...

11 Q. So I'm going to show you what has  
12 been Bates-stamped 000732, tendered to us during  
13 discovery.

14 Tell me, is this your investigative  
15 report?

16 A. It's the coversheet. Do you want me  
17 to keep going through it?

18 Q. Please.

19 A. Yes, it's my investigative file.

20 Q. So would this have been what you  
21 reviewed prior to writing the citation?

22 A. Yes.



1 Q. And would you have used this in  
2 determining whether or not to write the  
3 citation?

4 A. What do you mean "this"?

5 Q. These documents.

6 A. Yes.

7 Q. And there's some pictures in here,  
8 correct?

9 A. Yes.

10 Q. Did you take those pictures?

11 A. No.

12 Q. Do you know specifically for a fact  
13 who took these pictures?

14 A. I can't say with certainty.

15 Q. Do you know when these pictures were  
16 taken?

17 A. Again, I don't know.

18 Q. Do you know if they accurately depict  
19 the lot on the date that the complainant said  
20 there were no signs?

21 A. I can't say with certainty, no.

22 Q. If you would do me a favor, turn to

1 your -- the second page of your investigative  
2 report. Keep going one more page. I apologize.

3 A. This one (indicating)?

4 Q. That's your signature and kind of  
5 your narrative?

6 A. Yes.

7 Q. Doesn't it state in there that  
8 Officer Strand went to the lot and there were  
9 proper signs posted there?

10 A. Yes.

11 Q. It does. So why did you write a  
12 citation for no signage?

13 A. Based on the complainant's statement  
14 and the photos that he sent in.

15 Q. But the photos weren't dated,  
16 correct?

17 A. Yes.

18 Q. And you don't even know who took  
19 them, correct?

20 A. I don't know.

21 Q. So if you received photos undated and  
22 you don't know who they're from, why did you

1 write a citation for no signage on that  
2 particular date?

3 A. This complainant was willing to come  
4 to court and testify to all this stuff to --  
5 that he took the pictures on this date the signs  
6 were a certain way and...

7 Q. But you didn't have any specific fact  
8 that the pictures did depict the lot on that  
9 particular day. You already testified to that,  
10 correct?

11 A. Yes.

12 Q. And isn't it also true that on  
13 October 8, 2015, which was about two-and-a-half  
14 months after the date of the tow, Officer Strand  
15 stated that there were adequate signs at the  
16 lot, correct?

17 A. Yes.

18 Q. Did you ever do any inquiry at all,  
19 other than speaking to the complainant, to  
20 determine if there were actually signs at the  
21 lot on the date of the tow?

22 A. Other than the complainant's

1 statement, no.

2 Q. Is it your testimony that every time  
3 somebody complains to you that there wasn't a  
4 sign, you automatically write a citation?

5 A. No, not necessarily.

6 Q. So what about this investigation  
7 where Officer Strand went out there and did see  
8 signs led you to believe it was credible?

9 A. Well, he checked the lot, but it was  
10 two-and-a-half months later, so I wasn't there  
11 when his car got towed. And Mr. -- this  
12 particular individual, I see his name -- can I  
13 say his name?

14 Q. I probably wouldn't say his name for  
15 the record. It's up to you, but I probably  
16 wouldn't.

17 A. This complainant, he wanted to come  
18 to court and he wanted his case heard.

19 Q. So --

20 A. So he had -- he was willing to come  
21 in and testify. He had pictures that he  
22 would -- you could cross-examine him about

1 and --

2 Q. So then is it accurate to state that  
3 any time someone complains about a sign not  
4 being on a property, as long as they tell you  
5 they're going to come testify, you're going to  
6 write a ticket for that, correct -- or, I'm  
7 sorry, a citation, correct?

8 MR. BURZAWA: Objection, mischaracterizes  
9 the testimony.

10 BY MR. PERL:

11 Q. I said is it correct. I didn't say  
12 it was your testimony. Is that correct?

13 JUDGE KIRKLAND-MONTAQUE: Overruled. Go  
14 ahead.

15 BY MR. PERL:

16 Q. Is it correct that every time -- or  
17 any time a complainant states that there were no  
18 signs and they're willing to come testify,  
19 you're going to write a citation to Lincoln  
20 Towing?

21 A. It's not every time.

22 Q. Do you believe that that would be --

1 I think you talked about a  
2 preponderance-of-the-evidence standard earlier.  
3 Do you believe it meets your idea of what  
4 preponderance of the evidence is, that just  
5 because an individual says there were no signs,  
6 there were no signs and you're going to write a  
7 citation?

8 A. Well, he also included photos, and he  
9 was -- he was willing to come testify. So I  
10 think given those things, that...

11 Q. Did you think it would be something  
12 you would need to know if these photos  
13 accurately depicted the lot on the date and the  
14 time of the tow? Would that be something you'd  
15 want to know?

16 A. Sure. Yes.

17 Q. But you didn't inquire as to that,  
18 did you? I mean, it's not in your report?

19 A. No, I took Mr. -- I took the  
20 complainant's -- what he had presented on face  
21 value.

22 Q. Did you know him before?

1           A.     No.

2           Q.     Do you know whether he's credible or  
3 not?

4           A.     I don't know.

5           Q.     Did you run his name through LEADS or  
6 whatever police --

7           A.     There would be no -- there would be  
8 no reason to do that.

9           Q.     Why not?

10          A.     Well, there's strict rules now about  
11 running people's names to get criminal history  
12 inquiries.

13          Q.     If you wanted to determine whether he  
14 was credible or not, that would be important to  
15 you, wouldn't it?

16          A.     Sure.

17          Q.     You'd want to know if somebody making  
18 an allegation against Lincoln Towing is  
19 credible, wouldn't you?

20          A.     I think that would be something that  
21 could come up in a hearing or in a trial. I --  
22 if this person went through all the trouble of

1 making the complaint and sending in photos that  
2 they printed out, and they were very adamant  
3 about wanting to come in and have their case  
4 heard, I think a lot of what you're talking  
5 about would be something that would be for a  
6 hearing.

7 Q. So in writing the citation, you don't  
8 actually have an opinion as to whether or not  
9 there were signs at the lot on a date and time,  
10 do you?

11 A. Generally speaking, I -- just for no  
12 signage tickets?

13 Q. Maybe that was a bad question. Let  
14 me rephrase it.

15 Listening to what you're saying now,  
16 it sounds like you wrote the citation because an  
17 individual told you that there were no signs  
18 there, correct?

19 A. Yes.

20 Q. The pictures, you've already agreed  
21 with me, you don't know who took them or when  
22 they were taken, correct?



1           A.       Sure.  I don't know.

2           Q.       You didn't see the lot at the time it  
3 was towed, correct?

4           A.       I wasn't there, no.

5           Q.       Do you know what the outcome of this  
6 matter was?  Do you know how it was  
7 determined -- what was determined?  Liable, not  
8 liable?

9           A.       If my memory serves me, he got his  
10 money back.

11          Q.       Well, was there an outcome?  Did  
12 anyone determine he was liable or not?

13          A.       No.

14          Q.       So there was never actually a final  
15 determination as to whether there were signs in  
16 this lot on the day of the tow, was there?

17          A.       To the best of my knowledge, no.

18          Q.       And as you sit here today, you don't  
19 know whether there were signs on the date of the  
20 tow, do you?

21          A.       I can't say with certainty.

22          Q.       Did you write any other citations in

1 regard to this particular allegation?

2 A. I'd have to look at the cover page  
3 again.

4 No.

5 MR. PERL: I'm going to try now to do this  
6 a little bit in a summary manner if I can,  
7 Judge. If it works, then I'll proceed that way.  
8 If it doesn't work, I'll go through each  
9 particular citation.

10 BY MR. PERL:

11 Q. Officer Geisbush, during the relevant  
12 time period, you wrote various citations to  
13 Lincoln Towing, correct?

14 A. Yes.

15 Q. Of those citations, 22 of them were  
16 for either not having a sign or improper  
17 signage; does that sound reasonable to you?

18 A. Do those include where people were  
19 overcharged based on the sign --

20 Q. Anything --

21 A. -- like, say, an old sign that was  
22 196?

1 Q. Anything to do with -- no,  
2 overcharges are separate.

3 A. Separate? Okay.

4 Q. Separate.

5 A. Sounds like a reasonable number. I'd  
6 say it's close to that.

7 Q. And you recall on direct exam you  
8 were asked did you write a citation, and you  
9 would respond yes?

10 A. I remembered, yes.

11 Q. In none of those -- strike that.

12 In none of that testimony did you  
13 ever state that you believed there was no sign  
14 there; you wrote the citations based upon what  
15 you were presented, correct?

16 A. For the most part, yes.

17 Q. So if I were to go through all 22 of  
18 these citations with you and ask you the  
19 following questions, what would your answer be?  
20 Here's the first question: Were you present on  
21 the date and time of the tow --

22 A. No.

1 Q. -- on any of those?

2 A. No, I wasn't there.

3 Q. Did you see the lot on any of those  
4 22 times where you write a citation for no  
5 signage on the date and time of the tow?

6 A. No.

7 Q. Did you ever receive any pictures  
8 from anyone that had a time stamp on them that  
9 showed the date and time of the picture?

10 A. There's none that I remember.

11 Q. Do you even know, of all the pictures  
12 you received of those 22 tows, who took the  
13 pictures?

14 A. Short of taking the complainant's  
15 word for it --

16 Q. Other than that.

17 A. -- I wouldn't -- without having them  
18 come in and testify, no. I guess anybody could  
19 have taken them.

20 Q. Did you ever do an independent  
21 investigation, other than what the complainant  
22 told you, to determine whether or not there was

1 actually a sign on the lot at the date and time  
2 in question?

3 A. No.

4 Q. And other than what the complainants  
5 told you, for each one of these signage  
6 complaints, we have nothing else to go on before  
7 writing the citation, correct?

8 A. I suppose if I went to check the lot  
9 and there were no signs, that would perhaps make  
10 them a little more credible in my opinion.

11 Q. But you don't recall doing that --  
12 during the relevant time period only, I'm only  
13 talking about the window of July 25th, 2015 to  
14 March 23rd, 2016, only that relevant time  
15 period. Do you recall ever doing that?

16 A. I'm not sure.

17 Q. And of all those 22 citations you  
18 wrote, did you know any of the complaining  
19 witnesses before that?

20 A. No.

21 Q. So you didn't know whether or not  
22 they were people that were credible or not

1 credible before they filed their complaint,  
2 correct?

3 A. I wouldn't have known that, no.

4 Q. I mean, unless you knew the person  
5 before, correct?

6 In other words, if it's your  
7 next-door neighbor --

8 A. Sure.

9 Q. -- you knew for 30 years, you would  
10 say I know John or Mary, she's very credible.  
11 But that didn't happen in any of these cases,  
12 did it?

13 A. No.

14 Q. Did you ever even meet in person any  
15 of these 22 complainants?

16 A. It's possible people dropped off the  
17 complaints in our office, so I would have met  
18 them then, but, other than that, no, I didn't go  
19 out there and meet them and have them explain  
20 the lot to me or...

21 Q. So, basically, your only contact with  
22 these people before writing a citation is on the

1 telephone, if at all, correct?

2 A. Well, their written statement as well  
3 as follow-up phone call --

4 Q. No --

5 A. -- calls --

6 Q. -- contact with them. Not a  
7 statement. Your contact with them.

8 A. Via telephone.

9 Q. Do you specifically know if you  
10 actually spoke to all 22 of these complainants?

11 A. I'm not 100 percent sure.

12 Q. You're aware that the signs are  
13 supposed to be between four feet and eight feet  
14 off the ground, correct?

15 A. Yes.

16 Q. And how tall are you?

17 A. About 6'2" if I stand up straight.

18 Q. So how difficult would it be for you  
19 to reach a sign that was between four feet and  
20 eight feet off the ground?

21 A. It's not that hard, no.

22 Q. So if an individual wanted to, they

1 could easily rip off a sign, a Lincoln Towing  
2 sign, correct?

3 A. I don't know how easy. It depends on  
4 how it's affixed. If it's bolted into the  
5 building or some zip ties, probably have to cut  
6 those first and --

7 Q. Certainly Lincoln Towing removes the  
8 signs to put up new ones?

9 A. Sure. Sure.

10 Q. It's not like you have to bulldoze  
11 the building, do you?

12 A. No, I -- I don't think it's just this  
13 effortless yanking the sign down, but I don't  
14 think it's extraordinarily difficult.

15 Q. Did you ever check into whether or  
16 not that was done and maybe that could be a  
17 reason why there were no signs?

18 A. Prior to this person's car being  
19 towed, if the sign was torn down?

20 Q. Or after.

21 A. No, I --

22 Q. So when --



1           A.       -- have no evidence either way for  
2 that.

3           Q.       When there's a picture of a wall with  
4 no sign that you don't know what date the  
5 picture was taken, do you know with any  
6 certainty that that -- that the sign could have  
7 been there when the car was towed and then  
8 afterward someone took the sign down?

9           A.       I can't say with certainty, no.

10          Q.       It's possible, though, correct?

11          A.       Anything's possible, yes.

12          Q.       And regarding -- well, I'll get to  
13 the next part.

14                   And I'm just going to show you one  
15 more similar to this, and then I'll move on.

16                   It is administration citation ticket  
17 number 8000110, case number 160197. And I  
18 believe it's Exhibit M, and I believe the first  
19 page.

20                   Do you recall writing a citation for  
21 improper signage case number 160197?

22          A.       Off the top of my head, no.

1 Q. Let me show you what is marked as  
2 Bates Stamp 001162. Is this a copy of your  
3 investigative summary, if you know?

4 A. Yes, it is.

5 Q. So what was the citation written for?

6 A. Improper signage.

7 Q. This is one of the ones where you  
8 didn't see the lot on the date of the tow,  
9 correct?

10 A. I didn't, no.

11 Q. Cutting to the chase, isn't it also  
12 true on this one, when you or someone saw the  
13 lot, there were proper signs posted?

14 A. In this case, the complainant said  
15 that he passed by the lot and that signs were  
16 now posted in a prominent location.

17 Q. But you don't know what it looked  
18 like on the date of the tow, correct?

19 A. Without relying on what this  
20 gentleman put with his complaint, no.

21 Q. And, actually, if you look at Page 2  
22 of the report, you write, "Sign is fixed now,

1 would show up to hearing," correct?

2 A. It's my notes, yeah.

3 Q. So you saw the signs were there now,  
4 and you wrote the citation because he was  
5 willing to come to the hearing?

6 A. I didn't -- I didn't even see the  
7 signs.

8 Q. Well, you wrote their signs are fixed  
9 now. What does that mean?

10 A. That's what the complainant said, so  
11 I wasn't --

12 Q. Okay. So you never saw this lot?

13 A. I never went past this lot, no.

14 Q. So you don't know even now if there's  
15 signs on the lot?

16 A. Right now, I don't know.

17 Q. And you don't know at the time if  
18 there were?

19 A. Without relying on this gentleman's  
20 photo and his statement, no, I personally don't  
21 know.

22 Q. And the photo's not dated, is it?

1 A. The photocopy in here isn't dated.

2 Q. Was it dated anywhere?

3 A. I don't know without having the  
4 original, I can't tell.

5 Q. And you never get the originals, do  
6 you? Of the pictures, you get copies, don't  
7 you?

8 A. No.

9 Q. Oh, you have originals?

10 A. They'd be in the original case file.

11 Q. Are you testifying that the original  
12 might have a date stamp on it but the photocopy  
13 wouldn't?

14 A. I don't -- sometimes you get photos  
15 developed and there's a date on the back of  
16 them.

17 Q. Did that happen in this case?

18 A. I don't know.

19 Q. Did you actually make a copy of the  
20 picture?

21 A. I didn't, no.

22 Q. Who did?

1           A.     I imagine -- I don't know. I don't  
2 know if there was an original or he made a copy  
3 and put it in with his complaint. I'd have to  
4 have the original case file.

5           Q.     Other than what was presented to us  
6 in discovery and at this hearing, do you have  
7 any other documents regarding any of these 22  
8 signage complaints?

9           A.     No.

10          Q.     Do you recall having a discussion at  
11 your deposition regarding differences between a  
12 citation for an improper invoice versus like  
13 a -- no sign; do you recall that?

14          A.     I remember it, yes.

15          Q.     And we kind of made a distinction  
16 between something that's just like  
17 administrative versus something that has direct  
18 impact on the public, correct?

19          A.     Yes.

20          Q.     And kind of agreed that an improper  
21 invoice or an inaccurate invoice, something that  
22 doesn't have a direct impact on the public,

1 correct?

2 A. Yes.

3 Q. And during the relevant time period,  
4 it appears that you wrote 13 citations for  
5 improper invoice. Does that sound about right  
6 to you?

7 A. Sounds close. Sounds somewhat  
8 accurate, yes.

9 Q. And if, in fact, you wrote the  
10 citation for an improper invoice and nothing  
11 else on that particular file, that would mean  
12 that you did an investigation and you didn't  
13 write a citation for the underlying complaint,  
14 correct?

15 A. As a generalization, yes.

16 Q. And this is part of the problem. I'm  
17 trying to not go through all 13 of them, and  
18 it's a little bit difficult.

19 But my point is that, if there's a  
20 citation for an invoice not filled out  
21 accurately and the underlying complaint was no  
22 sign and there's no citation for no sign, that

1 would mean you did an investigation and you  
2 didn't write a citation for no sign, correct?

3 A. Yes.

4 Q. So you did write a citation for no  
5 invoice, though, correct?

6 A. No invoice?

7 Q. Well, inaccurate invoice.

8 A. Yes.

9 Q. And I think you also testified that  
10 during the relevant period of time, no one ever  
11 complained to you that the invoice was  
12 inaccurate, correct?

13 A. I don't remember any, no.

14 Q. So if you wrote 13 citations for  
15 inaccurate invoice, they had to have been part  
16 and parcel to an underlying complaint, correct?

17 A. Yes.

18 Q. Prior to writing any of your  
19 citations for the inaccurate invoice, did you do  
20 any investigation?

21 A. I don't -- can you kind of clarify  
22 that for me.

1 Q. Sure. Sure. You can look at an  
2 invoice, correct?

3 A. Sure. Yes.

4 Q. And let's say something is left off  
5 the invoice but the rest of the invoice is  
6 complete, did you ever call Lincoln Towing and  
7 say, Hey, guys, how did it happen that the  
8 operator's number isn't on the invoice? Did you  
9 ever do that?

10 A. Not that I remember, no.

11 Q. Did you ever call them to determine  
12 whether or not possibly all the information was  
13 input correctly into the computer but when it  
14 printed out, somehow it didn't print out  
15 properly?

16 A. No.

17 Q. Did you ever actually inspect the  
18 original invoice prior to writing the citation?

19 A. No.

20 Q. So what you did was, you looked at a  
21 copy of an invoice that was provided to you by  
22 the consumer, correct?



1           A.       The consumer mailed it in, yes.

2           Q.       So is it possible that when the  
3 consumer mailed it in, they had doctored the  
4 invoice before they sent it to you, changed it?

5           A.       I could see on a photocopy of that  
6 yellow carbon, that's possible, but the original  
7 carbon, I can't see how you doctor that very  
8 successfully.

9           Q.       Not that you would know how to do  
10 that because you're on the other side of the  
11 law, but isn't it possible that somebody, if  
12 they wanted to, could alter a document?

13          A.       In the realm of possibility, I  
14 suppose yeah.

15          Q.       Did you ever think that it might be  
16 beneficial to take a look at the original  
17 invoice before writing the citation?

18          A.       I never did that, no.

19          Q.       Do you think, as you sit there today,  
20 that might be something that wouldn't be a bad  
21 idea to do going forward?

22          A.       I think with photocopies of the

1 invoices, the originals need to be presented.

2 Q. So I know that you're busy and you --

3 A. Sure.

4 Q. -- regulate just more than relocation  
5 towing, but don't you think it would be a little  
6 bit more fair to the relocater, in this case  
7 Lincoln Towing, if you did just a little bit  
8 more investigation before writing a citation for  
9 inaccurate invoices?

10 A. We're talking future hypothetical?

11 Q. Talking about -- sure.

12 A. Sure, I'll go get the originals and  
13 I'll inventory every one of them and put them in  
14 the case file.

15 Q. Well, as a police officer, don't you  
16 think that that would be a better thing to do to  
17 determine actually whether or not there was a  
18 violation committed?

19 A. Just for not having a completed  
20 invoice?

21 Q. Well, I would think that there's  
22 a lot of other things you could do for the

1 signage, but it would be different than these  
2 things. Like the signage you could have done  
3 other things. It wouldn't be getting the  
4 invoice.

5                   But for inaccurate invoice, yes,  
6 getting the original would be important,  
7 wouldn't it? I mean Lincoln Towing has it.

8           A.       Sure, I -- I'll agree that with a  
9 photocopy, it's easy to doctor them. Those --  
10 the yellow carbons, I don't see how -- how are  
11 you going to white something out and not make it  
12 noticeable?

13          Q.       How about you white it out and then  
14 print on yellow paper?

15          A.       But it's still that -- the carbon  
16 paper.

17          Q.       How about you white it out and print  
18 it on a yellow carbon paper?

19          A.       I guess that's possible.

20          Q.       Why not? All I'm saying to you is  
21 that, it wouldn't have been that difficult for  
22 you to actually -- you only wrote 13 of them.

1 It wouldn't have been that difficult to say to  
2 Lincoln Towing, Can I see your invoice, would  
3 it?

4 A. Difficult, no. Time-consuming, yes.

5 Q. Well, is that the only reason you  
6 didn't do it?

7 A. Again, I -- if the motorist doesn't  
8 know that they're not filling out an invoice  
9 illegal, why would they go through all these  
10 steps to blank out one little spot?

11 Q. I don't know. Did you ever ask them  
12 that?

13 A. No, I never had a reason to.

14 Q. Well, if you're getting some of these  
15 issues happening at Lincoln Towing, would you  
16 think that maybe after the first or second one  
17 you might inquire as to how it was occurring or  
18 why it's occurring, you know, are people whitening  
19 them out, is Lincoln making a mistake they don't  
20 know about? Did you ever think to call Lincoln  
21 and ask them that?

22 A. I didn't think that was my place to

1 do that.

2 Q. If you thought it was something that  
3 was really problematic, would you have contacted  
4 Lincoln?

5 A. I don't -- the complaints don't  
6 count -- or the tickets don't count as  
7 contacting them? If I mail them a ticket,  
8 doesn't that say here's this -- I mean, the  
9 details are on the tickets.

10 They could go back and look at their  
11 own materials and say, okay, what's the problem  
12 here. I have to make phone calls and e-mails,  
13 too? That's...

14 Q. No, I don't think you have to do  
15 anything. You're the one that determines what  
16 your investigation consists of, correct?

17 A. Ultimately, yes.

18 Q. So if you choose not to do it, that  
19 was your choice, correct?

20 A. Yes.

21 Q. Much like when somebody just tells  
22 you there was no sign and you don't have any

1 other information, you could choose to believe  
2 them, correct?

3 A. Yes.

4 Q. What if on the date and time that the  
5 individual claims there was no sign -- strike  
6 that.

7 Are you aware that Lincoln employs  
8 individuals that put signs up?

9 A. That's their only job is to put signs  
10 up?

11 Q. Well, I'm not asking you for their  
12 specific name or only job, you know that Lincoln  
13 has people putting signs up, correct?

14 A. Sure, I know that.

15 Q. Because there's signs all over the  
16 place, correct?

17 A. Yes.

18 Q. What if, in fact, Lincoln Towing had  
19 documentation, clear and convincing, that the  
20 morning of the tow they put four signs on the  
21 lot and they have pictures of it, would that be  
22 something you'd want to know about before you

1 write the citation?

2 A. It's possible, yes.

3 Q. The only possible, it's not -- I  
4 mean, as a police officer, you're going to say  
5 to me -- strike that.

6 Would you have written a ticket if  
7 Lincoln showed you conclusively that, as they  
8 towed the car, that a picture of the car and a  
9 sign right there, would you have still written a  
10 citation? Would you have still believed the  
11 motorist that there was no sign there?

12 A. Probably not, no.

13 Q. Just probably not? You're still  
14 hedging a little bit -- you would literally  
15 still write Lincoln Towing a ticket if there was  
16 proof that the sign was there when the car was  
17 being towed, you probably wouldn't write a  
18 ticket?

19 A. Well, I -- Mr. Perl, I have a very  
20 interesting case sitting on my desk that is not  
21 for Lincoln Towing but it appears as if some  
22 things were doctored by a towing company.

1                   So, again, I -- like I said, probably  
2 not but --

3           Q.       That's a good point. So if you knew  
4 that it wasn't doctored, let's say that the  
5 Commerce Commission had gone out there earlier  
6 in the day, Officer Strand was there and he took  
7 the picture and he showed you a picture, no, no,  
8 I took a picture of the car being towed, the  
9 sign was there, would you have still written the  
10 citation?

11          A.       If he had a picture showing the lot  
12 at least 24 hours before the car was towed,  
13 then, no, I -- assuming that the signs were  
14 posted correctly and they could be visible from  
15 the entrance or exit, then, no, I wouldn't write  
16 it.

17          Q.       Did you ever check to see to do that  
18 before you wrote any of the citations?

19          A.       Check with --

20          Q.       Did you ever check to see if the lot  
21 was properly signed within 24 hours of the tow  
22 before writing any citations?



1           A.       No.

2           MR. PERL:   One more second.  I think  
3   that's -- I think I covered two of the main  
4   areas now.

5   BY MR. PERL:

6           Q.       In terms of overcharging a motorist,  
7   explain to the Court what that is.

8           A.       A relocater can only charge the rate  
9   set by the Commission or the rate that's posted  
10  on their signs, the lesser of the two.

11          Q.       And are you aware that in many  
12  instances, because of the costs involved, the  
13  relocators, once they received an increase, will  
14  go out and put a sticker over the old price  
15  instead of putting a new sign up?

16          A.       I've seen those, yes.

17          Q.       Happens quite frequently, would you  
18  say?

19          A.       After the initial changes, yeah, if  
20  their rate increases, it's common to see them.  
21  And then eventually they get replaced.

22          Q.       Because the rate increase is just one

1 small part of the sign, correct?

2 A. Yeah, it's just for -- for the light  
3 towing, it's just the one dollar amount.

4 Q. And if Lincoln Towing has, let's say,  
5 30,000 signs in the City of Chicago, it would be  
6 a little bit difficult to change those once or  
7 twice a year, correct?

8 A. I mean, it --

9 Q. I'm just asking --

10 A. -- part of their business to make  
11 sure these things are updated? I...

12 Q. But don't they do that by putting a  
13 sticker over the sign most of the time?

14 A. If that's their practice, then once  
15 they get the rate increases, they should have  
16 all their guys out there relaying -- putting the  
17 sticker on the signs, it would be on the towing  
18 company.

19 Q. That's what I'm saying.

20 A. Yes.

21 Q. So the towing company goes out there  
22 and puts a sticker over the sign, correct?

1           A.     Yes.

2           Q.     And in any instances, did you ever  
3 try to determine whether or not somebody had  
4 ripped the sticker off the sign before writing a  
5 citation?

6           A.     No.

7           Q.     And any of the situations where you  
8 wrote a ticket -- a citation for improper -- or  
9 overcharge, do you actually know what the sign  
10 looked like on the date and the time of the tow?

11          A.     Forgetting about photos that a  
12 complainant might have included with their  
13 complaint?

14          Q.     Well, did you ever receive a photo  
15 that was date- and time-stamped?

16          A.     Again, I don't remember getting any,  
17 no.

18          Q.     Did you ever actually even know  
19 definitively who took the photos you received?

20          A.     No.

21          Q.     So did you -- as a police officer,  
22 did you ever receive any credible evidence to

1 show you what the sign looked like on the date  
2 and time of the tow?

3 A. I can't say -- can you repeat the  
4 question?

5 Q. Sure. As a police officer, almost  
6 ten years with the Chicago Police Department and  
7 five or six almost with the Commerce Commission,  
8 in your opinion, did you ever receive any  
9 credible evidence, direct evidence, to show what  
10 the sign looked like at the date and time of the  
11 tow?

12 A. The photographs provided by the  
13 complainants, to me, are usually very credible,  
14 especially if they're willing to come in and  
15 testify about their origin and they took them  
16 and they took them on this date and time.

17 Q. But you didn't know that at the time  
18 you wrote the citations, did you? You didn't  
19 know the date and time it was taken or how they  
20 were going to testify to or what they were going  
21 to testify, do you?

22 A. Well, I -- not a -- I can't tell the

1 future. I don't know what they'd come up here  
2 and say on the stand when examined and  
3 cross-examined, I don't know.

4 Q. But, beyond that, did you ever  
5 actually see a photo that had a date and time  
6 stamp on it?

7 A. I -- again, I don't remember any in  
8 the piles, but...

9 Q. Do you recall receiving any photos  
10 that were date and time-stamped --

11 A. I don't know.

12 Q. -- relevant time period?

13 A. I don't know.

14 Q. We'll go through all of them.

15 JUDGE KIRKLAND-MONTAQUE: Mr. Perl, can you  
16 just help me understand, are you talking --  
17 which citations are you showing him?

18 MR. PERL: I'm working on the overcharge.

19 JUDGE KIRKLAND-MONTAQUE: Overcharges only.  
20 Did you give me a number?

21 MR. PERL: Ten.

22 JUDGE KIRKLAND-MONTAQUE: I don't think you

1 did.

2 MR. PERL: We counted ten. There's no  
3 stipulation, but we counted ten.

4 JUDGE KIRKLAND-MONTAQUE: Off the record.

5 (WHEREUPON, discussion was  
6 had off the record.)

7 JUDGE KIRKLAND-MONTAQUE: Back on the  
8 record.

9 BY MR. PERL:

10 Q. Of the ten citations for overcharges  
11 that you wrote to Lincoln Towing during the  
12 relevant time period, do you specifically recall  
13 any pictures given to you from motorists that  
14 had a date and time stamp on it?

15 A. There's none that I remember.

16 Q. And is it also accurate or truthful  
17 that it might even be possible on some of them  
18 you didn't get a picture, correct? Not everyone  
19 takes a picture.

20 A. It's very possible that not all of  
21 them have a photo with them.

22 Q. So do you, as you sit here today,

1 have in any of your files any specific evidence  
2 other than what the motorist told you, that the  
3 sign looked the way the motorist claims it  
4 looked on the date and time of the tow?

5 A. Without their testimony and their  
6 evidence that they submitted, I don't know about  
7 the date and time of the tow.

8 Q. So now -- you said one extra thing,  
9 you said their evidence. So let's go back to  
10 that again. When you say their evidence, what  
11 are you referring to?

12 A. Photographs they might have  
13 submitted.

14 Q. But photographs that aren't dated or  
15 time-stamped, correct?

16 A. Again, I -- none that I know of were  
17 date and time-stamped.

18 Q. So when you wrote the citations for  
19 overcharge, you didn't specifically know that on  
20 the date and time in question, the sign was  
21 improper, did you?

22 A. The date and time of the tow?

1 Q. Yes. You didn't know that, did you?

2 A. I didn't have personal knowledge, no.

3 Q. And all you knew was that a motorist  
4 told you that the sign said something else,  
5 correct?

6 A. Yes.

7 Q. Did you do any investigation after  
8 the motorist telling you that to determine  
9 whether or not the sign was improper as of the  
10 date and time of the tow?

11 A. No.

12 Q. You didn't call Lincoln Towing and  
13 ask them if the sign was proper or not proper  
14 before issuing the citation --

15 A. No.

16 Q. -- did you?

17 During the relevant time period, it  
18 appears you wrote ten citations for Lincoln  
19 Towing not having a lease on file. Do you know  
20 what that refers to?

21 A. Do I know what the violation --

22 Q. Yes.



1 A. Yes.

2 Q. What does that refer to?

3 A. Any equipment not owned by the towing  
4 company has to have a lease filed with the  
5 Illinois Commerce Commission.

6 So any of their independent  
7 contractors that have their own tow equipment,  
8 Lincoln Towing has to file leases indicating  
9 that they're operating under their authority.

10 Q. Now, that would require you to look  
11 where to determine whether or not there was a  
12 lease on file? That wouldn't be on the invoice,  
13 correct?

14 A. No.

15 Q. You'd have to look somewhere,  
16 correct?

17 A. Yes.

18 Q. Where would you have to look?

19 A. It's our motor carrier information  
20 system or MCIS.

21 Q. Now, you don't input the information  
22 on MCIS, do you?

1           A.     No.

2           Q.     You're not the recordkeeper for the  
3 Commerce Commission, are you?

4           A.     I am not.

5           Q.     And do you even know who puts that  
6 information into the MCIS, definitively?

7           A.     I'm don't know for sure.

8           Q.     So if you look at a screen and you  
9 don't see the lease on that screen, you don't  
10 really know whether or not Lincoln filed it; you  
11 just know that the screen doesn't show it,  
12 correct?

13          A.     Well, the records we have indicate  
14 that there was no lease on file based on this  
15 database that we -- that the Illinois Commerce  
16 Commission keeps.

17          Q.     So you said a database that the  
18 Illinois Commerce Commission keeps. Is that an  
19 accurate statement?

20          A.     Yes.

21          Q.     Who -- they keep this?

22          A.     They're responsible for maintaining

1 the database.

2 Q. And who is responsible for it at the  
3 Illinois Commerce Commission?

4 A. I don't know for sure.

5 Q. Not you, correct?

6 A. I'm not, no.

7 Q. Do you know whether or not the  
8 information on the MCIS regarding the leases is  
9 accurate?

10 A. On its face, I would say it's  
11 accurate but --

12 Q. What does that --

13 A. -- again, it's --

14 Q. -- that mean, on its face?

15 A. Based on what's been entered in.

16 Q. How do you know it's entered in?

17 A. Because that's what -- when I do a  
18 certain criteria, a certain search, that's the  
19 information I receive.

20 Q. So you're making an assumption that  
21 somebody entered that information into the  
22 computer, correct?

1           A.     Yes.

2           Q.     And when it's not there, you're  
3 making an assumption someone didn't enter it,  
4 correct?

5           A.     Well, the assumption I'm making is  
6 that a lease was never filed.

7           Q.     How do you know that?

8           A.     I guess I don't know 100 percent sure  
9 that there wasn't some clerical error.

10          Q.     So that being the case, did you do  
11 anything at all prior to writing these ten  
12 citations during the relevant time period to  
13 determine that there wasn't a clerical error?

14          A.     No.

15          Q.     Talk to anybody at the Commerce  
16 Commission about it?

17          A.     No.

18          Q.     Did you talk to anybody at Lincoln  
19 Towing about it?

20          A.     No.

21          Q.     Do you know how many leases are on  
22 file with the MCIS -- in MCIS?

1           A.     Just for Lincoln Towing?

2           Q.     Let's count just Lincoln Towing.

3           A.     Active ones or expired ones?

4           Q.     Both.  Because they both have to be  
5 entered.

6           A.     There's quite a -- there's quite a  
7 few pages of information.

8           Q.     And how about if you add in the other  
9 relocators?

10          A.     Sure.

11          Q.     A lot, right?

12          A.     Well, for the bigger --

13          Q.     Well, more than just Lincoln.

14          A.     For the bigger towing company,  
15 there's leases.  A lot of smaller ones don't.

16          Q.     Well, but if there's a lot of leases  
17 that Lincoln enters, when you add them all  
18 together, it's more than that, not less, isn't  
19 it?

20          A.     When you add them all, yes, it's  
21 more.

22          Q.     And who actually enters the

1 information about the lease into the MCIS  
2 system?

3 A. I'm not 100 percent sure.

4 Q. And do you know for certain that in  
5 these ten instances, the leases weren't entered  
6 into the MCIS system?

7 A. I know for certain they weren't  
8 entered into MCIS.

9 Q. How do you know they weren't entered?  
10 I know that when you look at the screen you  
11 don't see --

12 A. Well, if they were entered, they  
13 would have shown up on the screen.

14 Q. Even if someone made -- like you  
15 said, even if there was a clerical error they  
16 would still show up?

17 A. No, of course they're not going to  
18 show up if there was an error.

19 Q. So there could be an error, which  
20 would mean they wouldn't show up?

21 A. Sure.

22 Q. And you looked at a screen and it

1 wasn't there, right?

2 A. Mm-hm.

3 Q. How do you know it wasn't a clerical  
4 error?

5 A. That, I don't know. I don't know if  
6 it was a clerical error.

7 Q. So since there's, let's say,  
8 thousands and thousands of these leases filed  
9 just by Lincoln Towing potentially --

10 A. No.

11 Q. How many?

12 A. Including the expired ones? I'd  
13 probably say like 100.

14 Q. For any one period of time, correct?  
15 Do they have to be renewed?

16 A. Every three years they have to be  
17 renewed.

18 Q. So every three years, 100 leases  
19 renewed, correct?

20 A. No, I'm saying there would be about  
21 100 total entries including expired ones.

22 Q. Yes, but they have to be done every

1 three years, correct?

2 A. Only the active ones have to be done  
3 every three years. So the expired ones fall  
4 down the list in -- when you sort it by date,  
5 those are all at the bottom now.

6 Q. Okay. So if Lincoln has some expired  
7 and they hire new drivers, those get entered in  
8 the active system, correct?

9 A. Sure. Yes.

10 Q. So it's done every 3 years over a  
11 30-year period, if it's 100 every 3 years,  
12 that's 3,000.

13 A. MCIS wasn't around for 30 years.

14 Q. Yeah, but they had to -- didn't they  
15 at some point in time have to, like, bulk-file  
16 everything?

17 A. The leases don't show up until the  
18 date that system was enacted.

19 Q. Okay. So is it possible that for  
20 these ten leases that you didn't find there was  
21 a clerical error?

22 A. It's possible.



1 Q. Did you check into that?

2 A. No.

3 Q. Is there anywhere else you could have  
4 checked with the ICC to determine if the lease  
5 had been filed?

6 A. They keep paper copies when the  
7 relocators mail them in or drop them off.

8 Q. Exactly. Did you check for the paper  
9 copy?

10 A. In this instance, I don't -- I didn't  
11 do it, no.

12 Q. Do you think that would be prudent to  
13 do that in the future?

14 A. I've done it in the past.

15 Q. But you didn't do it on these?

16 A. Well, because in the past they were  
17 accurate, so I --

18 Q. So let me ask you a question: If you  
19 looked on the computer screen and you didn't  
20 find it in an e-file but then you found it in  
21 the paper filing, would you write a citation?

22 A. It depends on when the lease was

1 received.

2 Q. Let's say that Lincoln Towing sent  
3 everything in properly and timely, everything  
4 was filled out exactly. It was due  
5 December 10th, the Commerce Commission got it  
6 December 6th. All accurate, all filled out.  
7 It's at the Commerce Commission sitting there.  
8 Can you go with that hypothetical?

9 A. Sure.

10 Q. And for some reason, someone at the  
11 Commerce Commission doesn't enter it into the  
12 system. Are you with me so far?

13 A. Yes.

14 Q. Would you still write a citation?

15 A. No.

16 Q. Because it's not on your screen?

17 A. No.

18 Q. You're not going to find it on your  
19 screen, right?

20 A. No, it wouldn't have been entered in.

21 Q. So why not write a citation?

22 A. Because there would be some other

1 document that would support the claim that they  
2 had the lease.

3 Q. But you didn't check on that in any  
4 of these ten citations?

5 A. No.

6 Q. Is it also possible that of these ten  
7 tickets, it really only is referring to like one  
8 driver who didn't have a lease on file and you  
9 wrote ten different citations because they're  
10 ten different tows?

11 A. That's possible. I don't have it in  
12 front of me, but it's possible more than one  
13 citation was issued for the same truck not  
14 having a lease.

15 Q. So it might not even be ten clerical  
16 errors; it could be one or two, but you wrote  
17 multiple citations to that same driver, correct?

18 A. Well, I didn't write them to the  
19 driver. I wrote them --

20 Q. I'm sorry --

21 A. -- to the company.

22 Q. -- the company.

1           A.     But, yeah, it's possible.

2           Q.     There's two citations written during  
3 the relevant time period where the owner claims  
4 they were present at the time of the tow. Do  
5 you recall that? Generally?

6           A.     I don't remember the particulars.  
7 I've written that citation before.

8           Q.     So is it safe to assume that you  
9 weren't at either of these two tows?

10          A.     No, I wasn't there.

11          Q.     Is it also safe to assume that you  
12 don't have any actual pictures of the owner  
13 being present at the time the vehicle was being  
14 towed? Or do you?

15                   Do you know what I'm saying? That  
16 the owner could take, like, a selfie with him  
17 standing there and the truck's right there and  
18 the driver is driving away?

19          A.     No, I don't remember ever getting  
20 that.

21          Q.     So the only basis for your writing a  
22 citation for owner present is if someone tells

1 you, "I was there before they towed my vehicle"?

2 A. I don't know if that's the only  
3 reason. I guess I'd have to review those two  
4 cases.

5 Q. Do you recall during the relevant  
6 time period receiving any other documentation or  
7 evidence regarding the owner being present other  
8 than the owner saying to you, "I was there  
9 before my vehicle was towed"?

10 A. I don't know.

11 Q. By the way, do you know what the  
12 particular rule is for when a vehicle can't be  
13 towed if an owner is present? In other words --

14 A. Eighteen-eighty three hundred nine, I  
15 believe is --

16 Q. Well, in other words, let's say that  
17 I'm running down the street and they're towing  
18 my car away in a public street and I yell, "Hey,  
19 that's my car." Do they have to give my car  
20 back to me?

21 A. No.

22 Q. Why not?

1           A.       Once the vehicle's fully removed from  
2 the property, it has to go back to the tow yard.

3           Q.       So once the vehicle's off the  
4 property, it has to go back to the tow yard,  
5 correct?

6           A.       Correct.

7           Q.       Now, if I run up to a guy while he's  
8 towing a vehicle and I just say, "Hey, that's my  
9 car; put it down," does the driver have to put  
10 the car down?

11          A.       The individual has to be able to  
12 immediately remove the vehicle.

13          Q.       And they have to have the key?

14          A.       Well, I guess if it was -- somebody  
15 left it running, he could jump in the car and  
16 move it.

17          Q.       And are you aware on these two  
18 particular times that you wrote citations, did  
19 the individual actually tell you, I was there, I  
20 showed him the key, I told him I have the  
21 ability to remove the vehicle right now?

22          A.       I don't know.

1           Q.       Because if my car is being towed and  
2 my key to my car is in my office but I'm in the  
3 lot and I'm the lawful owner now and I say,  
4 "Don't tow the car, I'm the owner," they can  
5 still tow the car, can't they? Because I have  
6 to be able to immediately --

7           A.       Yes.

8           Q.       -- remove the car?

9                    It's not that, let me go get my key  
10 and come back, right? That doesn't satisfy it.  
11 They can still tow the vehicle.

12          A.       It's not -- yeah, it's not what the  
13 statute says, no.

14          Q.       And it's not just if I have the key;  
15 you have to be the owner of the vehicle,  
16 correct?

17          A.       I don't think it says you have to be  
18 the owner.

19          Q.       Well, the person in possession of the  
20 vehicle.

21          A.       Yeah.

22          Q.       Somebody walking by my car who has no

1 right to drive my car, if they somehow --

2 A. Well --

3 Q. -- get my key --

4 A. -- how would Lincoln Towing know  
5 that --

6 Q. -- they don't -- well, I'll strike  
7 that because I don't think that would happen  
8 anyway.

9 A. You never know.

10 Q. There was more citations -- there  
11 were four citations for patrol from a call lot.

12 Now, without getting into the  
13 specifics of the individual ones, what does that  
14 mean to you, patrol from a call lot? If you  
15 write a citation for that.

16 A. Sure. The contract was filed as a  
17 call lot and the tow invoice indicated the  
18 vehicle was towed based on the tow operator's  
19 patrol of that parking lot or that property.

20 Q. And where would you find whether  
21 a lot was a patrol or call lot?

22 A. It would be MCIS.



1 Q. Same system that we talked about  
2 before?

3 A. Yes.

4 Q. So you don't input the information on  
5 MCIS, your personal self? You don't do that,  
6 correct?

7 A. I don't know.

8 Q. You don't know who inputs that  
9 information, do you, regarding patrol versus  
10 call? Who puts that into MCIS?

11 A. The relocators.

12 Q. You're certain of that?

13 A. They use our relocator system to  
14 enter those in.

15 Q. And does anybody at the Commerce  
16 Commission have the ability to revise or amend  
17 or delete anything from MCIS?

18 A. I'm sure there are, yes.

19 Q. So if somebody from the -- strike  
20 that.

21 If somebody from the Commerce  
22 Commission went into MCIS, they would be able to

1    revise anything there if they wanted to,  
2    wouldn't they?  As far as you know.

3           A.     It's not anybody, but they'd have to  
4    have editing capabilities.  I don't know who has  
5    that.

6           Q.     But somebody at the MCIS, if not more  
7    than one person, does?

8           A.     Somebody at the ICC could, yes,  
9    I'm --

10          Q.     If the --

11          A.     -- more than one.

12          Q.     -- assuming for the moment they  
13    weren't even doing it intentionally.  Let's say  
14    somebody from MCIS was inputting something onto  
15    the computer.  Is it possible they could have  
16    accidentally changed a patrol lot to a call lot?

17          A.     Sure.  It's possible.

18          Q.     Because now we're talking about all  
19    of the contracts that are filed in MCIS,  
20    correct?  And now we're talking about thousands  
21    of contracts, correct?

22          A.     Yes.

1 Q. And you only wrote four tickets  
2 during the relevant time period for that,  
3 correct? A small number.

4 A. Yes.

5 Q. Did you ever actually see if you  
6 could find the paper copy of the contract to see  
7 what it says?

8 A. I don't remember if during that time  
9 period I went to Lincoln Towing and got any  
10 paper contracts.

11 Q. Well, if you did do that and you  
12 determined that it said patrol lot, even though  
13 MCIS showed call lot, would you still write a  
14 ticket -- I'm sorry, citation?

15 A. No.

16 Q. Because that would lead you to  
17 believe that somehow a mistake was made in MCIS,  
18 correct?

19 A. Sure, either -- either a mistake or  
20 maybe it was never updated.

21 Q. Or -- yeah, good point. Never  
22 updated, correct? Because the piece of paper

1 that you're reading probably isn't a mistake or  
2 an error; it's what you're reading.

3 But the computer system, the screen,  
4 could be an error, correct?

5 A. It's possible that the computer  
6 system could have an error.

7 Q. And you didn't check into any of  
8 those before writing those four citations, did  
9 you?

10 A. Again, I don't know if for those four  
11 if any of them would have the paper contracts  
12 with them or copies of the contracts. I'd have  
13 to look through those whole case files.

14 Q. I'm going to skip around for a minute  
15 and then maybe I'll come back.

16 A. Sure.

17 Q. You wrote one citation for canceled  
18 lot; do you recall that?

19 A. I don't remember the particulars, no.

20 Q. How would you know if a lot was  
21 canceled or not?

22 A. Again, it would show up in the MCIS

1 system. There's a box that says canceled, and  
2 that would be the date the contract was  
3 canceled.

4 Q. Did you do anything other than look  
5 at the MCIS to determine whether the lot was  
6 actually canceled?

7 A. I don't know.

8 Q. And this wouldn't have been a direct  
9 consumer complaint, correct? The consumer would  
10 have no way of knowing if the lot was canceled,  
11 could they?

12 A. It's possible.

13 Q. How?

14 A. If they were, say, a tenant and the  
15 landlord told them, you know, we canceled our  
16 contract with Lincoln Towing last week, I don't  
17 know why they towed your car --

18 Q. Did that --

19 A. -- or maybe they were the landlord or  
20 they were the owner of the property.

21 Q. Well, if they weren't the landlord or  
22 the owner of the property, they were just

1 somebody who complained there was an improper  
2 sign --

3 A. Sure.

4 Q. -- and you determine the sign is  
5 proper but you write a citation for canceled,  
6 that wouldn't be a direct complaint from the  
7 consumer, would it?

8 A. No, that wouldn't.

9 Q. And do you recall on this particular  
10 citation how it is that you learned that the lot  
11 was canceled?

12 A. I, for sure, would have used MCIS. I  
13 don't know if I put any other supporting  
14 documentation in there.

15 MR. PERL: Just if I could just have a  
16 moment. I have two groups left, and I'm trying  
17 to figure out if I can do the same thing with  
18 them.

19 BY MR. PERL:

20 Q. There are 11 citations that were  
21 written that say no authorized -- not authorized  
22 to tow and authorized to tow.

1                   Do you know what that means? Is that  
2 when there's no contract on file?

3           JUDGE KIRKLAND-MONTAQUE: I'm sorry, I  
4 didn't hear what you said.

5           MR. PERL: Is that -- no contract --

6           JUDGE KIRKLAND-MONTAQUE: No, how many?

7           MR. PERL: 11.

8           JUDGE KIRKLAND-MONTAQUE: Of what?

9           MR. PERL: Citations.

10          JUDGE KIRKLAND-MONTAQUE: For?

11          MR. PERL: Oh, no authorization to tow.

12                   And we're paraphrasing it, so let me  
13 take a look at --

14          THE WITNESS: Yeah, I...

15 BY MR. PERL:

16          Q. I think the correct terminology is no  
17 written authorization to relocate.

18          A. Okay.

19          Q. Do you recall writing those citations  
20 in general?

21          A. Yeah. Yes, I do.

22          Q. And what is a citation for when you

1 write no written authorization to relocate?

2 A. The relocator didn't have a contract  
3 to tow from that property.

4 Q. Didn't have a contract or didn't have  
5 it on file?

6 A. Well, there's a separate one to not  
7 have them on file.

8 Q. So in these 11 instances, did you  
9 determine there was no contract by looking it up  
10 on MCIS?

11 A. I believe so, yes.

12 Q. So did the Commerce Commission  
13 receive any complaints during the relevant time  
14 period from any other relocators that Lincoln  
15 Towing was relocating vehicles from a lot that  
16 they had a contract on?

17 A. None that I received.

18 Q. Yet, you wrote 11 citations for no  
19 authorization to tow or no authorization to  
20 relocate. Would that lead you to believe that  
21 nobody was -- nobody had a valid contract for  
22 that particular lot, no relocators?



1           A.       Not necessarily.  Could have been  
2       filed under a different towing company.

3           Q.       Well, let me ask you this:  If a  
4       different towing company had the authorization  
5       to tow from there, wouldn't they have their  
6       signs up?

7           A.       They should, unless Lincoln Towing  
8       took them down and put theirs up.

9           Q.       Wouldn't the relocater then complain,  
10      Hey, Lincoln Towing took my sign down and  
11      they're towing from my lot and they're stealing  
12      my business?  Wouldn't they be telling the  
13      Commerce Commission that?

14          A.       North Shore Towing never complains,  
15      so I don't necessarily know that that's --

16          Q.       Never complains about what?

17          A.       Contracts that are filed under North  
18      Shore Towing that Lincoln Towing has their signs  
19      up in those lots.

20          Q.       You have proof during the relevant  
21      time period --

22          A.       I don't know if they're in the case

1 files or not.

2 Q. Do you have proof of any time period  
3 of that with you, that Lincoln Towing's done  
4 that?

5 A. Not with me, but --

6 Q. Not with you --

7 A. -- there are -- okay.

8 Q. You don't have any -- that's just  
9 something you're saying, right? You don't have  
10 any proof of that. That's not in this case, is  
11 it?

12 A. I don't -- I don't have it in front  
13 of me, so I don't want to speak about it.

14 Q. Do you have any proof that any  
15 relocators complained to the Commerce Commission  
16 during the relevant time period that Lincoln  
17 Towing removed their signs and put the Lincoln  
18 Towing signs up?

19 A. Not that I received.

20 Q. Do you think it would be highly  
21 likely that if Rendered Services had a contract  
22 for a lot and Lincoln Towing tore down their

1 signs and was towing from there, don't you think  
2 Rendered would let the Commerce Commission know  
3 that?

4 A. You would think.

5 Q. So did it ever happen during the  
6 relevant time period?

7 A. Not that I'm aware of.

8 Q. So isn't it at least possible that  
9 for these 11 particular lots that you said  
10 there's no authorization, that Lincoln really  
11 did have authorization but somehow it didn't  
12 make it to the MCIS?

13 A. I guess it's possible.

14 Q. Did you ask Lincoln for copies of  
15 their contracts during the relevant time period  
16 before writing the citations?

17 A. I don't know if I asked and they  
18 didn't respond to it. If they would have given  
19 me a copy of the contract, I wouldn't have  
20 written the ticket.

21 Q. Well, do you recall asking Lincoln  
22 Towing for copies of the contracts prior to

1 writing the citations during the relevant time  
2 period?

3 A. I don't remember doing that, no.

4 Q. Because if they had given you a copy  
5 of the contract and it was proper, you wouldn't  
6 write the citation, correct?

7 A. Yes, those wouldn't -- we wouldn't  
8 even be talking about them.

9 Q. But you don't know if you actually  
10 asked them?

11 A. During the time period, I don't  
12 remember, no.

13 Q. Going forward, if you were to check  
14 MCIS and see that there's no contracts filed for  
15 a relocater, do you think it would be prudent to  
16 call that relocater and say, Hey, did you have a  
17 contract on that certain date and can you show  
18 it to me?

19 A. I've made that standard practice.

20 Q. Why?

21 A. Just to be a little more thorough  
22 with how I'm compiling my investigations.

1 Q. I'll go back to this in minute.

2 Just because you're investigating  
3 Lincoln Towing during the relevant time period  
4 doesn't mean they did anything wrong, correct?  
5 The investigation itself.

6 A. I don't -- if they didn't do anything  
7 wrong, I never would have written any of these  
8 tickets.

9 Q. That wasn't my question.

10 A. Okay.

11 Q. Just because you're investigating  
12 them doesn't mean they did anything wrong, does  
13 it? When you get --

14 A. Sure.

15 Q. -- investigation, it doesn't mean  
16 they did anything wrong, does it? You don't  
17 know yet.

18 A. You mean it's on my desk and I just  
19 read it?

20 Q. Read it.

21 A. Well, yeah, I don't -- I don't know  
22 for sure.

1 Q. Well, because you testified earlier  
2 sometimes you do an investigation and you don't  
3 write a citation, right?

4 A. Sure. Yes.

5 Q. Wouldn't it follow that, just because  
6 you're investigating them, it doesn't mean they  
7 did anything wrong? I'm not sure if that --  
8 that's a difficult question?

9 A. No, you're right, not every  
10 investigation leads to any sort of accusation of  
11 wrongdoing.

12 Q. So my question was a few moments ago,  
13 just because you're investigating Lincoln  
14 Towing, doesn't mean they did anything wrong.

15 A. Yes.

16 Q. Okay. And the number of  
17 investigations that Lincoln Towing might have  
18 during the relevant time period isn't relevant  
19 in terms of you knowing whether or not they did  
20 anything wrong, is it?

21 They could have 30 investigations and  
22 find they didn't do anything wrong on all 30 of

1     them, and it wouldn't mean anything, would it?

2             A.     I don't understand the question that  
3     well.

4             Q.     Sure. I think we went over it before  
5     anyways, so I'll move on.

6                     There were 12 citations written for  
7     removed authorized vehicle. Do you recall that?

8             A.     Sounds like about the correct number  
9     of tickets.

10            Q.     This is during a ten-month period --  
11     nine- or ten-month period, correct?

12            A.     Yes.

13            Q.     How did you know before you wrote the  
14     citation that the vehicles were authorized to  
15     park where they parked?

16            A.     Based on the statement of the  
17     complainant and if they provided any supporting  
18     documentation.

19            Q.     Sometimes the complainant will tell  
20     you they had a sticker in the vehicle, correct?

21            A.     Yes.

22            Q.     But you don't know whether they had

1 the sticker on the date and time of the tow, do  
2 you?

3 A. I don't know for sure, no.

4 Q. I mean, right now, I could take this  
5 bottle off the table, I take a picture, right?  
6 There's no bottle on the table, right? I put it  
7 back on and take a picture, there's a bottle on  
8 the table, correct? Right?

9 A. Yes.

10 Q. So my car gets towed, there's no  
11 sticker in it. I get the car back, I put the  
12 sticker, I take a picture, right?

13 A. Yes.

14 Q. I send the picture to you, correct?  
15 I say, look, Officer Geisbush, there's a sticker  
16 in my car, right?

17 A. Sure.

18 Q. Does that mean there's a sticker at  
19 the time of the tow?

20 A. No.

21 Q. I mean, that's pretty easy to do,  
22 isn't?



1           A.       I -- that is fairly easy to do, yes.

2           Q.       Do you write a citation for removing  
3 an authorized vehicle every time a motorist  
4 tells you that they had a sticker in their car?

5           A.       Not every time, no.

6           Q.       Why would -- give me some examples of  
7 why you wouldn't.

8           A.       Maybe it was expired and they had  
9 some reason, you know. The management office  
10 was closed on the last day of the month and I  
11 never got it and then they towed me the first  
12 day of the month and I still had a sticker.  
13 Some things like that have come up.

14                    Maybe they had the sticker but they  
15 said it was on the dashboard, it wasn't, you  
16 know, on my windshield, you know, it wasn't  
17 where the property manager told them to put it.  
18 It was on the back windshield and backed into  
19 their spot. Things like that.

20           Q.       And sometimes someone might have a  
21 sticker and they might have stuff put on their  
22 dashboard that covers up the sticker

1 accidentally. Have you heard of that happening?

2 A. I guess that's possible.

3 Q. Have you ever heard of that  
4 happening?

5 A. Well, if the sticker is on the  
6 windshield, like your City sticker, it should be  
7 the first -- if you look at the window, you  
8 should see that right away.

9 Q. If it's on the windshield. I said if  
10 it's on the dashboard.

11 A. If it's on the dash, no, of course  
12 people put their garbage up there and maybe it  
13 gets covered up.

14 Q. And sometimes they hang it from the  
15 rear-view mirror, correct? Some of the tags.

16 A. Sure.

17 Q. And sometimes it can fall off,  
18 correct?

19 A. Sure, anything is possible.

20 Q. And the Lincoln driver doesn't see it  
21 so he tows the vehicle, correct?

22 A. That's possible.

1           Q.       Did you call Lincoln Towing to  
2 determine whether that happened on any of these  
3 11 -- I'm sorry, 12 citations?

4           A.       Not that I remember, no.

5           MR. PERL:  Can I get a minute, Judge?  I  
6 think I'm done.

7           JUDGE KIRKLAND-MONTAQUE:  Sure.

8 BY MR. PERL:

9           Q.       During the relevant time period, did  
10 you ever check with the owner or manager of the  
11 lot to determine whether or not an individual  
12 who was towed had authorization to park in the  
13 lot?

14          A.       Not that I remember.

15          Q.       And do you believe -- if you can  
16 answer this question -- strike that.

17                   Who do you think would have the best  
18 knowledge of who's allowed to park in a lot, the  
19 owner of the lot or manager or the individual  
20 that was parking?

21          A.       The owner or the manager.

22          Q.       You don't know the disposition of any

1 of the citations that you wrote, do you?

2 Specifically.

3 A. Like -- no, I don't know them off the  
4 top of my head.

5 Q. During the relevant time period, do  
6 you recall there being any -- strike that.

7 Do you recall there being any  
8 hearings regarding any of your citations from  
9 the relevant time period that you attended?

10 A. That, I don't know.

11 Q. Do you recall ever meeting personally  
12 any of the complainants of any of the citations  
13 that you wrote? And I don't mean on the phone;  
14 I mean meeting them personally.

15 A. Yeah, I don't -- I don't believe so.

16 MR. PERL: Nothing further, your Honor.

17 JUDGE KIRKLAND-MONTAQUE: Mr. Burzawa?

18 MR. BURZAWA: One second, Judge.

19 I don't have any redirect, Judge.

20 MR. PERL: I guess then I don't have any  
21 recross.

22 JUDGE KIRKLAND-MONTAQUE: So are we done

1 for today?

2 MR. PERL: Yes.

3 JUDGE KIRKLAND-MONTAQUE: Are we done with  
4 this witness?

5 MR. PERL: Yes.

6 JUDGE KIRKLAND-MONTAQUE: I guess that's it  
7 for today, Mr. Geisbush. Thank you.

8 MR. PERL: So Tuesday at 1:30?

9 JUDGE KIRKLAND-MONTAQUE: Yeah. And that  
10 would be Sergeant Sulikowski -- this matter will  
11 be continued to Tuesday, January 30th at  
12 1:30 p.m. here in Chicago.

13 (WHEREUPON, the proceedings were  
14 adjourned until January 30, 2018 and  
15 1:30 p.m.)

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