1   BEFORE THE
                 ILLINOIS COMMERCE COMMISSION
2

  IN THE MATTER OF:
3

  PROTECTIVE PARKING
4 SERVICE CORPORATION d/b/a
  LINCOLN TOWING SERVICE,
5   Docket No.
                 Respondent.   92 RTV-R Sub 17
6

7 HEARING ON FITNESS TO
  HOLD A COMMERCIAL VEHICLE
8 RELOCATOR'S LICENSE
  PURSUANT TO SECTION 401
9 OF THE ILLINOIS
  COMMERCIAL RELOCATION OF
10 TRESPASSING VEHICLES LAW,
  625 ILCS 5/18A-401.
11

12
                 Chicago, Illinois
13   January 31, 2018

14
          Met, pursuant to notice at 1:00 p.m.
15

16 BEFORE:

17 MS. LATRICE KIRKLAND-MONTAGUE, Administrative
  Law Judge
18

19

20
  SULLIVAN REPORTING COMPANY
21 REPORTED BY: CHERYL L. SANDECKI, CSR, RPR
  LICENSE NO.: 084-03710
22

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3

     TIMOTHY SULIKOWSKI

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                          EXHIBITS

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10   NUMBER   RECEIVED

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                 NO EXHIBITS RECEIVED

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1   JUDGE KIRKLAND-MONTAGUE: Back on the record.

2   Go ahead, Mr. Perl.

3   MR. PERL: Thank you, Judge.

4   CROSS-EXAMINATION (RESUMED)

5   BY MR. PERL:

6   Q.   Sergeant Sulikowski, I want to turn our

7   attention now to Staff's list of exhibits and

8   we'll look at the exhibits regarding the

9   operators licenses and dispatcher licenses.

10   A.   Okay.

11   Q.   And you do recall those, correct?

12   A.   Yes.

13   Q.   So let's look for a moment at I believe

14   it's Exhibit E, which purports to be an Illinois

15   Commerce Commission motor carrier information

16   system operator listing for MC100139.

17   And I want to check with you, Judge,

18   because my book was out of order, is that what

19   you have for Exhibit E?

20   JUDGE KIRKLAND-MONTAGUE: Yes.

21   MR. PERL: Okay, great.

22

1   BY MR. PERL:

2   Q.   Take a look at exhibit E. Do you

3   recall going over this exhibit yesterday?

4   A.   Yes.

5   Q.   Okay. At your testimony -- your

6   underlying testimony in this case, you also take

7   a look at Exhibit E, correct?

8   A.   Yes.

9   Q.   And then you were asked by counsel to

10   reference that to certain dates of tows,

11   correct?

12   A.   Yes.

13   Q.   Now, we've already established, but

14   I'll go over it again to clarify the testimony,

15   you did not create Exhibit E?

16   A.   No.

17   Q.   You don't know who created it?

18   A.   Correct.

19   Q.   You don't know when it was created?

20   A.   Yes.

21   Q.   How it was created?

22   A.   Yes.

1   Q.   Or what it was created from?

2   A.   Yes.

3   Q.   So if you look at Exhibit E, what

4   information purports to be on that exhibit?

5   A.   The relocater's Commerce Commission

6   number, the name, the control number issued to

7   the person that is holding this particular

8   license, the date it was issued or if it was

9   canceled, and the activity date and the

10   expiration date.

11   Q.   And these are for operators, correct?

12   A.   Correct.

13   Q.   Versus dispatchers?

14   A.   Yes.

15   Q.   And an operator is someone who actually

16   does the relocation of the vehicle, correct?

17   A.   Yes.

18   Q.   So it's a driving tow truck that

19   relocates the vehicle?

20   A.   Correct.

21   Q.   And a dispatcher would be somebody who

22   works in the property business either

1   dispatching vehicles to be towed or when they

2   come in to be collected, correct?

3   A.   Yes.

4   Q.   You gave testimony on or about July 7th

5   of 2017 in this case, do you recall that? And

6   I'm not asking you to recall the specifics of

7   what you testified. But that was the date,

8   correct?

9   A.   Yes.

10   Q.   And part of that testimony encompassed

11   looking at Exhibit E and comparing it to some

12   24-hour towing sheets, correct?

13   A.   Yes.

14   Q.   And specifically you gave testimony

15   regarding operator number 4394. Do you recall

16   that?

17   A.   No.

18   Q.   So take a look for me, if you would, on

19   Exhibit E and see if you can find operator 4394.

20   A.   Yes. 4394.

21   Q.   Who does this exhibit state is operator

22   4394?

1   A.   Ronald Phillips.

2   Q.   So for the record Ronald K. Phillips,

3 correct?

4   A.   Yes.

5   Q.   And do you know who Ronald K. Phillips

6 is?

7   A.   No.

8   Q.   Have you ever met or spoken with

9 Ronald K. Phillips?

10   A.   I'm uncertain.

11   Q.   You don't recall that?

12   A.   No.

13   Q.   You had testified on July 7th of 2017

14 that there were some inconsistencies or issues

15 that the date that Mr. Phillips was licensed to

16 operate and some of the tows he performed. Do

17 you recall that?

18   A.   Yes.

19   Q.   When you were doing that, you weren't

20 given an opinion, were you?

21   A.   No.

22   Q.   You were just stating -- strike that.

1   You were looking at Exhibit E, reading

2   what it said, and looking at the dates of the

3   tow, correct?

4   A.   Yes.

5   Q.   And all you were doing was saying,

6   based upon the information in Exhibit E, it

7   appears from this information there was no

8   license on the date of the tow, correct?

9   A.   Yes.

10   Q.   Did you do anything to actually

11   investigate whether that was accurate?

12   A.   No.

13   Q.   So other than looking at this document,

14   which you didn't create and you don't know

15   whether it's reliable or not, or accurate, do

16   you?

17   A.   No.

18   Q.   And, in fact, yesterday, we showed that

19   this document 12 or 13 times had errors on the

20   dates that the operators were actually licensed,

21   correct?

22   A.   Yes.

1   Q.   So if you look at this document for

2   Ronald Phillips, it says "Issued" and then there

3   is an ACT period date. Do you believe that

4   means activated?

5   A.   Activity.

6   Q.   Activity date?

7   A.   Sure.

8   Q.   What does that say for Ronald Phillips?

9   A.   All right. It's 9/3 of 2013 and it

10   expires 8/16 of 2015.

11   Q.   Do you know that that information is

12   actually accurate?

13   A.   No.

14   Q.   But there are places that potentially

15   the Commerce Commission could look to see if it

16   was accurate, correct, potentially?

17   A.   Yes.

18   Q.   You didn't check that out, correct?

19   A.   Correct.

20   Q.   So you're not rendering an opinion as

21   to whether those dates are accurate or not, are

22   you?

1   A.   No.

2   Q.   And then there is also I think another

3   date for Mr. Phillips, correct?

4   A.   Yes.

5   Q.   And what's that?

6   A.   9/17 of 2015 and expiring 2/16 of 2018.

7   Q.   And you don't know if that's accurate

8   either, do you?

9   A.   No.

10   Q.   And you were asked a series of

11   questions regarding operator 4394, Mr. Phillips,

12   in July. Do you recall that?

13   A.   Not the specifics, but, yes, I was

14   asked questions.

15   Q.   For instance, you were asked about a

16   tow that Mr. Phillips allegedly performed on or

17   about August 17th of 2015.

18   A.   Okay.

19   Q.   Do you recall?

20   And on August 17th of 2015, you had

21   stated that it didn't appear pursuant to this

22   document that Mr. Phillips had a license. Take

1   a look at that and see if that's correct.

2   A.   August 17th of 2015?

3   Q.   Yes.

4   A.   Right, he did not have a license from

5   the 16th until September 17th, according to this

6   sheet.

7   Q.   According to the sheet. It's not

8   accurate to state he didn't have a license, is

9   it?

10   A.   According to this sheet.

11   Q.   It's not accurate for you to state he

12   didn't have a license, is it?

13   A.   No, according to this sheet.

14   Q.   According to this sheet, it doesn't

15   show that. Do you know if Mr. -- strike that.

16   Do you know when Mr. Phillips applied

17   for his license?

18   A.   No.

19   Q.   Do you know whether it was an original

20   initial license or renewal?

21   A.   I do not.

22   Q.   You do know there is a difference,

 1   correct?

 2   A.   Yes.

 3   Q.   On an initial license, if an individual

 4   applies for a license, they are allowed to tow

 5   from that day until they're approved, aren't

 6   they?

 7   A.   If they apply before they're expired.

 8   Q.   I'm saying an initial license, which

 9   means you haven't had a license before.

10   A.   No. You're not -- if you never had a

11   license before, you're not allowed to tow until

12   your license is issued, not just because you've

13   applied.

14   Q.   So if you are going for a new, can you

15   tow before the license is issued?

16   A.   If you applied before your current

17   license expired, if you let it expire and then

18   renew, it's the same as not having a license.

19   Q.   But if you apply before your license

20   expires for renewal, you can continue towing,

21   can't you?

22   A.   Yes.

 1   Q.   Okay. Do you know with Mr. Phillips'

 2   case when he actually applied for -- to renew

 3   his license?

 4   A.   No.

 5   Q.   Do you know whether or not -- strike

 6   that.

 7   What steps are taken when somebody

 8   applies for a license?

 9   A.   I can't speak to the certainty of that

10   process.

11   Q.   How long does the ICC have pursuant to

12   their rules to approve or disapprove of a

13   license?

14   A.   I do not know.

15   Q.   Do you know in this particular case if

16   the ICC lost Mr. Phillips' blood twice during

17   his renewal period?

18   A.   I do not know.

19   Q.   Did you check into that?

20   A.   No.

21   JUDGE KIRKLAND-MONTAGUE: Did you say

22   "blood"?

1   MR. PERL: Let me go back. I'm assuming that

2   you know, but let me make the record correct.

3   BY MR. PERL:

4   Q.   When an individual is applying for a

5   relocater's license, they go and get blood

6   tested, correct? They draw blood or

7   fingerprints?

8   MR. BURZAWA: Objection. That's misstating

9   the application process. They submit

10   fingerprints.

11   MR. PERL: Okay. Thank you. But counsel

12   shouldn't be testifying. I want to know from

13   him. Because when I say it and says yes, it

14   means he doesn't know about the process. That's

15   my point.

16   JUDGE KIRKLAND-MONTAGUE: Okay. Overruled.

17   So go ahead and try to --

18   MR. PERL: But I would like for you to maybe

19   admonish opposing counsel not to do speaking

20   objections because now he told the witness what

21   the process is, which my whole point was he

22   doesn't know the process. That's why I said

1   blood versus fingerprints, because when he says

2   you need your blood taken, they don't. It is

3   fingerprints.

4   So I would appreciate counsel --

5   MR. BURZAWA: There is no good faith basis

6   for that question to bring up blood when

7   Mr. Perl knows it's a false assertion.

8   MR. PERL: What?

9   JUDGE KIRKLAND-MONTAGUE: Okay.

10   MR. PERL: Judge, at some point in time

11   honestly -- and I know this gets drawn up --

12   maybe the Court could admonish counsel that

13   leading, speaking objections, objections like

14   that I can ask him any question I want.

15   I can say to him "Don't you need to cut

16   off your left hand to become an operator?" I

17   can only ask him things specifically? I can ask

18   him anything I want. I don't understand

19   counsel's objections.

20   MR. BURZAWA: Judge, you can take

21   administrative notice of the application

22   process. It's in the statutes and the rules.

1 There is nothing about blood. So I'm asking the

2 Court now to take administrative notice.

3   MR. PERL: I want to know what the witness

4 knows.

5   JUDGE KIRKLAND-MONTAGUE: I don't know

6 where -- I know it's somewhere -- all I'm saying

7 he is trying to elicit it from the witness.

8   MR. PERL: It's not relevant what the process

9 is. It's relevant what this witness knows.

10 He's their witness. The fact that there is a

11 process that most people know that he doesn't

12 know, maybe they should have a different witness

13 testifying. I don't know.

14   MR. BURZAWA: He's not here testifying about

15 the application process.

16   MR. PERL: Really?

17   MR. BURZAWA: He's here testifying about MCIS

18 information and the tow logs.

19   MR. PERL: Judge, he's here testifying

20 trying -- they're trying to persuade you --

21 maybe we will have a stipulation. Maybe counsel

22 will stipulate that none of this evidence shows

1   my client did anything wrong and I'll just move

2   on.   Maybe they gave it to -- they gave you this

3   document for one reason, to try to persuade you,

4   to try to trick you in thinking that --

5   MR. BURZAWA: Objection.

6   JUDGE KIRKLAND-MONTAGUE: Let's not get into

7   a debate here.

8   MR. BURZAWA: The evidence shows what it

9   shows.

10   JUDGE KIRKLAND-MONTAGUE: Wait.   But I think

11   his point is -- I think where the -- Mr. Perl is

12   going is what does he know about whether or not

13   there are actually -- the testimony previously

14   was that the record, according to the records,

15   someone may or may not have been licensed.   And

16   I think this is all going towards whether or not

17   he knows the licensing process.

18   MR. PERL: Exactly.   And he's saying -- so if

19   I ask him a question about the licensing

20   process --

21   JUDGE KIRKLAND-MONTAGUE: I'm going to

22   overrule the objection.   Keep going.

1   BY MR. PERL:

2   Q.   Do you need to have your blood drawn

3   for getting an operator's permit?

4   A.   No.

5   Q.   Well, thanks. Now you know that from

6   counsel testifying?

7   A.   I knew that prior.

8   Q.   But you do need to have your

9   fingerprints taken?

10   A.   Yes.

11   Q.   Do you know whether or not Mr. Phillips

12   went to get his fingerprints taken timely?

13   A.   I do not know that.

14   Q.   Do you know whether or not the ICC lost

15   his fingerprints twice when he went to apply?

16   A.   I do not know that.

17   Q.   Did you check anywhere to see that?

18   A.   No.

19   Q.   Is that something that would be

20   important to you?

21   MR. BURZAWA: Objection. Vague. Important

22   as to what, in relation to what?

1   JUDGE KIRKLAND-MONTAGUE: Rephrase the

2   question. One at a time.

3   MR. PERL: Wouldn't it be important to find

4   out if the witness knows what I'm saying, not

5   counsel, because I'm not questioning counsel.

6   So if the witness understands my question, maybe

7   he should go ahead and answer.

8   MR. BURZAWA: I objected to the question

9   because it's vague before the witness answered.

10   JUDGE KIRKLAND-MONTAGUE: All right. I'm

11 going to sustain it. Just rephrase the

12 question, please.

13 BY MR. PERL:

14   Q.   Would determining inconsistencies or

15 anything having to do with licensing, would it

16 be important for you to know whether or not the

17 operator had timely submitted his fingerprints?

18   MR. BURZAWA: Objection. Compound.

19   JUDGE KIRKLAND-MONTAGUE: Overruled.

20   Go ahead.

21   THE WITNESS: It wouldn't matter because

22 there are applications quite frequently that get

1   sent back for deficiencies for not having one

2   thing or the other. So it's when the Commission

3   accepts it and it gets entered into the system,

4   that's what I go by.

5   BY MR. PERL:

6   Q.   But you don't know when that happened

7   in this case?

8   A.   I do not.

9   Q.   So I'm not asking about that. I'm

10   asking you: Would it be something that you

11   would want to know when determining whether or

12   not you were going to write a citation to, say,

13   Ronald Phillips, whether or not he submitted his

14   fingerprints on time? Was that something you

15   would want to know?

16   A.   No.

17   Q.   Well, what if he submitted his

18   fingerprints on time, he got his renewal on

19   time, but the Commerce Commission lost them,

20   would you still write him a citation?

21   A.   Yes. Because he still doesn't have an

22   operator's license.

1   Q.   So you're going to penalize him for a

2 mistake the ICC makes, correct?

3   MR. BURZAWA: Objection. Argumentative.

4   JUDGE KIRKLAND-MONTAGUE: I'm going to

5 sustain it. I think you can ask it more

6 specifically.

7   MR. PERL: I will.

8 BY MR. PERL:

9   Q.   I said assume he got the renewal in on

10 time, which means he's allowed to keep towing

11 until he gets his license, isn't he?

12   A.   Yes.

13   Q.   And then they lose his fingerprints so

14 he doesn't get approved timely, you're still

15 going to write him a citation knowing full well

16 there is nothing he did wrong?

17   A.   No.

18   Q.   If you are, you are?

19   A.   No, I'm not.

20   Q.   Of course, you're not. So wouldn't it

21 be something you'd want to know before writing a

22 citation whether somebody submitted their

1   fingerprints on time?

2   MR. BURZAWA: Objection. Misstating the

3   record. There was no evidence that there was a

4   citation issued to Mr. Phillips. That's not

5   what Sergeant Sulikowski testified to.

6   MR. PERL: That's because there wasn't a

7   citation.

8   JUDGE KIRKLAND-MONTAGUE: Overruled.

9   Go ahead.

10   MR. PERL: I'll take that as their admission

11   there was no citation. But I wasn't asking

12   about that.

13   BY MR. PERL:

14   Q.   I'm saying in general, you would want

15   to know that, correct?

16   A.   Yes.

17   Q.   And you wouldn't write a citation if

18   you knew that in good faith he did everything

19   properly but the Illinois Commerce Commission

20   messed up, would you?

21   A.   No.

22   Q.   So we know it happens because this

1   sheet, this exhibit alone has 13 times when the

2   Illinois Commerce Commission somehow put the

3   date 1899 in there for when the operator

4   started, correct?

5   A.   Yes.

6   Q.   If actually that was true, then each

7   one of those individuals would be in violation

8   because in 1901 they didn't renew their

9   licenses, correct?

10   A.   If there was a complaint, we would look

11   at the date of the tow. So if I didn't have a

12   date of a tow of 1901, that wouldn't be an issue

13   for that line item. We'd have to look at the

14   line item that the date applied to.

15   Q.   But they couldn't be licensed now if

16   the license lapsed, could they? In other words,

17   if I actually got my license in 1899 and didn't

18   renew it in 1901, how can I renew it in 1997?

19   Wouldn't I be like 90 years out of license?

20   MR. BURZAWA: Objection. Argumentative.

21   Mr. Perl is making a facetious argument about

22   something that is a clear inaccuracy.

 1   MR. PERL: Well, thank you --

 2   JUDGE KIRKLAND-MONTAGUE: Something that's

 3   what?

 4   MR. PERL: He said it's a clear inaccuracy.

 5   MR. BURZAWA: It's an inaccuracy. And the

 6   witness already testified to this. If there is

 7   a date in here that says 1899, that's inaccurate

 8   either because of an input error or some type of

 9   computer error.

10   So for Mr. Perl to sit here and ask

11   questions about 90-year-old individuals

12   reapplying in 1901 and being operators, that's

13   just argumentative and it's a facetious

14   question.

15   MR. PERL: So here's what I don't quite

16   understand. I thought cross-examination was

17   almost for that purpose. This is

18   cross-examination of their witness. I'm allowed

19   to lead and ask questions like that. Because

20   when I ask this witness a question regarding if

21   you didn't reapply in 2001, your license would

22   lapse, instead of saying yes, which is the

1   proper answer, he's trying to tell me how

2   somehow or another that's not the case.

3   All this witness has to do -- I'm not

4   saying he's being argumentative. But it seems

5   to me that a lot of times he's trying to figure

6   out what I want and not give it to me, even

7   though it's true.

8   JUDGE KIRKLAND-MONTAGUE: But there is --

9   MR. BURZAWA: There was no basis for Mr. Perl

10   to speculate.

11   MR. PERL: Can I finish?

12   JUDGE KIRKLAND-MONTAGUE: Wait a second.

13   MR. PERL: Does counsel get to interrupt me?

14   JUDGE KIRKLAND-MONTAGUE: No. Let's talk one

15   at a time, please.

16   MR. PERL: My question was, if in 1899 you

17   have your license, you have to renew in 1901,

18   correct? Two years, correct?

19   JUDGE KIRKLAND-MONTAGUE: Go ahead and

20   answer. I'm going to overrule the objection. I

21   think the question is fair based on the

22   information. 1899 is in the book.

1   THE WITNESS: And that's the only reason I

2   didn't answer, I thought we were still hearing

3   an objection.

4   JUDGE KIRKLAND-MONTAGUE: No. I've overruled

5   it. Go ahead.

6   BY MR. PERL:

7   Q.   If in 1899 Mr. Hayes was issued a

8   license, he'd have to renew in 1901, correct?

9   A.   Yes.

10   Q.   And if he didn't, then he wouldn't be

11 able to tow any further, correct?

12   A.   Correct.

13   Q.   But you wouldn't write him a ticket now

14 because you'd know 1899 is incorrect, don't you?

15   A.   Yes.

16   Q.   So you would do some investigation to

17 see what actually happened, right?

18   A.   Yes.

19   Q.   So in other words, if somebody came to

20 you regarding Leonard Hayes, who is one of the

21 individuals who says he started relocating in

22 1899 and they said to you, well, Mr. Hayes towed

1   a vehicle on a certain date -- do you follow me

2   through so far?

3   A.   Yes.

4   Q.   -- you really couldn't rely on

5   Exhibit E, could you?

6   A.   Not for that person.

7   Q.   So the answer would be you couldn't,

8   correct, for that person?

9   A.   Not for that person.

10   Q.   So you have to do something else,

11   correct?

12   A.   Yes.

13   Q.   Because you know the information is not

14   correct, correct?

15   A.   Yes.

16   Q.   But the rest of the book you already

17   testified you don't know if it's accurate either

18   so you didn't create it, correct?

19   A.   Yes.

20   Q.   So wouldn't it be fair to say for any

21   time you got an allegation or a complaint

22   regarding no license or permit for an operator,

1   you'd do a little more investigating that just

2   looking at this document, wouldn't you, knowing

3   that there are problems with 13, 14, or 15 of

4   them, knowing that?

5   A.   Yes.

6   Q.   You would, right?

7   A.   Yes.

8   Q.   Okay. When you gave testimony on

9   July 7th regarding -- specifically regarding

10   operator 4394, Ronald K. Phillips relocation of

11   a vehicle on August 18th of 2015, you didn't

12   base that on any personal knowledge that

13   Mr. Phillips didn't have a license, did you?

14   A.   No.

15   Q.   And you don't know whether he had a

16   license on that date, do you?

17   A.   No.

18   Q.   And you didn't do any investigation to

19   determine that, did you?

20   A.   No.

21   Q.   And there were no citations issued

22   regarding that tow, were there?

1   A.   No.

2   Q.   And there were no complaints regarding

3 that tow, were there?

4   A.   No.

5   Q.   You have no opinion as to whether or

6 not that tow was lawful or not?

7   A.   Correct.

8   Q.   And you have no opinion as to whether

9 or not that specific tow leads to any

10 information regarding the Lincoln Towing's

11 fitness during the relevant time period, do you?

12   A.   No.

13   Q.   Now is where I will try to shortcut it.

14 So there are probably 10 to 20 or 15 or so

15 instances where you testified regarding operator

16 4394, Ronald Phillips, relocating vehicles when

17 Exhibit E shows he didn't have a license,

18 correct?

19   A.   Yes.

20   Q.   If I were to ask you those same

21 questions that I just asked you or similar

22 questions, would your answer be the same for

1   each one of those tows?

2   A.   Yes.

3   Q.   That you don't know whether he really

4   had a license?

5   A.   Yes.

6   Q.   And you don't know whether or not those

7   are violations, correct?

8   A.   Correct.

9   Q.   And one other thing, you don't know

10   when Mr. Phillips even applied for his license,

11   do you?

12   A.   No.

13   Q.   Now, I believe Exhibit D is a copy

14   of -- purports to be a two-page document

15   regarding -- is that a screenshot?

16   A.   It's a screenshot.

17   Q.   Regarding Duane Davenport.

18   A.   Yes.

19   Q.   Take a look at Exhibit D. I'm going to

20   strike that. Counsel told me they never used

21   Exhibit D, so there is nothing to cross him on

22   it.

1   Let's go instead to -- this is where my

2   books gets messed up because I have it as

3   Exhibit E. What is the next one where they have

4   the screenshots?

5   JUDGE KIRKLAND-MONTAGUE: After E? I got F.

6   MR. PERL: Is F some screenshots?

7   JUDGE KIRKLAND-MONTAGUE: That's what's in my

8   binder here.

9   MR. PERL: Perfect.

10   BY MR. PERL:

11   Q.   So Exhibit F, take a look at Exhibit F

12   and tell me if you recognize what that is.

13   A.   Yes.

14   Q.   And what do you recognize this to be?

15   A.   This is the screenshot of the MCIS

16   system for -- the numbering looks to be

17   operators. Operators usually are four digit,

18   but some dispatchers are also four digit back

19   when.

20   Q.   Now, you didn't create this document,

21   did you?

22   A.   No.

1   Q.   You didn't print this document, did

2 you?

3   A.   No.

4   Q.   You don't know who created it, do you?

5   A.   No.

6   Q.   You don't know when it was printed?

7   A.   No.

8   Q.   And you don't know where it was

9 printed?

10   A.   No.

11   Q.   And you don't know whether it's

12 actually a copy of a screenshot or a copy of a

13 copy of something, do you?

14   A.   No.

15   Q.   In other words, somebody could have

16 made a copy of a screenshot, gave it to someone

17 else and they could have made a copy, correct?

18   A.   Yes.

19   Q.   And you don't know when that would have

20 been done, correct?

21   A.   No.

22   Q.   And you don't know whether this

1   document is accurate as of -- during the

2   relevant time period, do you?

3   A.   No.

4   Q.   And you don't know whether the

5   information contained in here is reliable, do

6   you?

7   A.   No.

8   Q.   So when you testified regarding -- and

9   the applicant's name is Jose L. Negron,

10   N-E-G-R-O-N. And it's RTV 2515. You didn't

11   know anything other than you were just looking

12   at this page and stating what it says on here?

13   A.   Correct.

14   Q.   Without verifying that it's accurate?

15   A.   Correct.

16   Q.   Do you know that Jose Negron's operator

17   number is even 2515?

18   A.   No.

19   Q.   And you didn't check that out, correct?

20   A.   Correct.

21   Q.   And do you know when the first time is

22   that you saw this document?

1   A.   The date that I was here in this

2   building to review these documents.

3   Q.   Prior to this hearing and prior to your

4   second deposition?

5   A.   Yes.

6   Q.   In regards to Jose Negron and the

7   testimony that you gave regarding him being

8   licensed during certain tows, you don't know

9   whether or not he actually was licensed during

10   those tows or not?

11   A.   No.

12   Q.   He could have been licensed during

13   those tows, couldn't he?

14   A.   Sure, yes.

15   Q.   Not to beat it to death, but we saw

16   where the ICC was incorrect on some other dates,

17   on the 1899, correct?

18   A.   Yes.

19   Q.   It's also possible they could be

20   incorrect about the dates Mr. Negron was

21   licensed, correct?

22   A.   Yes.

1   Q.   So for all the testimony regarding

2   Jose L. Negron that you gave prior to today, you

3   didn't know whether or not he actually had a

4   license on those dates and times in question?

5   A.   Correct.

6   Q.   And you have no opinion as to whether

7   or not any of those amount to a citation for

8   Lincoln Towing, do you?

9   A.   Correct.

10   Q.   And, in fact, no citation was ever

11   written, was it?

12   A.   Not to my knowledge.

13   Q.   And, in fact, no investigation was even

14   started?

15   A.   Correct.

16   Q.   Let's take a look at the third page.

17   And this is Albert Solano, RTV 4190. Do you see

18   that?

19   A.   Yes.

20   Q.   Do you know who Albert Solano is?

21   A.   No.

22   Q.   Do you know that his operator number is

1   even 4190?

2   A.   No.

3   Q.   If I asked you the same or similar

4   questions regarding Albert Solano that I did for

5   Jose Negron, would your answers be the same or

6   similar?

7   A.   Yes.

8   Q.   You don't know when Mr. Solano got his

9   license, do you?

10   A.   No.

11   Q.   And you don't know when he sought to

12   renew it, do you?

13   A.   No.

14   Q.   You don't know when he submitted his

15   documentation for his license, do you?

16   A.   No.

17   Q.   And you don't know whether or not he

18   had a license or not on the dates and time in

19   question in your prior testimony regarding the

20   tows that they claim there was inconsistencies,

21   do you?

22   A.   Correct.

1   Q.   Going a little bit out of order, would

2   you agree with me that you were talking only

3   about inconsistencies before, correct?

4   A.   Yes.

5   Q.   Are 14 or 15 of the inconsistencies due

6   to the fact that the dates are 1899 on the

7   exhibits?

8   MR. BURZAWA: Objection. Misstating the

9   record. The inconsistencies were between two

10   documents, the exhibits and Lincoln's tow logs

11   and those were the ones he compared.

12   MR. PERL: Well, it would be nice if I could

13   actually ask this witness a question. There

14   could be an objection like hearsay, relevance,

15   foundation, as opposed to a coaching objection

16   where now the witness knows the answer.

17   Once in a while, I would like to get

18   the answer from the witness not from his

19   attorney who then tells him what the correct

20   answer is.

21   So now I can reask the question and

22   certainly he'll know the answer because for some

1   reason counsel thinks I can't ask the

2   questions -- I can only ask the questions he

3   wants me to and they have to be exactly one way.

4   I'm cross-examining a witness. Aren't

5   I allowed to see whether he knows the answer or

6   not? Or should we just put Marty up on the

7   stand here and I'll ask him the questions?

8   MR. BURZAWA: He misstating the record.

9   MR. PERL: I never said what the record was.

10   I asked him a question. I said are -- are some

11   of the inconsistencies due to this document. I

12   didn't ask about a record. I didn't say isn't

13   that true that the record shows or states that.

14   I don't remember saying that. Do you remember

15   me saying that?

16   I'm asking a question. And when

17   counsel knows he isn't going to like the answer,

18   he gets a speaking objection so he can hint to

19   the witness. And by the way, I'm not putting

20   any of the blame on the witness.

21   JUDGE KIRKLAND-MONTAGUE: Okay.

22   MR. PERL: He's going to hint to the witness

1   what he should say.

2   JUDGE KIRKLAND-MONTAGUE: I think that

3   counsel should be able to ask a question. And

4   it sounds you might think there is some error in

5   his question. And if that's true, that's his

6   mistake. But to object every time you think the

7   record -- I mean, that's certainly something

8   that could be cleared up anyway on redirect if

9   you like. So I'm going to overrule the

10 objection.

11 BY MR. PERL:

12   Q. Well, isn't that true that some of the

13 inconsistencies in this case are due to the fact

14 that the records that are presented in these

15 exhibits show 1899 as the date the operator

16 started towing?

17   A. Yes.

18   Q. So when you talk about an

19 inconsistency, these for sure are

20 inconsistencies as a result of something the

21 Commerce Commission did, not Lincoln Towing,

22 correct?

1   A.   Yes.

2   Q.   Let me ask the distinction. Do you

3   know what E-relocater is?

4   A.   Yes.

5   Q.   Is that something that you used?

6   A.   No.

7   Q.   And you don't input information into

8   E-relocater, do you?

9   A.   No.

10   Q.   Do you know what E-relocater is used

11   for?

12   A.   Yes.

13   Q.   Tell me what E-relocater is used for,

14   as far as you know?

15   A.   When a relocater obtains a contract,

16   they enter the information into the E-relocater

17   system. That information then gets accepted by

18   the Commerce Commission and that material was --

19   is on MCIS and it's dated as received, you know,

20   because technically a relocater cannot tow a

21   vehicle that's trespassing until it's received

22   by the Commerce Commission and they give you

1   that okay. He may have a contract, but the rule

2   says it has to be accepted in E-relocater.

3   Q.   But there is nothing in Exhibits A

4   through F that lead you to believe that Lincoln

5   Towing failed to relocate any contracts, is it?

6   A.   I'm not sure.

7   Q.   You don't deal with E-relocater or that

8   system, do you?

9   A.   No.

10   Q.   And you don't know that during the

11   relevant time period any contracts were E-filed,

12   do you?

13   A.   No.

14   Q.   Sergeant Sulikowski, do you know when

15   MCIS was first created?

16   A.   No.

17   Q.   Do you know who created it?

18   A.   No.

19   Q.   Do you know if it's identical today as

20   it was when it was first created?

21   A.   I do not.

22   Q.   Do you know if there were any updates

1   when it was first implemented?

2   A.   I do not.

3   Q.   Do you know what version the MCIS is

4   currently using today?

5   A.   No.

6   Q.   And are you certain that the computer

7   that you use on a daily basis is using the most

8   updated version of MCIS?

9   A.   I'm not certain.

10   Q.   And certainly we've seen that there are

11   errors in either the MCIS system or the Illinois

12   Commerce Commission with these 1899 dates,

13   correct?

14   A.   Yes.

15   Q.   So we are aware there are errors or

16   bugs in the system or how ICC inputs them,

17   correct?

18   A.   Yes.

19   Q.   Since you don't know who generated any

20   of the documents in Exhibits A through F, is it

21   safe to say that you don't know what computer

22   generated those reports either?

1   A.   Yes.

2   Q.   I know you're not an expert in

3 technology but maybe you are. But do you know

4 if it would have a difference or a bearing if

5 somebody was using an old version of the MCIS

6 when they printed out something today?

7   A.   I do not.

8   Q.   When different people are looking at

9 MCIS, in other words, the relocater versus

10 yourself versus Investigator Kassal or someone

11 else at the ICC, isn't that true that they see

12 different screens or does everybody see the same

13 screen no matter what their password is?

14   A.   For ICC staff, I believe that to be

15 true. I don't believe the relocater sees what I

16 see. That's a different screen.

17   Q.   So if the relocater were to send that

18 information in correctly or do everything

19 correctly about either a dispatcher or a lot,

20 they still wouldn't be able to see what you see,

21 could they?

22   A.   Not to my knowledge.

1   Q.   And that being the case, if there were

2   an error in the MCIS system, it's very possible

3   the relocater wouldn't even know it; isn't that

4   true?

5   A.   No, that's not true.

6   Q.   Well, if they're not seeing what you're

7   seeing, how would they know?

8   A.   It's true they're not seeing what I

9   see. But there's a provision in the statute for

10   the relocater to update his contracts within the

11   system. So if something is misentered, patrol

12   call, whatever the case may be, they should

13   discover that because ideally they're supposed

14   to update those contracts every three years.

15   Q.   So let's say they update the contract

16   in the system but MCIS or ICC makes a mistake,

17   which we've seen they can do, the relocater

18   wouldn't know that until after they've written a

19   citation, would they?

20   A.   Correct.

21   Q.   So there really is no way for the

22   relocater to see what you see until you write

1   them a citation, is there?

2   A.   Correct.

3   Q.   So even if Lincoln Towing does

4   everything correctly, inputs all the information

5   correctly and they hit send and walk away from

6   the computer, if there's a mistake made on the

7   receiver's side like the MCIS or the ICC,

8   Lincoln wouldn't know that until they've written

9   a citation, would they?

10   A.   Or they review it in three years.

11   Q.   Well, if during that three-year period

12 they haven't written a citation, they wouldn't

13 know it until then, would they?

14   A.   Correct.

15   MR. PERL: Judge I'm going to ask for five

16 minutes. You can stay. I want a moment out in

17 the hall with Mr. Chirica.

18   JUDGE KIRKLAND-MONTAGUE: Sure.

19   (Whereupon, a recess was had at

20   1:45 p.m., after which the

21   hearing was resumed at

22   1:48 p.m. as follows:)

1   BY MR. PERL:

2   Q.   So just briefly, when you testified in

3   July -- and I'll show you the exhibit -- there

4   is an exhibit that deals with dispatchers, do

5   you recall that?

6   A.   Yes.

7   Q.   But I don't believe you testified to

8   any of the information on that exhibit. Is it

9   true or accurate?

10   A.   I don't recall.

11   Q.   Let's take a look at that exhibit.

12   MR. PERL: Judge I want to make sure the

13   record is clear. I believe the dispatcher

14   listings are Exhibit C. Is that what you have

15   in your book for C?

16   JUDGE KIRKLAND-MONTAGUE: Yes. There is four

17   pages.

18   MR. PERL: It's --

19   JUDGE KIRKLAND-MONTAGUE: Page 1 through 4.

20   MR. PERL: Yes.

21   JUDGE KIRKLAND-MONTAGUE: The first one is

22   Adam Silverstein.

1   MR. PERL: Yes.

2   JUDGE KIRKLAND-MONTAGUE: It's C in my book.

3   BY MR. PERL:

4   Q.   Now, take a look at Exhibit C for a

5   minute, these four pages. Do you recognize

6   Exhibit C?

7   A.   Yes.

8   Q.   And what is Exhibit C?

9   A.   It's a printout of the dispatcher

10 listings for Lincoln Towing.

11   Q.   Now, do you know for a fact this is

12 really a printout of the dispatcher list for

13 Lincoln Towing?

14   A.   No.

15   Q.   You just know that's what it says,

16 correct?

17   A.   Correct.

18   Q.   And I think I said to you the other

19 day, yesterday, if the heading wasn't there,

20 Illinois Commerce Commission, Motor Carrier

21 Information System Dispatcher Listing MC100139,

22 if that wasn't there, would you know what this

1   is?

2   A.   I would know it has to deal with either

3   operators or dispatchers. Like I said,

4   traditionally operators have a four-digit

5   license. But when you have some older

6   dispatchers, they were also given four-digit

7   numbers. So I couldn't tell you with certainty

8   if it was only dispatchers or only operators

9   because of that distinction of the numerics.

10   Q.   And also you wouldn't know it was a

11   printout. I could have gone to my office and I

12   could have created this document for the Lincoln

13   Towing dispatchers, correct?

14   A.   Correct.

15   Q.   So if the heading wasn't there, you

16   wouldn't know that this was a printout of

17   anything, would you? You would know it

18   contained information, but you wouldn't know

19   where it came from or whether it was a printout,

20   would you?

21   A.   Correct.

22   Q.   Okay. You didn't create this document,

1   correct?

2   A.   I did not.

3   Q.   And you don't know who did?

4   A.   No.

5   Q.   You didn't print this document?

6   A.   No.

7   Q.   And you don't know who did?

8   A.   No.

9   Q.   You don't know when it was printed?

10   A.   Correct.

11   Q.   And you don't know who printed it?

12   A.   Yes.

13   Q.   You don't know whether or not the

14   information on here is accurate as to the

15   relevant time period, do you?

16   A.   No.

17   Q.   In fact, do you know if any of the

18   information on here is actually accurate?

19   A.   If the question is did I double-check

20   it, then, no, I did not.

21   Q.   Well, other than double-checking it,

22   would there be any way for you to know if it's

1   accurate?

2   A.   As I answered yesterday, I perceive the

3   information that I view in all my state systems

4   to be accurate, including my system that gives

5   me information back when I stop a person on

6   their driver's license. That's what we're

7   taught as police officers. If a warrant pops up

8   on this computer, I have to treat it as

9   accurate.

10   Q.   So --

11   A.   So --

12   Q.   -- you're telling me that if -- I will

13 go -- since you're answering that way, I'm going

14 to have to go back over it again because now

15 you're qualifying it again.

16   So you're telling me that if it says in

17 Exhibit C that one of these dispatcher's license

18 expired in 1899, you are going to take that as

19 accurate and write them a citation?

20   A.   No, I'm not. As I -- as I answered

21 yesterday, an 1899 date would send up the red

22 flag for me. But that doesn't mean all the

1   other information that doesn't send up my flag

2   I'm going to perceive as being not correct.

3   Q.   So let's say there is 100 listings on

4   this document. Go with me on that.

5   A.   Yes.

6   Q.   99 of them say 1899 and one doesn't.

7   Do you got that so far?

8   A.   Yes.

9   Q.   Are you going to assume the one that

10   doesn't is accurate?

11   A.   According to my training, yes.

12   Q.   Okay. So according to your training,

13   red means stop, green means go, correct? You're

14   a police officer.

15   A.   Yes.

16   Q.   You see a green light coming. You're

17   going straight and you see a train coming across

18   the intersection, because the light is green

19   you're going, right?

20   MR. BURZAWA: Objection. Improper

21   hypothetical.

22

1   BY MR. PERL:

2   Q.   Your training says you can go on green,

3   right?

4   JUDGE KIRKLAND-MONTAGUE: Why don't you give

5   us something more relevant to what we're talking

6   about.

7   MR. PERL: Well, I don't know how much more

8   relevant I can get than 99 times in a row it's

9   wrong, but he's going to say, according to his

10   training, he would agree?

11   JUDGE KIRKLAND-MONTAGUE: That's the answer.

12   BY MR. PERL:

13   Q.   So you would write a citation without

14   doing further investigation if 99 times in a row

15   the information is wrong but the one time it

16   doesn't say 1899 it says 1999?

17   A.   Possibly.

18   Q.   You wouldn't look into it?

19   A.   Possibly is my answer. Maybe I would.

20   Maybe I wouldn't. 1899 certainly I would look

21   into it. But if dates were accurate in today's

22   date and time, that doesn't send up a red flag

1   for me as being incorrect.

2   Q.   How do you know they're accurate until

3   you check them out? Just because it's a date

4   near today's date doesn't mean it's accurate,

5   does it?

6   A.   Mr. Perl, the system would come to a

7   grinding halt if I would not take at face value

8   all information that I view.

9   Q.   Did you ever hear of the saying "dam

10   the torpedoes, full speed ahead"?

11   A.   Yes.

12   Q.   Is that what you do in your work as a

13   police officer?

14   MR. BURZAWA: Objection. Argumentative.

15   JUDGE KIRKLAND-MONTAGUE: Sustained.

16   MR. PERL: Withdraw the question.

17   BY MR. PERL:

18   Q.   So you're telling me that because it

19   takes up too much time, you're going to write

20   citations that you know might not be accurate

21   because you don't want to take up too much time?

22   A.   I didn't say that.

1   MR. BURZAWA: Objection. Argumentative.

2   Mischaracterizes the testimony.

3   BY MR. PERL:

4   Q.   What did you say then?

5   JUDGE KIRKLAND-MONTAGUE: Overruled. And

6   that's not what he said.

7   BY MR. PERL:

8   Q.   Okay. So if it only -- let me ask you

9   this: If it would only take you five minutes to

10   check into whether the information was accurate,

11   would you do it?

12   MR. BURZAWA: Objection. Speculation.

13   JUDGE KIRKLAND-MONTAGUE: Overruled.

14   BY MR. PERL:

15   Q.   Would you do it?

16   A.   Yes.

17   Q.   How long would it really take you to

18   walk over from where you are to a drawer or

19   cabinet, pull open the cabinet, and see when the

20   dispatcher sent his information in?

21   A.   It would depend if that information was

22   housed at my facility, number one. I'm not in

1   that office but once a week. Most of my

2   investigations are done from the road in my car.

3   Q.   You didn't do any investigations during

4   the relevant time period for Lincoln Towing, did

5   you?

6   A.   Correct. But you are using that

7   hypothetical.

8   Q.   Okay. So I will try to summarize and

9   then I will move on. As a police officer your

10   sworn testimony under oath to me and to this

11   Court is if there were a hundred pieces of

12   information on here and 99 of them were wrong,

13   you would still write the ticket on the 100th

14   without doing any information because that's

15   what your training tells you to do?

16   A.   My answer was possibly.

17   Q.   So does your training tell you to

18   ignore common sense?

19   MR. BURZAWA: Objection. Argumentative.

20   MR. PERL: I'm not arguing at all. I want to

21   know what his training tells him regarding --

22   JUDGE KIRKLAND-MONTAGUE: Sustained.

1   Possibly. He said yes or no. It sounds like

2   you are arguing with the answer.

3   BY MR. PERL:

4   Q.   Does your training tell you to ignore

5   common sense?

6   MR. BURZAWA: Objection. Argumentative.

7   MR. PERL: It's not argumentative.

8   JUDGE KIRKLAND-MONTAGUE: I'll allow it.

9   It's how do you operate.

10   BY MR. PERL:

11   Q.   Does your training allow you to ignore

12   common sense?

13   A.   No, it doesn't. And 1899, that's

14   common sense. Relevant time period is not.

15   That looks legitimate and I would not question

16   that information.

17   Q.   Even if 99 times they're wrong?

18   A.   Yes.

19   Q.   Hopefully you never investigate me.

20   MR. BURZAWA: Objection, argumentative.

21   JUDGE KIRKLAND-MONTAGUE: Not necessary.

22   MR. BURZAWA: Judge, the problem is Mr. Perl

1   keeps complaining this specific printout with

2   MCIS system in general. And this specific

3   printout is the public record itself, which is

4   certified.

5   JUDGE KIRKLAND-MONTAGUE: That's not a

6   problem.

7   MR. PERL: Which we know isn't reliable.

8   JUDGE KIRKLAND-MONTAGUE: That's his

9   prerogative to look into the details of this.

10   MR. PERL: Counsel has already told this

11   Court, because it's certified, it doesn't mean

12   it's reliable. He had told you that already

13   because he knows he was wrong.

14   JUDGE KIRKLAND-MONTAGUE: Let's not --

15   MR. PERL: That's a different story.

16   Reliable is different.

17   JUDGE KIRKLAND-MONTAGUE: Okay. I got it.

18   But my point is he is crossing and

19   going through the specifics of the documents

20   that were -- that he used to testify on

21   previously in this hearing.

22

1   BY MR. PERL:

2   Q.   Do you know how it is in what order the

3   information contained in Exhibit C is kept? Is

4   it alphabetical? Is it numerical?

5   A.   I do not.

6   Q.   You don't know how it's kept in the

7   MCIS, do you?

8   A.   No.

9   Q.   Based upon looking at this, actually,

10   if you looked at it, some of them are by last

11   name, some of them are by first name. Do you

12   know if that's how they keep it in MCIS?

13   A.   I am not aware. But I did make that

14   notice.

15   Q.   It looks like it's an error, doesn't

16   it? Because some of them are kept by the last

17   name -- in other words, the As start with Adam

18   Silverstein and Albert Solano, then they go to

19   Joha Alande (phonetic), right?

20   A.   Yes.

21   Q.   So for two of these, it's their first

22   name, for one of them it's the last name,

1   correct?

2   A.   Yes.

3   Q.   And that's consistent throughout this

4   document, isn't it?

5   A.   Yes.

6   Q.   And you noticed that yourself, didn't

7   you, when you were looking through it?

8   A.   I did.

9   Q.   And that doesn't make sense, does it?

10   A.   Again, I didn't make this system. No,

11   it doesn't make sense to me.

12   Q.   It appears that that would be an error

13   either in the inputting either by the ICC or

14   something in MCIS, wouldn't it?

15   A.   I don't see it as an error. I see it

16   as possibly a program change somewhere down the

17   line that went from alphabetical to numerical as

18   far as the permit numbers go.

19   Q.   Well, actually, it's not numerical at

20   all. If you look at the control numbers and the

21   RTV numbers, it's never numerical. It appears

22   they're trying to make it alphabetical, but

1   they've made mistakes because some are first

2   names and some are last names. Isn't that true?

3   A.   I didn't make the system.

4   Q.   Take a look for me then because you're

5   intimating that maybe it's because it's

6   numerical. Is it numerical?

7   A.   There's no consistency in the numerical

8   order of it.

9   Q.   Is it numerical?

10   A.   I would have to say no.

11   Q.   Thank you.

12   Is it alphabetical?

13   A.   By first initial of the -- it appears

14   to be. But there are discrepancies between

15   first name and last name.

16   Q.   So let's talk about that, how many

17   discrepancies there are. One or two?

18   JUDGE KIRKLAND-MONTAGUE: Is that a question?

19   BY MR. PERL:

20   Q.   Yes. Are there one or two?

21   A.   There are more.

22   Q.   By the way, when you said it's

1   alphabetical, is it alphabetical by first name

2   or last name?

3   A.   Both.

4   Q.   How can it be?

5   A.   I didn't make the system, so I can't

6   answer how can it be.

7   Q.   You said -- but you're answering.

8   You're saying it's alphabetical by both. You

9   didn't say you don't know.

10   MR. BURZAWA: Mischaracterizes the testimony.

11   Sergeant Sulikowski testified that it's

12   alphabetical by the first initial, either the

13   first initial of the first name or the last

14   name.

15   JUDGE KIRKLAND-MONTAGUE: That's not what he

16   said. He said it's alphabetical. And there is

17   discrepancies as to first name or last name. He

18   did say that.

19   MR. PERL: I said is it alphabetical by first

20   name or last name and he said both.

21   JUDGE KIRKLAND-MONTAGUE: No, at some point

22   he did say that --

1   MR. PERL: My most recent question was: Is

2   it alphabetical by first name or last name and

3   he said both.

4   JUDGE KIRKLAND-MONTAGUE: Prior to that, he

5   said it's alphabetical with discrepancies

6   between the first name and last name.

7   MR. PERL: Okay. But then I asked him and he

8   said both. So it's not my fault that he changed

9   his testimony. He just did.

10   MR. BURZAWA: He didn't change the testimony.

11   JUDGE KIRKLAND-MONTAGUE: I don't think he

12 changed the testimony.

13   THE COURT REPORTER: Wait.

14   JUDGE KIRKLAND-MONTAGUE: Let's not argue.

15 What's your question?

16 BY MR. PERL:

17   Q.   Is it alphabetical by first name or

18 last name?

19   A.   Yes.

20   Q.   Which one?

21   A.   Both.

22   Q.   Okay. How is that possible?

1   A.   Because on some names they use the A,

2   Adam, and some names they use the last name. So

3   sometimes they used the first name and sometimes

4   they used the last name.

5   Q.   How do you know that's how they did it?

6   A.   Because that's what I see.

7   Q.   But that's what you see. But how do

8   you know that's how they wanted it?

9   A.   I don't know that. I didn't make the

10   system as I testified. And I don't input the

11   information as I testified.

12   Q.   And you don't know whether the

13   information on here is accurate or reliable, do

14   you?

15   A.   Correct, as I testified.

16   Q.   Sergeant Sulikowski, if you know, is

17   the information contained in the MCIS actually a

18   public record?

19   A.   I do not know.

20   Q.   Can the public access the information

21   in MCIS?

22   A.   I don't believe so, but I know that's

1   not the answer you want to hear. I don't know

2   for certain because there's -- there's

3   privileged information there. I don't believe

4   we're going to let the public look at people's

5   names and date of births and things of that

6   nature.

7   Q.   To clear up what you said, the answer I

8   always want to hear is the truth. There is no

9   answer I'm looking for other than that, just so

10   you understand that.

11   And by asking a question, I'm not

12   implying you do or don't know. I want to be

13   clear. Sometimes it sounds like we're kind of

14   arguing. But I want the truth as best you know

15   it. That's it.

16   A.   And that's what I'm trying to give you.

17   Q.   And I will be satisfied with whatever

18   the answer is.

19   A.   I don't think so because of protected

20   personal information.

21   Q.   Okay. Is there anywhere that -- the

22   information on MCIS, is there anywhere that

1   exists in a cabinet or in a drawer or anywhere

2   at the Commerce Commission?

3   A.   I'm not aware of that.

4   MR. PERL: No further questions at this time,

5   Your Honor.

6   JUDGE KIRKLAND-MONTAGUE: Okay.   Mr. Burzawa?

7   MR. BURZAWA: I have no redirect, Judge.

8   JUDGE KIRKLAND-MONTAGUE: Okay.   Is that it

9   for this witness?

10   MR. PERL: Yes, Judge.

11   JUDGE KIRKLAND-MONTAGUE: All right.

12   MR. PERL: When I say "yes," I really mean

13   yes.

14   JUDGE KIRKLAND-MONTAGUE: I believe you.   I

15   just want to make sure we got everything in --

16   did you give me your exhibit?

17   MR. BURZAWA: Judge, with regards to

18   Exhibit 27, Staff is going to renew its

19   objection to Exhibit 27.   I didn't notice it

20   before, but this is a document from 1992, so

21   it's outside of the relevant time period.

22   Plus I would ask that you take

1   administrative notice of Section 1710.91(f)(1)

2   and (2), which now requires that relocater

3   contract summary forms are electronically filed

4   by the relocator. So the actual hardcopy forms

5   are not even used or sent in anymore pursuant to

6   rule.

7   JUDGE KIRKLAND-MONTAGUE: Right. But, again,

8   this is an ICC stamped document. I think it

9   falls within administrative notice.

10   MR. PERL: Just for clarification, Judge, you

11   already admitted it anyway, so I'm not sure how

12   he can object again because I wasn't asking you

13   to admit it.

14   JUDGE KIRKLAND-MONTAGUE: We already admitted

15   it. You are right.

16   MR. PERL: I will give you a copy. Just so

17   you know, many of our lots are from 1992 and

18   before, so that's when the contracts are. And

19   they are for the relevant time period. So in

20   other words, you can find a great deal of our

21   lots that we contracted for in 1992 that were

22   the subject of tows in the relevant time period.

1   So it is relevant.

2   THE WITNESS: Your Honor, may the witness be

3   dismissed?

4   JUDGE KIRKLAND-MONTAGUE: Yes, you may.

5   MR. PERL: Thank you.

6   MR. CHIRICA: Thank you.

7   JUDGE KIRKLAND-MONTAGUE: Again, I had

8   already admitted this under administrative

9   notice because it is got an official Illinois

10 Commerce Commission stamp on it. So I'm going

11 to admit it -- it's admitted over your

12 objection.

13   So is that it for today?

14   MR. PERL: Yes, Judge.

15   (The proceedings concluded at

16   2:08 p.m.)

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