

1 ILLINOIS COMMERCE COMMISSION

2

3 IN RE THE MATTER OF:)
) No. 92 RTV-R
 4 PROTECTIVE PARKING SERVICE) sub 17 100139 MC
 CORPORATION, d/ba/a Lincoln Towing)
 5 Service,)
)
 6 Respondent.)
)
 7 Hearing on Fitness to hold a)
 Commercial Vehicle; Relocator's)
 8 License Pursuant to Section 401 of)
 the Illinois Commerce Relocation)
 9 of Trespassing Vehicle Law,)
 625 ILCS/18A-401(a))

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11 Report of Proceedings had at the Hearing on July
 12 26th, 2017, at the hour of 9:30 a, pursuant to notice, in
 13 the Office of the Illinois Commerce Commission, 160 North
 14 LaSalle Street, Eight Floor, Chicago, Illinois, before
 15 ADMINISTRATIVE LAW JUDGE KIRKLAND-MONTAQUE.

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1 APPEARANCES:

2 ADMINISTRATIVE LAW JUDGE KIRKLAND-MONTAQUE

3 THE ILLINOIS COMMERCE COMMISSION

4 BY: MR. BENJAMIN BARR

5 160 North LaSalle Street

6 Suite 800

7 Chicago, Illinois 60601

8 on behalf of the Illinois Commerce Commission;

9 PERL & GOODSNYDER, LTD.

10 BY: MR. ALLEN R. PERL and VLAD V. CHIRICA

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18 on behalf of the Respondent.

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1 ALJ KIRKLAND-MONTAQUE: By the power invested
2 in me by the State of Illinois and the Illinois
3 Commerce Commission, I call Docket No. 92 RTV-R17
4 sub 1 for hearing.

5 This is the hearing on fitness to hold a
6 commercial relocater's license, and the respondent
7 is Protective Parking Service Corporation, doing
8 business as Lincoln Towing Service.

9 May I have appearances? Let's start with
10 staff.

11 MR. BARR: Good morning, your Honor. My name
12 is Benjamin Barr, appearing on behalf of the staff
13 of the Illinois Commerce Commission. My office is
14 located at 160 North LaSalle Street, Suite 800,
15 Chicago, Illinois, 60601. And my office telephone
16 number is 812-28-4519.

17 ALJ KIRKLAND-MONTAQUE: Thank you. Mr. Perl?

18 MR. PERL: For the record, my name is Allen
19 Perl. I represent Protective Parking Service
20 Corporation, doing business as Lincoln Towing
21 Services.

22 My law firm is Perl & Goodsnyder. My
23 office is located at 15 North Peoria Street,
24 Chicago, Illinois, 60607. The telephone number is

1 312-243-4500.

2 ALJ KIRKLAND-MONTAQUE: Mr. Perl, I believe you
3 want to make a statement?

4 MR. PERL: Thank you, Judge. I believe the
5 last time we appeared before your Honor, I notified
6 the court that I was planning on filing an emergency
7 complaint, filing a motion regarding the fact that
8 we had made FOIA requests of the Commerce
9 Commission, that the Commerce Commission had asked
10 for more time to respond to.

11 They took the time. And when they
12 responded, they refused to give us any documentation
13 at all. We believe that they are denying our FOIA
14 request at this time.

15 It's purposeful and willful, based on the
16 fact they know we're in the middle of a hearing, and
17 we need these documents to proceed with our defense
18 of newly-formed issues.

19 The Commerce Commission just informed us
20 of, I believe, April 24th of 2017, which we believe
21 is several months beyond the discovery cutoff date
22 in that regard. We were not able to do discovery
23 regarding those issues.

24 We only took one deposition, in which the

1 only witness representing, Sergeant Sulikowski,
2 stated under oath two times that he wasn't planning
3 on using any of those documents to testify anyway.

4 It turns out at the hearing, we did
5 present our motion to bar or strike, which was
6 denied. Officer Sulikowski had been allowed,
7 although he can't give an opinion, he has been
8 allowed using the documents that came in late, and
9 he stated in his deposition twice, at least, he
10 wasn't planning on using them at the hearing.

11 As a result, we did the FOIA request, so
12 we could properly prepare for our defense of the
13 newly-found information of documents. The commerce
14 Commission denied our request.

15 I believe on July 7th, we got the final
16 denial. I believe we still attempted to negotiate
17 with them, which was futile.

18 And we recently this morning filed a
19 verified complaint for declaratory injunction
20 relief, seeking relief from the Commerce
21 Commission's failure to comply with the FOIA
22 request, and asking the Circuit Court to force them,
23 to order them, to comply with the FOIA request.

24 There are such things, as we basically

1 asked them for any and all current fillings for
2 anyone seeking a relocater's license in the past 24
3 months.

4 They responded that was unduly burdensome.
5 That can't possibly be true, your Honor. They don't
6 have probably more than two or three filings a year
7 for new licenses. That can't be unduly burdensome.

8 We asked them for simply for the
9 transcripts from the hearing before from your Honor.
10 The respondent said it's unduly burdensome, and they
11 won't give them to us.

12 And, by the way, when they made that
13 claim, we offered to pay for copying of all the
14 documents, which is what we're supposed to do.

15 We said we were going to do. In spite of
16 that, the Commerce Commission still refused to give
17 us documents. As we sit here today, I have no
18 documents responsive to my FOIA request, which are
19 directly heretofore, and on point to the hearings
20 we're having today in going forward.

21 I believe it would be highly prejudicial
22 to my client to go forward on a continued basis when
23 the Commerce Commission continually believes that
24 trial by ambush is the way that they do things, and

1 is the way do things, to the point where for
2 probably one year in this case, we didn't even know
3 why they were proceeding on this case, because all
4 they would say is the statute allows them to
5 proceed.

6 They told your Honor the same thing. I'm
7 still not certain exactly, as I sit here, what the
8 basis is for everything having -- we had our
9 licensed renewed in July 2015; and only a few short
10 months later, finding a fitness hearing today, not a
11 revocation, but a fitness hearing.

12 And we're still kind of perplexed as how
13 to that's possible; however, we are here. I would
14 like to tender to the Court and to counsel a copy of
15 the verified complaint for the declaratory
16 injunctive relief, Case No. 2017 CH 10512, that was
17 filed this morning in the Circuit Court of Cook
18 County.

19 If your Honor would allow me approach, I
20 will do so.

21 ALJ KIRKLAND-MONTAQUE: Okay.

22 MR. PERL: For the record, I'm tendering a copy
23 to counsel and the Court.

24 MR. BARR: Your Honor, may I go on the record?

1 MR. PERL: I'm not trying to serve counsel with
2 it. If he doesn't want to have a copy, I'm happy to
3 take back from counsel, if he doesn't want to read
4 it, but I'm not trying to serve him or perpetuate
5 service.

6 ALJ KIRKLAND-MONTAQUE: This is a copy of what
7 you filed in Court, and counsel is not accepting
8 service that was filed this morning.

9 MR. PERL: Agreed, your Honor. And the
10 complaint against the Illinois Commerce Commission
11 Steven L. Matrich and Katie Kowalska.

12 I also have an emergency motion to stay
13 this hearing, based upon the declaratory injunctive
14 relief sought in a complaint.

15 I would like to tender a copy to counsel,
16 and your Honor as well. We will be properly serving
17 the Commerce Commission, Ms. Matrich and Ms.
18 Kolwalska. I have to serve those two individuals
19 personally. So it might take a few days to do that
20 the, the Commerce Commission as well.

21 We are in court on a routine motion to
22 appoint a special process server. If we were to use
23 the Cook County Sheriff, it would take a couple
24 weeks to do so. We're trying to expedite this

1 matter.

2 I don't have a date yet for my motion and
3 memorandum in support of a temporary restraining and
4 preliminary injunction. I'll have that this
5 afternoon.

6 I needed to get here. I didn't want to be
7 too late. So I'll have that for counsel this
8 afternoon as to when that's going to be heard. I
9 don't believe it's going to be counsel representing
10 the Commerce Commission anyway.

11 I believe counsel stated off the record
12 it's probably going to be the attorney general. So
13 based upon all this information, your Honor, I would
14 ask the Court to review our verified complaint for
15 declaratory injunction relief, and our emergency
16 motion to stay the hearing and not proceed today or
17 tomorrow with any hearings.

18 We also have hearings scheduled in
19 September for Sergeant Sulikowski. I would ask the
20 Court to stay those dates as well, pending either
21 the Commerce Commission complying with our FOIA
22 request fully, or the Circuit Court coming to a
23 resolution as to whether they have to reply or not,
24 and what they have to give us before proceeding.

1 I believe that going forward with any
2 proceedings today would be highly prejudicial to my
3 client, where the Illinois Commission is potentially
4 seeking to take away their license, a license that
5 my client has had for 24 years, and the predecessor
6 company he's had probably 50 years, which is an
7 incredible burden on my client if they were to do
8 so.

9 And I believe that forcing us to go
10 forward without discovery that we need would be
11 prejudicial to my client.

12 ALJ KIRKLAND-MONTAQUE: Mr. Barr?

13 MR. BARR: I just want to make one point, your
14 Honor. That the testimony regarding the FOIA
15 request, or the documents that counsel wants to
16 request, was all done by Sergeant Sulikowski.

17 He's the only witness that testified, and
18 will be cross-examined about those documents that
19 counsel is presenting before this Court.

20 There is no reason why the officers can't
21 continue to testify about the citations, or anything
22 else that was contained in those documents from
23 April.

24 ALJ KIRKLAND-MONTAQUE: Here is what we're

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1 going to do, we're going to take a break. I'm going
2 to read this. We will reconvene at, say, 11:00, and
3 we'll move forward at that point.

4 MR. BARR: Do you need -- is someone else using
5 the room at 10:30?

6 ALJ KIRKLAND-MONTAQUE: No.

7 MR. PERL: Okay. Is it possible to leave my
8 things here?

9 ALJ KIRKLAND-MONTAQUE: Yes, you can leave your
10 thins here.

11 (Recess taken.)

12 ALJ KIRKLAND-MONTAQUE: Are we ready to get
13 back on the record?

14 MR. PERL: Yes, Judge.

15 MR. BARR: Yes, your Honor.

16 ALJ KIRKLAND-MONTAQUE: All right. We took a
17 recess so that I could review the emergency motion
18 to stay the hearing trial instanter by Protective
19 Parking.

20 I've had a chance to look at it, and I am
21 going to deny this motion to stay the hearing. I
22 don't think it's overly prejudicial to Lincoln
23 Towing, as we move forward with testimony of new
24 officers regarding information that was previously

1 provided to Lincoln Towing.

2 Also, Officer Sulikowski is not expected
3 to be cross-examined today. I don't see the harm in
4 moving forward with new witnesses on information
5 that was previously available to you.

6 With that said, I'll rule.

7 MR. PERL: What about the fact we have pending
8 dates for Officer Sulikowski to testify? He's going
9 to testify again.

10 ALJ KIRKLAND-MONTAQUE: Okay.

11 MR. PERL: So now I'm going to have to go
12 forward without having the documents.

13 ALJ KIRKLAND-MONTAQUE: Well, that's in
14 September, right?

15 MR. PERL: It is, but it's relevant. September
16 is right around the corner. It's not going to be a
17 long time away.

18 ALJ KIRKLAND-MONTAQUE: I'm willing to change
19 the September dates to extend them.

20 MR. PERL: Why don't we just stay those dates
21 rather than strike those dates and stay them,
22 pending the outcome of my case in Chancery Court?

23 MR. BARR: Can we just keep the dates and set a
24 status?

1 ALJ KIRKLAND-MONTAQUE: We'll set a status,
2 that way they we'll decide if, you know --

3 MR. PERL: Just so we're on the record. So
4 we're striking the dates for testimony of Sergeant
5 Sulikowski. We need one date for status. We don't
6 need two.

7 ALJ KIRKLAND-MONTAQUE: What if we meet a week
8 prior, and you can let me know where things stand?
9 Miraculously, things have cleared up. We can keep
10 the date. A short status -- we can do a phone
11 status.

12 MR. PERL: Well, just to clarify things, the
13 motion to stay the proceedings --

14 ALJ KIRKLAND-MONTAQUE: Today's hearing.

15 MR. PERL: Based upon the fact that the FOIA
16 has not been complied with is denied?

17 ALJ KIRKLAND-MONTAQUE: Yes.

18 MR. PERL: In whole or in part?

19 ALJ KIRKLAND-MONTAQUE: I'm going to say in
20 part, relating only to the new testimony today and
21 tomorrow.

22 MR. PERL: The difficulty is I don't know what
23 the new testimony is going to be. I'm going to have
24 to cross-examine these witnesses, without having my

1 FOIA responses, and I don't know what my FOIA
2 responses are going to find.

3 ALJ KIRKLAND-MONTAQUE: Okay. Here's what
4 we'll do, we can allow the direct and push the cross
5 to around the same time as Sergeant Sulikowski.

6 MR. BARR: I have no objection to that.

7 ALJ KIRKLAND-MONTAQUE: We'll do that.

8 MR. PERL: Let me just chew on that for one
9 second, because it changes the procedural process
10 for me, in terms of going forward and having to
11 cross-examine them.

12 So what they would do is they would
13 present their witnesses today and tomorrow. I would
14 hold off on my cross-examination until a ruling from
15 the Chancery Court regarding -- we have an emergency
16 motion for an injunction there as well.

17 If they grant it, we can't go forward
18 here.

19 ALJ KIRKLAND-MONTAQUE: True enough. We're
20 going to go forward with the direct testimony of the
21 officers today.

22 We'll do a status maybe a week prior to
23 the next date, to find out where things stand across
24 the street, which may require us to stay further

1 hearings.

2 MR. PERL: So we're not going to strike or stay
3 the September dates?

4 ALJ KIRKLAND-MONTAQUE: Not yet.

5 MR. BARR: Do you want to pick a date now for
6 an status?

7 ALJ KIRKLAND-MONTAQUE: Why don't we do that.
8 We'll go off the record.

9 (Off the record.)

10 ALJ KIRKLAND-MONTAQUE: So to be clear, the
11 emergency motion to stay a hearing is denied, in
12 part, regarding the testimony of officers that you
13 are planning to present today and tomorrow.

14 I'm going to say granted in part,
15 regarding Sergeant Silikowski's cross-examination,
16 and also the cross-examination of the officers that
17 will be testifying today.

18 And we will touch base at a status hearing
19 on September 7th at 3:00 p.m., to determine where
20 things are at Circuit Court and determine whether
21 this proceeding should be stayed at that point in
22 time.

23 MR. PERL: And for further clarification, is it
24 the Court's finding that staff may only direct the

1 three -- I'm sorry, the two officers and one
2 investigator over the next few days, on documents
3 previously tendered to respondent and consistent
4 with the response to interrogatory No. 20 in their
5 eight answers to Protective Parking Corporation's
6 data request and nothing else?

7 ALJ KIRKLAND-MONTAQUE: I don't know what is
8 happening.

9 MR. BARR: Here's what happens, then, we run
10 into the same thing we always do that new
11 information comes up today. They're questioning
12 about things they never told me about. We're right
13 back in the same --

14 ALJ KIRKLAND-MONTAQUE: I guess the 100-page
15 issue that was in April, I don't know if he's
16 presented anything else.

17 Has everything you are presenting been
18 produced?

19 MR. BARR: Yes, your Honor. There are two
20 group exhibits. They are all citations. I will be
21 asking the Court to take judicial notice of your
22 Honor's rulings on these citations.

23 These are all the citations that would
24 have been tendered as part of the investigation file

1 that counsel asked for and also were tendered.

2 Instead of doing the whole investigation
3 file, we just pulled out the citations.

4 MR. PERL: The exhibit binder has their new
5 information in it as well. That is why I want to be
6 clear.

7 MR. BARR: I don't know what new information
8 counsel is referencing. The citations are in there.

9 MR. PERL: The exhibit binder has some stuff
10 that Sergeant Sulikowski testified to.

11 ALJ KIRKLAND-MONTAQUE: Okay. Excluding those
12 screen shots, which were presented whenever that
13 that was in April.

14 MR. PERL: I believe it's Exhibit J, K, A, B,
15 C, D, E and F.

16 MR. BARR: Your Honor, staff's position today
17 is to go through Exhibits L, M and N, as well as ask
18 for judicial notice on Exhibits G, H and I.

19 ALJ KIRKLAND-MONTAQUE: I'll tell you what,
20 we're going to proceed. If you have a problem,
21 you're obviously free to object to whatever grounds
22 you see fit.

23 We're going to proceed in that manner.
24 Mr. Barr, call your first witness.

1 MR. BARR: Before I call my witness, I would be
2 asking the Court to takes judicial notice of
3 Exhibits L, M and N.

4 Those exhibits are citations that are
5 contained in the Commission records that are
6 properly ably to be taken administrative notice
7 based on Title 83 Section 200.64082.

8 MR. PERL: What is the section?

9 MR. BARR: Title 83 Section 200.64082.

10 MR. PERL: 82?

11 ALJ KIRKLAND-MONTAQUE: 82?

12 MR. PERL: Judge, are you ready for our
13 response?

14 ALJ KIRKLAND-MONTAQUE: Yes.

15 MR. PERL: A couple things. One, the documents
16 are hearsay. Two, if you look at 200.648A2, it
17 says, "Consistent with 206.10, the Commission or
18 Hearing Examiner may take administrative notice of
19 the following: Two, contents of certificates,"
20 these aren't certificates, "permits," they are not
21 permits, "licenses issued by the Commission."

22 It's none of those. "And the orders,
23 transcripts and exhibits, pleadings or other matter
24 contained in the record." It's none of those. "Of

1 other documented Commission proceedings." It
2 doesn't fit into anything of that.

3 MR. BARR: Your Honor, the citations are a
4 docketed matter. Every citation is docketed once a
5 month.

6 So these are contained, as A2 suggests,
7 your Honor, the matters contained in the record of
8 other docketed Commission proceedings of citations.

9 MR. PERL: And if you look at B, B says,
10 "Request for administrative notice of transcripts,
11 exhibits, pleadings, or any matter contained in the
12 record, or any other docket which you're pleading,
13 are discouraged."

14 Then if you look at C, it says, "Parties
15 and staff shall be notified either before or during
16 the hearing, or otherwise, of materials notice and
17 shall be provided a reasonable opportunity to
18 contest the materials so noticed," 5 ILCS 100/1040.

19 Here we go again, trial by ambush. They
20 had these documents in their possession forever.
21 They've never told me they were going to ask to take
22 judicial notice, which they could have done.

23 They're doing it 10 seconds before they
24 want you to do it, and that is not a reasonable

1 opportunity to contest the material so noticed.

2 MR. BARR: Your Honor, it says that during the
3 hearing, counsel had these records. He also served
4 a copy, I believe, on the citations of these
5 documents from Lincoln.

6 He's been present for this. To say he
7 hasn't had these citations, they are all in the file
8 he asked for a year ago. He's had every single one
9 of these. If we're arguing whether he had these --

10 MR. PERL: This is apples and oranges they do
11 every single time.

12 I'm not arguing that. The statute doesn't
13 say whether I had them or not. That statute says I
14 get notice that they're going to do what they're
15 doing.

16 Of course I have these documents. I'm not
17 contesting it, but they never told me that they were
18 going to have the Court take judicial notice of
19 them.

20 MR. BARR: I was saying, your Honor, per 640
21 Section C, it says, "Parties and staff shall be
22 notified either before or," emphasis on "or during
23 the hearing.

24 MR. PERL: Emphasis on providing a reasonable

1 opportunity to contest the material with due
2 noticed.

3 And here is the thing, the reason it says,
4 "either before or during," is because there is a
5 possibility something could come up during the
6 hearing that they didn't know before that you would
7 need the Court to take immediate judicial notice of.

8 That's not this case. When you have
9 documents contained in your trial book, that you
10 have admittedly had these documents for months, some
11 of them for years, and you know you're planning on
12 asking the Court to take judicial notice, which
13 means, Judge, why would I have to have a witness
14 here to present evidence?

15 In any other courtroom you would. Why
16 would we do it here? Why would we actually try to
17 have a real trial, where you have witnesses and
18 foundation, hearsay exceptions?

19 I can just wait until 10 seconds before
20 I'm going to do it and ask the Court to take
21 judicial notice, whatever that means, without having
22 any witness testify.

23 It's because it's what they do every time.
24 Here is the real reason why: We all agreed already

1 we weren't going to do this. We all agreed we
2 weren't going to go through every single one of
3 these and have a hearing on them.

4 MR. BARR: That is not the purpose.

5 MR. PERL: The purpose is -- I don't know what
6 their purpose is in doing it. Here we go again with
7 they're trying to get documents into evidence that
8 they know they can't get in the right way.

9 So judicial notice would mean, yes.
10 Again, read the statute. I mean, at some point in
11 time, don't they have to follow the rules, or do
12 they just say whatever they want to and then make up
13 what it says on a piece paper.

14 MR. BARR: Your Honor, the officer --

15 THE REPORTER: I can't take them both talking
16 at the same time.

17 MR. PERL: I'm sorry. I apologize. But I
18 haven't interrupted Barr one time this morning. For
19 some reason, he seems to think he can just talk over
20 me.

21 ALJ KIRKLAND-MONTAQUE: Please don't interrupt,
22 so that we can get the record clear.

23 MR. BARR: Yes, your Honor.

24 MR. PERL: The officers are here. How

1 difficult would it have been for the Commerce
2 Commission to state to me in any one of the five or
3 six days we've been here when they presented -- by
4 the way, they presented all these things to you and
5 sought admission of exhibits before.

6 They never said at that point in time, "We
7 want you to take judicial notice of these exhibits."
8 did they? Because I don't recall that.

9 We can try to have the court reporter go
10 back, but I'm pretty sure this is the first time.
11 So why would you wait a moment before you are going
12 to use these documents?

13 You know what, Judge, I'm going to lose it
14 anyway. It doesn't really matter. I'm still going
15 to argue it. Why is trial by ambush allowed in this
16 courtroom every step of the way?

17 Why do I bother following the rules and
18 trying to do things the way we do it in Circuit
19 Court or Federal Court, when they don't have to
20 follow the rules here.

21 It's just, "Let me just walk into court,
22 ambush Lincoln Towing and Mr. Perl, with whatever I
23 want to do." And, by the way, there may be some new
24 documents today. Who knows. We'll see what

1 happens.

2 Because I can try to find a square peg and
3 put it into a round hole every time I do this. If
4 you read what this looks like, and the intent of it,
5 isn't to do what he's doing.

6 The intent is to give the other party
7 notice so he could figure out what you want to do.
8 And, by the way, we already stipulated we were going
9 to use the settlement agreement and nothing else.
10 That is what we agreed to.

11 What I had said to you, "Otherwise, I'm
12 going to have a hearing on every single one of these
13 issues." We don't want to do that.

14 ALJ KIRKLAND-MONTAQUE: I think administrative
15 notice would just allow these come into record,
16 because they are Commission records. These are
17 citations issued by the Commission.

18 The party received them ordinarily in the
19 mail. We have regularly docketed hearings on them.

20 MR. PERL: There is the first pages of their
21 exhibit is not a record of the Commerce Commission
22 clearly.

23 MR. BARR: I would be willing to take that out.

24 ALJ KIRKLAND-MONTAQUE: What is the first page?

1 MR. PERL: Where it says, "Copies of citations
2 issued to Protective Parking Service adjudication."

3 MR. BARR: I have no issue with taking those
4 title pages out and just putting in taking judicial
5 notice, your Honor, of the citations.

6 Because, ultimately, your Honor, I'm also
7 going to be asking for judicial notice of your
8 Honor's orders from every one of those citations,
9 which is --

10 MR. PERL: Where are those?

11 MR. BARR: G, H and I. Your Honor, basically
12 what I'm trying to do is prevent wasting two days of
13 having officers come on the stand and saying, "Can
14 you read that citation? What is this citation?
15 What did you write it for?"

16 ALJ KIRKLAND-MONTAQUE: Well, I don't think we
17 should do that. I think you all agreed not to do
18 that in the first place, right?

19 MR. PERL: Well, we did.

20 MR. BARR: The agreement was, your Honor, we're
21 not going to hash out the underlying facts. We're
22 not the going to say that, you know, "On such and
23 such a date, this person parked in this lot. There
24 wasn't a sign. That's why I wrote it."

1 My point is, your Honor, it's just to show
2 why the officers are writing the citations.

3 MR. PERL: Well, that's not what their point
4 is. They want to show to you the final outcome of
5 the citations, not that they wrote the citations.
6 We know they wrote them.

7 If all they want to do is get across to
8 you that they wrote the citations, why are they
9 talking about the adjudications, and why do they
10 want your findings?

11 This is exactly what they do. Now there's
12 even more. Now it's even worse. They also want to
13 get your findings in these cases, which we agreed we
14 weren't doing.

15 Here is what we can do, why don't we have
16 a hearing on every single one of the citations,
17 which is what I told you. I mean, I know I think
18 I'm right.

19 Actually, I wish I was wrong once in a
20 while in this cases. I predicted this to you. I
21 told you this is exactly what's going to happen.

22 ALJ KIRKLAND-MONTAQUE: I'm not going to
23 allow --

24 MR. PERL: Exactly.

1 ALJ KIRKLAND-MONTAQUE: Sorry. We're not going
2 to adjudicate every one of these citations. There
3 is an agreement. I believe the agreement was very
4 specific, in terms of how it would be used.

5 MR. PERL: Again, it didn't include this.

6 MR. BARR: If you look at F, your Honor, and
7 I'll read it, "The parties acknowledge that in any
8 licensing or similar pursuit."

9 ALJ KIRKLAND-MONTAQUE: Of?

10 MR. BARR: It's part F of the settlement
11 agreement that staff -- it's not in evidence, but we
12 put in our binder as Exhibit O.

13 "The parties acknowledge that in any
14 licensing or similar proceeding, the parties shall
15 be permitted to reference the existence of the
16 settlement agreement, in addition to the number of
17 citations listed in Exhibit 1, the underlying
18 statutory basis for each citation, and the final
19 outcome for each citation, acknowledging that
20 Lincoln Towing disputes any liability for the
21 purported violations in Exhibit 1 and denies the
22 allegations contained in the citations, in respect
23 to the notice of a violation, except for any
24 citation marked liable."

1 Your Honor, not all of these citations
2 that are in here are contained in the settlement
3 agreement. There is a big chunk of them; but, your
4 Honor, that was our agreement. Our agreement is
5 that we can reference the underlying statutory
6 basis, which is on the citation chart.

7 And the final outcome, which is in the
8 exhibits that aren't yet into evidence, your Honor.
9 We are not trying to pull a fast one on counsel. If
10 you go to the next page, counsel signed it, I signed
11 it, and your Honor signed it.

12 ALJ KIRKLAND-MONTAQUE: Okay. I just want to
13 be clear we're going to stick in the guidelines that
14 we set in the settlement agreement. We're not
15 trying to --

16 MR. BARR: Of course not, your Honor.

17 ALJ KIRKLAND-MONTAQUE: We're not going to
18 adjudicate each administrative citation. If you get
19 out of bounds of what you guys agreed on, I'm sure
20 counsel will raise the proper objection, and we will
21 bring it within the guidelines that you guys agreed
22 to it.

23 MR. PERL: Well, that means that only the ones
24 listed in the settlement agreement, and only those,

1 can be used for that purpose. That is what it says
2 here.

3 MR. BARR: I mean, yes, for those purposes. I
4 mean, the settlement agreement only binds those
5 citations. It doesn't bind the other citations that
6 were issued during that time frame.

7 I'm not going to get into the statutory
8 basis, but if that's what counsel is alluding, that
9 we're somehow denied from talking about the
10 citations that aren't contained in the settlement
11 agreement, that's --

12 ALJ KIRKLAND-MONTAQUE: Why would there be
13 itemization that aren't in the settlement agreement?

14 MR. BARR: Because there are citations that
15 were resolved outside of the settlement agreement.

16 MR. PERL: Well, what I am going to argue is
17 that you are denied from doing it, because if you
18 do, then I have to have a hearing on the tickets.

19 Because I understand counsel says to you
20 they don't want you to read into anything about the
21 findings. They just want to tell the Court that
22 these citations are written.

23 Just like they always say, "We're not
24 using the testimony for the truth of the matter

1 asserted, so it's not hearsay," but it always is for
2 the truth of the matter asserted.

3 We specifically did this so I wouldn't
4 have a hearing on every single ticket. So now if
5 counsel is planning on using other citations, I'm
6 going to have a hearing on it, and I'm entitled to
7 it, unless they are saying they don't want to infer
8 we didn't anything wrong.

9 They want you to infer that we did
10 something wrong, by the virtue of the fact that a
11 citation was written, I have to have a hearing on
12 it.

13 ALJ KIRKLAND-MONTAQUE: Is that what want to
14 do?

15 MR. BARR: No, your Honor. The citations
16 aren't all we're going to do.

17 ALJ KIRKLAND-MONTAQUE: You're not bringing up
18 any citation that has not been adjudicated or
19 settled in the settlement agreement?

20 MR. BARR: Correct. Your Honor, I mean, the
21 ones that are settled are going to be contained in
22 our exhibits, yes.

23 ALJ KIRKLAND-MONTAQUE: Okay. I get that.
24 Everything has been adjudicated that you are

1 proposing to use?

2 MR. BARR: Correct, your Honor. There would be
3 no point to the ones that have been adjudicated to
4 rehash it out.

5 ALJ KIRKLAND-MONTAQUE: Right. You're just
6 going to go with something kind of raw?

7 MR. BARR: Correct. I think, your Honor, it
8 shows the compliance history during this time
9 period.

10 MR. PERL: You see, again, he always says in
11 his last breath he tells you kind of what he's
12 trying to do, shows their compliance history.

13 Which is not what this purpose is for. It
14 isn't. So they always want to throw at the very
15 end, under the breath, "Oh, yeah, that shows the
16 compliance history."

17 There's no witness testifying as to our
18 compliance history. Is counsel going to testify
19 again as to our compliance history?

20 I don't understand how you get from words
21 on a piece of paper, to testify when there is no
22 witnesses saying it. That's exactly what they're
23 trying to do every time they have a document that
24 they don't have a witness to testify to.

1 ALJ KIRKLAND-MONTAQUE: Let me ask you this,
2 staff, do you plan on having your witness testify as
3 to outcome of the citation?

4 How would they know that?

5 MR. BARR: If so. No, your Honor, that is why
6 we're asking for judicial notice of your orders that
7 you entered for every one of these citations. Those
8 are again Exhibits G, H and I.

9 MR. PERL: And those are cases that, in many
10 instances, were settled. So if the case was
11 settled, you can't glom anything from it because
12 there's no --

13 ALJ KIRKLAND-MONTAQUE: I think we're kind of
14 putting -- I think we need to hear what staff is
15 going to do, and then we'll be able to tell whether
16 or not it's outside the scope of what we agreed.

17 MR. PERL: Why don't we not admit anything in
18 and have the witness testify?

19 ALJ KIRKLAND-MONTAQUE: Right. We'll do that.
20 I'm going to reserve the rulings.

21 MR. BARR: Your Honor, that is going to require
22 me to have to go through every one of these
23 citations.

24 ALJ KIRKLAND-MONTAQUE: Well, what were you

1 planning to do?

2 MR. BARR: Just have judicial notice of them.
3 There is no need to have them testify to the
4 citation numbers, if there is judicial notice.

5 ALJ KIRKLAND-MONTAQUE: Okay. I'm just trying
6 to understand what are the officers going to testify
7 to?

8 MR. BARR: They're going to testify, you know,
9 generally about obviously some background
10 information. They are also going testify about, you
11 know, how consumer complaints are received. Why are
12 consumer complaints written?

13 What do some of these terms mean, like,
14 "No invoice" or, you know, "Use of operating without
15 a permit." They're not going to get into specifics.

16 ALJ KIRKLAND-MONTAQUE: Oh, I see.

17 MR. PERL: They are not testifying to anything
18 my client has done. They are just going to testify,
19 in general, how a complaint comes in; and, in
20 general, what a citation is, but not Lincoln Towing
21 citations, correct?

22 I mean, that's what counsel is saying to
23 you now.

24 ALJ KIRKLAND-MONTAQUE: I understand. The

1 thing is that, in all fairness to Lincoln Towing, to
2 give them a chance, because, you know, if we give
3 them a chance to look at it, because based on
4 previous testimony from the other officers, there
5 were some errors at some point regarding, you know,
6 whether something --

7 MR. BARR: These are just citations.

8 ALJ KIRKLAND-MONTAQUE: I know, but what if one
9 is not? What if it's misplaced? What if one is in
10 the guilty pile, and it wasn't actually adjudicated.

11 MR. BARR: I would be agreeable to, you know,
12 taking them out and just putting all the citations
13 in, and all the administrative orders and go through
14 them how you wish.

15 MR. PERL: The citations, themselves, don't say
16 anything. They are just citations. They don't tell
17 you whether or not they were guilty, settled.

18 ALJ KIRKLAND-MONTAQUE: Let's go off the
19 record.

20 (Discussion off the record.)

21 ALJ KIRKLAND-MONTAQUE: Why don't we swear the
22 witness in.

23 (Witness was duly sworn.)

24 ALJ KIRKLAND-MONTAQUE: You may proceed,

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1 Mr. Barr.

2 MR. BARR: Thank you, your Honor.

3 SCOTT W. KASSAL,

4 called as a witness herein, after having been first duly
5 sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BARR:

8 Q. Can you please state your name and spell
9 your last name, for the record?

10 A. Scott K. Kassal, K-a-s-s-a-l.

11 Q. What is your occupation?

12 A. Transportation investigator with the
13 Illinois Commerce Commission police.

14 Q. What's your educational background?

15 A. Bachelor's Degree.

16 Q. What's your Bachelor's Degree in?

17 A. General studies.

18 Q. As part of an investigator for the
19 Commerce Commission, did you receive any type of
20 training?

21 A. On-the-job training when I started.

22 Q. What type of on-the-job training did you
23 receive?

24 A. Working in the field with various

1 investigators and officers.

2 Q. What type of things would you do in the
3 field when you worked in the field?

4 A. Go to different lots where relocation
5 companies had contracts, check for signage, go to
6 the relocation companies, meet some of the
7 employees, look at the yards to see where they were
8 located.

9 Q. And how long have you been with the
10 Illinois Commerce Commission?

11 A. Since July of 1996.

12 Q. And, currently -- I'm sorry, during the
13 period from July 24th, 2015, to March 24th 2016,
14 what were your duties and responsibilities as an
15 investigator for the Commerce Commission?

16 A. Reviewing consumer complaints, relocation
17 towing companies.

18 Q. What types of relocation towing matters
19 does the Illinois Commerce Commission investigate,
20 does an investigator handle?

21 A. Mainly consumer complaints on towing
22 companies.

23 Q. I'm sorry, go ahead.

24 A. And then inspecting lots when a new

1 relocator opens up, or an established relocater
2 opens up a secondary relocation.

3 Q. How do you become aware of consumer
4 complaints?

5 A. Sent in by U.S. mail by the ICC office in
6 Des Plaines.

7 Q. And how are you trained to handle those
8 complaints?

9 A. Well, the complaints come in, and then
10 they're processed by office staff, and then they're
11 handed out to investigators or officers, usually by
12 a relocation company.

13 Q. Are there any guidelines for you to follow
14 as you are investigating one of these complaints?

15 A. It's taken on a case-by-case basis.

16 Q. What type of guidelines do you follow
17 typically on a case?

18 A. Check information in the motor carrying
19 information system, MCIS I'll call it. We check to
20 make sure the operator and dispatchers have an
21 up-to-date and current permit, makes sure to check
22 it's the right property that the complaint has been
23 filed on, that the relocation company has a contract
24 with that property to tow vehicles from the

1 property.

2 Q. In the course of your investigation, is it
3 possible that you could discover something that the
4 consumer did not complain about?

5 A. Yes.

6 Q. Can you give an example? You don't have
7 to give a specifics example.

8 A. Well, a specific example, let's say, would
9 be looking at the relocation invoice you see the
10 operator ID number, because the names of the
11 operators, for obvious reasons, are not put on the
12 invoice.

13 You would look that up in MCIS to see if
14 the operator permit was still valid, if the permit
15 had expired.

16 Then we would issue an administrative
17 citation to the towing company, and that's something
18 the general public would not know by looking at the
19 invoice.

20 Q. What are the possible outcomes of the
21 complaint, after you did your review and
22 investigation of the complaint, what would happen
23 next?

24 A. Either there's no violation found, which

1 means you find in favor of the towing company, if
2 they didn't do anything illegal; or write an
3 administrative citation, if you find some form of
4 illegal activity by the relocation towing company.

5 Sometimes the relocation towing companies
6 will be willing to refund the consumer's money
7 instead of getting an administrative citation. So
8 the three in that order, I would say.

9 Q. Are you familiar with the business that
10 goes by the name of Protective Parking Service
11 Corporation?

12 A. Yes.

13 Q. And do you know of a DBA Lincoln Towing?

14 A. Yes.

15 Q. How are you familiar with that business?

16 A. Well, they've been around for a long time.
17 When I first started, I was brought over to the
18 company and met the owner, Mr. Chris Dennis at the
19 time, the manager William Nestos.

20 And I've handled complaints on them over
21 the years and then -- yeah.

22 Q. Did you handle complaints regarding
23 Protective Parking Service Corporation, during the
24 scope of this fitness hearing from July 24th, 2015,

1 through March 24th, 2016?

2 A. Yes.

3 Q. Do you recall what kind of consumer
4 complaints you received during that time from
5 Protective Parking Service Corporation?

6 A. Not offhand. I guess they were maybe
7 general complaints. I've done so many of these over
8 the years, they don't stand out.

9 Q. What type of things do you issue citations
10 for?

11 A. Well, just generally, if you go to a lot
12 and look and there's no signage or proper signage,
13 if the information isn't properly entered in MCIS;
14 or as I stated earlier, if an operator dispatcher
15 permit is expired, and they are still working.
16 Those are three or four off the top of my head.

17 Q. I want to back up. You said you were an
18 investigator with the Commerce Commission, correct?

19 A. Yes.

20 Q. Are you a sworn police officer?

21 A. I am not.

22 Q. But you have the authority to write
23 administrative citations?

24 A. Yes.

1 Q. Do you know what granted you that
2 authority?

3 A. Not offhand.

4 Q. That's fine.

5 MR. BARR: Your honor, I want to tender to
6 Investigate Kassal what's been marked as Exhibit L.

7 BY MR. BARR:

8 Q. Investigator Kassal, please let me know
9 when you return to Exhibit L?

10 A. L? I'm sorry.

11 MR. PERL: Judge, before doing so, can we
12 remove the first -- so Investigator Kassal is not
13 reading the first page of it and then testifying
14 from that.

15 ALJ KIRKLAND-MONTAQUE: Okay, fair enough.

16 MR. BARR: I'm not going to ask him about that.

17 MR. PERL: I don't want him to read it. I just
18 want his opinion.

19 ALJ KIRKLAND-MONTAQUE: Take it out.

20 THE WITNESS: I'm in M.

21 BY MR. BARR:

22 Q. No, you're in L.

23 ALJ KIRKLAND-MONTAQUE: You need that. Is it
24 double sided?

1 MR. BARR: No.

2 ALJ KIRKLAND-MONTAQUE: Okay, go ahead.

3 BY MR. BARR:

4 Q. Investigator Kassal, can you flip through
5 Exhibit L, please?

6 A. Review Exhibit L?

7 Q. Yes, just flip through the pages.

8 A. Okay, got it. Okay.

9 Q. Do you recognize the documents in
10 Exhibit L?

11 A. Going through them quick, a handful of
12 them, yes. I recognize them all as administrative
13 citations, excuse me, that were written by officers
14 or investigators with the ICC.

15 MR. PERL: Objection as to foundation. How
16 would he know it wasn't a citation he wrote or
17 someone else wrote?

18 ALJ KIRKLAND-MONTAQUE: He said officers or
19 investigators.

20 THE WITNESS: Correct.

21 MR. PERL: I'm objecting to foundation as how
22 he would know, other than -- they haven't laid a
23 foundation for it yet, anyway.

24 But how he would know what something is

1 that he didn't write. In other words, does he
2 recognize someone's handwriting?

3 MR. BARR: I'm going to get there, your Honor.

4 ALJ KIRKLAND-MONTAQUE: Okay. I'm going to
5 overrule that and allow more questions.

6 BY MR. BARR:

7 Q. Investigator Kassal, how do you recognize
8 these are written by other officers?

9 A. Handwriting.

10 Q. No, the handwriting on the top portion, or
11 what specifically?

12 A. The handwriting on the top and bottom.
13 The first one, the 150, is not my handwriting. So I
14 know I did not issue that citation. I recognize it
15 as an administrative citation because of the ticket
16 itself, the form.

17 Q. I want you to turn to the citation that's
18 marked 8001274.

19 A. Sorry, what was the last two numbers?

20 Q. 1274?

21 A. Okay, got it.

22 Q. Now, who is that citation issued to?

23 A. The Protective Parking, d/b/a Lincoln
24 Towing.

1 Q. And what was that citation written for?

2 A. Use of an operator without a valid ICC
3 permit.

4 Q. And did you write that citation?

5 A. I did.

6 Q. How do you know you wrote that citation?

7 A. Because I recognize the handwriting and my
8 signature.

9 Q. Is that citation the same, or
10 substantially the same condition, as it was when you
11 issued it?

12 A. Yes.

13 ALJ KIRKLAND-MONTAQUE: Hold on. You said
14 1274?

15 MR. BARR: Yes, 8001274. They should be in
16 numerical order, your Honor.

17 ALJ KIRKLAND-MONTAQUE: I don't have that one
18 in my binder. I have 1272 and 1273.

19 MR. BARR: Are you in Exhibit L?

20 ALJ KIRKLAND-MONTAQUE: L? Yes. Hold on, let
21 me see.

22 MR. BARR: I can make a copy. Counsel should
23 have a copy.

24 ALJ KIRKLAND-MONTAQUE: Do you have it in your

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1 binder?

2 MR. PERL: Yeah, I do. I have it in L for me.
3 It comes between -- it goes 1149 1207.

4 ALJ KIRKLAND-MONTAQUE: I don't have it.

5 MR. PERL: Do you have 1207? Judge, let me
6 take a look to see if you're looking at the same
7 thing.

8 ALJ KIRKLAND-MONTAQUE: What's the number
9 again?

10 MR. BARR: 1274.

11 MR. PERL: I think you're looking at the wrong
12 exhibit.

13 ALJ KIRKLAND-MONTAQUE: Go ahead, Mr. Barr.

14 MR. BARR: You want me to back up so you can
15 find it?

16 ALJ KIRKLAND-MONTAQUE: Yes, please.

17 BY MR. BARR:

18 Q. Officer or Investigator Kassal, are you on
19 citation 8001274?

20 A. Yes.

21 Q. Who is that citation issued to?

22 A. Protective Parking Service Corporation,
23 d/b/a Lincoln Towing.

24 Q. And what was it issued for?

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1 A. Use of an operator without a valid ICC
2 permit.

3 Q. Did you issue that citation?

4 A. Yes, I did.

5 Q. How do you know you issued the citation?

6 A. By the handwriting and my signature.

7 Q. That's your signature at the bottom?

8 A. Yes.

9 Q. I would like you to turn to citation
10 No. 800. Sorry, let me back up.

11 Is that citation in the same, or
12 substantially the same condition, as it was on the
13 day you issued it?

14 A. Yes.

15 Q. Can you turn to the next page 8001294?

16 A. Yes, I'm there.

17 Q. What relocator is that citation issued to?

18 A. Protective Parking, d/b/a Lincoln Towing.

19 Q. What was that citation written for?

20 A. The invoice not being accurately
21 completed.

22 Q. And did you issue that citation?

23 A. Yes, I did.

24 Q. How do you know you issued that citation?

1 A. By the handwriting and my signature.

2 Q. That's your signature at the bottom?

3 A. Yes did.

4 Q. Is that citation the same, or
5 substantially the same condition, as it was on the
6 day you issued it?

7 A. Yes.

8 Q. Now can you please turn to citation
9 8001295?

10 A. Yes.

11 Q. Who is that citation issued to?

12 A. Protective Parking, d/b/a Lincoln Towing.

13 Q. And what was that citation issued for?

14 A. No valid dispatcher permit at the time of
15 release of the vehicle.

16 Q. And did you issue that citation?

17 A. Yes.

18 Q. How do you know you issued that citation?

19 A. By the handwriting and my signature at the
20 bottom.

21 Q. Can you please turn one page to citation
22 8001298?

23 A. Yes.

24 Q. Who is that citation issued against?

1 A. Protective Parking Corporation, d/b/a
2 Lincoln Towing.

3 Q. What was there a citation issued for?

4 A. The invoice was not accurately completed.

5 Q. And did you issue that citation?

6 A. Yes.

7 Q. How do you know you issued that citation?

8 A. I recognize my handwriting and my
9 signature.

10 Q. Can you please turn to the next citation,
11 citation No. 8001299?

12 A. Yes.

13 Q. What relocator is that citation issued
14 again?

15 A. Protective Parking Corporation, d/b/a
16 Lincoln Towing.

17 Q. What was that citation issued for?

18 A. No valid dispatcher permit at the time of
19 the release of the vehicle.

20 Q. And did you issue that citation?

21 A. Yes.

22 Q. How do you know you issued that citation?

23 A. I recognize the handwriting and my
24 signature at the bottom left-hand corner.

1 Q. Is that citation in the same, or
2 substantially the same condition, as it was on the
3 day you issued it?

4 A. Yes.

5 Q. Investigator Kassal, can you please turn
6 to Exhibit M?

7 A. I'm sorry, M as in Mary?

8 Q. You don't have it?

9 A. Okay, got it. Yes.

10 MR. PERL: Judge, could we also remove the
11 first page of M?

12 ALJ KIRKLAND-MONTAQUE: Okay.

13 MR. BARR: I'll retrieve it.

14 ALJ KIRKLAND-MONTAQUE: Take them all.

15 BY MR. BARR:

16 Q. Investigator Kassal, can you please turn
17 in Exhibit M to the citation marked 8001272?

18 A. Okay, got it, 1272, correct.

19 Q. Correct. Do you recognize that?

20 A. I do.

21 Q. What do you recognize that to be?

22 A. An administrative citation that was issued
23 to Protective Parking Service Corporation, d/b/a
24 Lincoln Towing.

1 Q. What was that citation issued for?

2 A. Improper signage.

3 Q. Who issued that citation to Protective
4 Parking Service Corporation?

5 A. I did.

6 Q. How do you know?

7 A. By the handwriting and my signature at the
8 bottom left corner.

9 Q. Is the citation in the same, or
10 substantially the same condition, as it was on the
11 day you issued it?

12 A. Yes.

13 Q. Can you please turn to the next page,
14 which is going to be citation 8001273.

15 A. Yes.

16 Q. Do you recognize that document?

17 A. Yes, I do.

18 Q. What do I understand it to be?

19 A. Administrative citation issued to
20 Protective Parking Service Corporation, d/b/a
21 Lincoln Towing.

22 Q. What was that citation issued for?

23 A. There was no signage posted.

24 Q. Who issued that citation?

1 A. I did.

2 Q. How do you know you issued that citation?

3 A. By the handwriting and my signature on the
4 bottom left corner.

5 Q. Is that citation the same, or
6 substantially the same condition, as the day you
7 issued it?

8 A. Yes.

9 Q. Can you please turn to the next citation,
10 citation 8001297?

11 A. Yes.

12 Q. Do you recognize that document?

13 A. Yes.

14 Q. What is it?

15 A. Administrative citation issued to
16 Protective Parking Corporation, d/b/a Lincoln
17 Towing.

18 Q. What was that citation issued for?

19 A. The invoices not being accurately
20 complete.

21 Q. Who issued that citation?

22 A. I did.

23 Q. How do you know you issued the citation?

24 A. By the handwriting and the signature in

1 the bottom left-hand corner.

2 Q. Is that citation in the same, or
3 substantially the same condition, as it was on the
4 day you issued it?

5 A. Yes.

6 Q. Can you please turn to the next citation,
7 Citation No. 8001299?

8 A. Yes.

9 Q. Do you recognize that?

10 A. Yes I do.

11 Q. What do you recognize that to be?

12 A. An administrative citation issued to
13 Protective Parking Corporation, d/b/a Lincoln
14 Towing.

15 Q. What was that citation issued for?

16 A. No valid citation issued at the time of
17 the release of the vehicle.

18 Q. Who issued that citation?

19 A. I did.

20 Q. What did you issue that citation -- I'm
21 sorry, how do you know you issued that citation?

22 A. By the handwriting and my signature on the
23 bottom left-hand corner.

24 Q. Is that citation in the same, or

1 substantially the same condition, as it was the day
2 you issued it?

3 A. Yes.

4 Q. Can you next turn to the next page? It
5 should be -- I'm sorry, your Honor, may I have one
6 moment?

7 ALJ KIRKLAND-MONTAQUE: Sure.

8 BY MR. BARR:

9 Q. Citation 8001902. It's towards the back.

10 A. I'm getting there. I'm almost there.
11 1902?

12 Q. Correct.

13 A. Yes.

14 Q. Do you recognize that?

15 A. Yes.

16 Q. What do you recognize that to be?

17 A. Administrative -- excuse me, an
18 administrative citation issued to Protective Parking
19 Corporation, d/b/a Lincoln Towing.

20 Q. What was that citation issued for?

21 A. Improper signage.

22 Q. Who issued that citation?

23 A. I did.

24 Q. How do you know you issued that citation?

1 A. By the handwriting and the signature in
2 the bottom left-hand corner.

3 Q. Is that citation in the same, or
4 substantially the condition, as it was on the day
5 you issued it?

6 A. Yes.

7 Q. Can you please turn the pages to citation
8 8001903?

9 A. Yes.

10 Q. Do you recognize that?

11 A. Yes.

12 Q. What do you recognize that to be?

13 A. Administrative citation issued to
14 Protective Parking Corporation, d/b/a Lincoln
15 Towing.

16 Q. What was that citation issued for?

17 A. The invoice was not accurately completed.

18 Q. Did you issue that citation?

19 A. Yes.

20 Q. How do you know?

21 A. By the handwriting and my signature on the
22 bottom left-hand corner.

23 Q. Can you please turn to the next page,
24 Exhibit 8001904?

1 A. Yes.

2 MR. PERL: Judge, for the record, I'm not
3 finding those pages in my Exhibit N. I have 1901.
4 I don't have 1902 and 1904.

5 ALJ KIRKLAND-MONTAQUE: I don't have a 1. Are
6 you sure you are in the right tab?

7 MR. BARR: It should go 1299 and jump to -- I'm
8 sorry, your Honor, it should go 1899. It should be
9 the last.

10 MR. PERL: I have 1899. I'm sorry, 1889 on the
11 back of 1889 is 1901.

12 ALJ KIRKLAND-MONTAQUE: That's the wrong
13 binder.

14 MR. PERL: N.

15 ALJ KIRKLAND-MONTAQUE: Okay.

16 MR. PERL: I have them. I'll find the order.
17 I have 1902 and 3.

18 Go ahead. I have to get them reorganized.

19 ALJ KIRKLAND-MONTAQUE: Okay, go ahead,
20 Mr. Barr.

21 MR. BARR: Thank you, your Honor. I kind of
22 lost my place. I'll start over.

23 BY MR. BARR:

24 Q. Are you at citation 8001903?

1 A. 04 we were at.

2 Q. Do you recognize that?

3 A. Yes, I do.

4 Q. What do you recognize it to be?

5 A. It's an administrative citation issued to
6 Protective Parking Corporation, d/b/a Lincoln
7 Towing.

8 Q. What was that citation issued for?

9 A. Improper signage.

10 Q. Who issued that citation?

11 A. I did.

12 Q. How do you know you issued that citation?

13 A. By the handwriting and my signature on the
14 bottom left-hand corner.

15 Q. Can you please turn to now what's been
16 marked as Exhibit N. I'm referring you to the cover
17 page of Exhibit N.

18 Investigator Kassal, can you please turn
19 to Exhibit N to citation 8001290?

20 A. Yes.

21 MR. PERL: One second. Could you tell me
22 what's the first page of Exhibit N?

23 MR. BARR: It should be 8000137.

24 MR. PERL: Give me one second. 137?

1 MR. BARR: Correct.

2 MR. PERL: Why don't we go ahead. I can't find
3 it, but I'm sure it's in there somewhere.

4 ALJ KIRKLAND-MONTAQUE: Okay. What number did
5 you say?

6 MR. BARR: It's going to be citation 8001290.

7 ALJ KIRKLAND-MONTAQUE: This is page N,
8 Mr. Perl.

9 MR. PERL: I probably should have left them in
10 the book, even though it's hard to move them. All
11 right, I found it.

12 ALJ KIRKLAND-MONTAQUE: Okay. Go ahead,
13 Mr. Barr.

14 MR. BARR: Thank you, your Honor.

15 BY MR. BARR:

16 Q. Investigator Kassal, are you on citation
17 marked 8001290?

18 A. Yes.

19 Q. Do you recognize that?

20 A. I do.

21 Q. What do you recognize it to be?

22 A. Administrative citation issued to
23 Protective Parking Corporation, d/b/a Lincoln
24 Towing.

1 Q. What was that citation issued for?

2 A. The contract was not electronically filed
3 in MCIS.

4 Q. And who issued that citation?

5 A. I did.

6 Q. How do you know?

7 A. I recognize the handwriting and the
8 signature on the bottom left-hand corner.

9 Q. Is that the citation in the same or
10 substantially the same condition, as it was on the
11 day it was issued by you?

12 A. Yes.

13 Q. You said the citation was issued for the
14 contract not being electronically filed, correct?

15 A. Correct.

16 Q. What does that mean?

17 A. That means the information, the address
18 entered into the MCIS system, and there was no sign
19 of the contract being entered by Lincoln Towing.

20 Q. Can you next turn to citation 8001292?

21 A. Yes.

22 Q. Do you recognize that?

23 A. I do.

24 Q. What do you recognize it to be?

1 A. Administrative citation issued to
2 Protective Parking Corporation, d/b/a Lincoln
3 Towing.

4 Q. What was that citation issued for?

5 A. The invoice was not accurately completed.

6 Q. And who issued that citation?

7 A. I did.

8 Q. How do you know you issued that citation?

9 A. I recognize the handwriting and the
10 signature in the bottom left-hand corner.

11 Q. What does it mean for an invoice not to be
12 accurately completed?

13 A. One of the pertinent data fields on the
14 invoices was not completed. I don't have the
15 invoice in front of me, so I can't be more specific
16 than that.

17 Q. Is that citation in the same, or
18 substantially the same condition, as it was on the
19 day you issued it?

20 A. Yes.

21 Q. Can you please turn the page to citation
22 8001293?

23 A. Yes.

24 Q. Do you recognize that document?

1 A. I do.

2 Q. What do you recognize that document to be?

3 A. An administrative citation that was issued
4 to Protective Parking Corporation, d/b/a Lincoln
5 Towing.

6 Q. And what was that citation issued for?

7 A. The invoice was not accurately completed.

8 Q. And who issued that citation?

9 A. I did.

10 Q. How do you know you issued that citation?

11 A. I recognize the handwriting and my
12 signature in the bottom left-hand corner.

13 Q. Is that citation the same, or
14 substantially the same condition, on the day you
15 issued it?

16 A. Yes.

17 Q. Can you please turn to citation 8001296?

18 A. Yes.

19 Q. Do you recognize that?

20 A. I do.

21 Q. What do you recognize that to be?

22 A. An administrative citation issued to
23 Protective Parking Corporation, d/b/a Lincoln
24 Towing.

1 Q. What was that citation issued for?

2 A. Again, the invoice was not accurately
3 completed.

4 Q. Who issued that citation?

5 A. I did.

6 Q. How do you know?

7 A. I recognize the handwriting and my
8 signature on the bottom left-hand corner.

9 Q. Is that citation in the same, or
10 substantially the same condition, as it was the day
11 you issued it?

12 A. Yes.

13 Q. Can you please turn to citation 8001300?

14 A. Yes.

15 Q. Do you recognize that document?

16 A. I do.

17 Q. What do you recognize that to be?

18 A. An administrative citation issued to
19 Protective Parking Corporation, d/b/a Lincoln
20 Towing.

21 Q. What was that citation issued for?

22 A. The invoice was not accurately completed.

23 Q. And who issued that citation?

24 A. I did.

1 Q. How do you know you issued that citation?

2 A. I recognize the handwriting and my
3 signature on the bottom left-hand corner.

4 Q. Is that citation in the same, or
5 substantially the same condition, as it was on the
6 day issued it?

7 A. Yes.

8 MR. BARR: I have nothing further, your Honor,
9 for Investigator Kassal.

10 ALJ KIRKLAND-MONTAQUE: And, counsel, are you
11 going to reserve your cross-examination?

12 MR. PERL: Yes, Judge, I'll resume my cross
13 until we resolve the matter of the FOIA, either by
14 agreement with the Commerce Commission or the
15 Circuit Court.

16 ALJ KIRKLAND-MONTAQUE: Okay. That's it for
17 this witness?

18 MR. BARR: It is, your Honor.

19 ALJ KIRKLAND-MONTAQUE: You may be excused.
20 I'm going to take a five-minute break. Be right
21 back. Off the record.

22 (Recess taken.)

23 ALJ KIRKLAND-MONTAQUE: Officers Strand, can
24 you raise your right hand?

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1 Did you testify -- I'm sorry. Do you
2 swear to tell the truth, the whole truth, and
3 nothing but the truth, so help you God?

4 THE WITNESS: Yes, ma'am.

5 (Witness was duly sworn.)

6 ALJ KIRKLAND-MONTAQUE: You may proceed.

7 MR. BARR: Thank your Honor.

8 BRYAN STRAND,

9 called as a witness herein, after having been first duly
10 sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BARR:

13 Q. Officer Strand, can you state your full
14 name and spell your last name, for the record?

15 A. First name is Bryan with a Y. Last name
16 Strand, S-t-r-a-n-d.

17 Q. And where are you currently employed?

18 A. The Illinois Commerce Commission Police
19 Department.

20 Q. And what is your job title?

21 A. Police Officer 2.

22 Q. What is your educational background?

23 A. I have a Law Degree, a Bachelor's Degree.

24 Q. And, specifically, what type of

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1 educational background did you have to become a
2 police officer?

3 A. To become a police officer?

4 Q. Correct.

5 A. I've got a Bachelor's in Criminal Justice.
6 It wasn't required.

7 Q. Did you have to obtain a type of
8 certification to become a sworn officer?

9 A. I have a Law Enforcement Certificate from
10 the Illinois Law Enforcement Training and Standards
11 Board.

12 Q. Do you hold any other type of
13 certifications?

14 A. Let's see.

15 Q. Related to law enforcement?

16 A. Correct. I'm a juvenile officer.

17 Q. How long have you been a police officer
18 with the Commerce Commission?

19 A. Five years as of July 9th.

20 Q. Were you a police officer anywhere else
21 prior to July 9th?

22 A. Yes.

23 Q. Where?

24 A. Village of LaGrange and also Lake County

1 Sheriff's Office in the Marine Unit.

2 Q. In total, how long have you been a police
3 officer?

4 A. Since October of 2005. So 12 years,
5 about.

6 Q. Now, what are your duties as an Illinois
7 Commerce Commission Police Officer?

8 A. Various duties, including enforcing
9 relocation towing, safety towing, general motor
10 carrier enforcement, whether it's federal licensing
11 laws or state, warehousing and repossession.

12 Q. And those are all what the Commission
13 regulates?

14 A. That's correct.

15 Q. What type of training did you receive,
16 once you became a Commerce Commission Police
17 Officer?

18 A. Just five or six weeks of specific
19 training in Springfield related to Commerce
20 Commission functions.

21 Q. Was there any other type of training,
22 on-the-job training, anything of that nature?

23 A. There was a short field training period.

24 Q. And who taught that field training?

1 A. Multiple officers, only one of which is
2 still here. The others are retired.

3 Q. Officers that had experience?

4 A. Trained current Commerce Commission
5 officers.

6 Q. If you could, what's a typical day like
7 for a Commerce Commission police officer?

8 A. It varies by district and officer, really.
9 You got two districts, one out of Springfield, one
10 out of the Des Plaines.

11 Springfield guys, in short, are basically
12 like state troopers and just hang out on the
13 highway. They don't enforce the same laws that we
14 do up here.

15 So average day for a Des Plaines District
16 Officer can be anywhere from relocation towing
17 complaints, to traffic enforcement, repossession
18 complaints, warehouse inspections.

19 So it varies, depending on each officer,
20 what they're assigned at that time.

21 Q. Now, you mentioned that one of the areas
22 as a police officer that you regulate is relocation
23 towing, correct?

24 A. Yes, correct.

1 Q. How do you regulate that?

2 A. Both reactively and proactively, when we
3 have time. Reactively, it's receiving written
4 complaints from motorists in the mail at our office,
5 and then following up on those complaints.

6 Proactively, it depends when we have time,
7 we might go out and just look for traffic violations
8 with relocators. We might do some sting operations.
9 It's mostly reactive.

10 Q. Now, do all complaints for relocation
11 towing, does it come through the mail?

12 A. There are some that come in through the
13 phone, but we can't take those. So every case
14 that's opened from a consumer is through U.S. Mail.

15 Q. What type of things, regarding relocation
16 towing, do motorists generally complain about?

17 A. Everyone feels that they were wrongfully
18 towed. So they complain from anything from they
19 were overcharged to they never left the lot.

20 They were authorized to park there. They
21 were parked on a public street. They paid for
22 parking. It runs the gamut.

23 Q. Now, you said the only way that complaints
24 are received by the Commerce Commission are through

1 the U.S. Mail, correct?

2 A. I mean, people call all the time, but the
3 only ones that we'll actually follow-up on are ones
4 that we receive through the mail.

5 Q. Throughout your experience, do motorists
6 ever get discouraged by the complaint process?

7 MR. PERL: Objection.

8 MR. BARR: What's the basis?

9 MR. PERL: Foundation. How would he know if
10 the motorist is frustrated or not? He's not in
11 their mind. It will call for hearsay.

12 MR. BARR: I'm not asking about a specific
13 instance.

14 ALJ KIRKLAND-MONTAQUE: I think you can reword
15 it to get what you want, perhaps, Mr. Barr. Are all
16 of them satisfied?

17 MR. PERL: I also object as to relevance.

18 ALJ KIRKLAND-MONTAQUE: I'm going to allow it.
19 I don't know where he's going with it.

20 MR. PERL: Relevance is one. The other would
21 be, foundationally, how would this witness know if
22 somebody else is frustrated, unless they said, "I'm
23 frustrated," whatever, he's in their mind knowing
24 that they are frustrated.

1 How would he know? He's not a
2 psychiatrist. He can't testify if someone is
3 getting frustrated or not.

4 ALJ KIRKLAND-MONTAQUE: I'm going to allow you
5 to ask a more specific question.

6 MR. BARR: I'm going to move on.

7 BY MR. BARR:

8 Q. Officer Strand, what's the process, once
9 of Commerce Commission receives a complaint from a
10 motorist?

11 A. A file number is associated with it for
12 future reference. Then it's distributed somehow. I
13 still don't quite know, through an officer,
14 investigator, to follow-up on the complaint.

15 Q. Do you do anything specific, then, once
16 you receive a complaint?

17 A. I will read the complaint, itself, which
18 is on the reverse of the invoice. Then I'll look
19 through the front side to the part that the
20 relocater fills out.

21 I'll go through each field, to make sure
22 it's filled in, as it's supposed to and accurately.
23 I'll check the data that was entered by the
24 relocater, compare it against data that we have, to

1 see if it's accurate or the contract is still in
2 place.

3 I'll run the tow plates to make sure there
4 is a lease on file for the relocater, check the
5 operator permits to make sure that they are valid
6 and active, make sure they call the police and
7 within an hour to report it. Just to down the boxes
8 all the way to the bottom.

9 Q. Do you ever visit the lot?

10 A. Occasionally.

11 Q. When you go out to the lots, what do you
12 look for?

13 A. It depends on the nature of the complaint.
14 If it's a signage complaint -- grant it, I wasn't
15 there at the time.

16 I'd want to see a general idea as to what
17 the person is complaining about, see if conditions
18 have changed. There could be new signs by that
19 point. You never know.

20 Often, it's hard to tell what's going on,
21 on a piece of paper, what's going on in the lot.
22 Google Maps doesn't do it that well.

23 Sometimes you have to actually go
24 physically to check out the lot, check out where the

1 entrances are, check out the buildings, try to
2 figure out who is permitted to park there, who's not
3 permitted to park there.

4 Q. Now, are you assigned any particular
5 relocation towing complaint?

6 A. Any particular complaint? No, I don't
7 think so.

8 Q. I mean, by that I mean are you assigned
9 any particular relocater, if they receive a
10 complaint?

11 A. No.

12 Q. Are you aware of the relocation towing
13 company Protective Parking Service Corporation?

14 A. I am.

15 Q. How are you aware of it?

16 A. Because they are a company that's a
17 licensed relocater from the ICC.

18 Q. Are you aware of their assumed name of
19 Lincoln Towing Service?

20 A. I am.

21 Q. During the period of July 24, 2015, to
22 March 24th, 2016, did you investigate any complaints
23 received by the Commerce Commission in the tows
24 conducted by Lincoln Towing Service?

1 A. I did.

2 Q. Once you read over a complaint and do your
3 investigation, do you have any contact with the
4 complainant?

5 A. Yes.

6 Q. Do you explain -- strike that.

7 What do you talk to the complainant about?

8 A. Well, I call them and tell them that I
9 cannot obtain a refund on their behalf.

10 If I find a violation, I can corroborate,
11 I can issue a citation on their behalf, and they
12 will most likely be required to appear, since I was
13 not present at the time their vehicle was towed.

14 And then if they want to go forward, I'll
15 let them know at that point I'm going to issue one.
16 I'll give them their case number and citation
17 numbers and follow up with them when they have
18 follow-up questions.

19 Q. Now, when a complainant hears this
20 process, what do they typically do?

21 Do they generally -- strike that. That's
22 a bad question.

23 When the complainant hears the process of
24 what happens in a complaint, do they ever get

1 discouraged?

2 MR. PERL: Objection, foundation. Outside the
3 scope of this witness' knowledge. He's not an
4 expert in psychology.

5 He couldn't possibly know if they get
6 discouraged or not, unless he asked them, which
7 would then be hearsay; or if he's a trained
8 professional to know whether or not I'm discouraged
9 or upset. I don't think how he would know that.

10 MR. BARR: I can reask the question.

11 BY MR. BARR:

12 Q. Dr. Strand, do you ever lose contact with
13 a motorist after you explain the process?

14 A. Often.

15 Q. Why do you think that is?

16 MR. PERL: Objection as to foundation. It goes
17 beyond the scope of this witness' testimony.

18 How would he know why a person isn't
19 calling him back, unless they can lay a foundation
20 for it?

21 MR. BARR: It is just a general opinion.

22 MR. PERL: It's way beyond the relevancy of
23 this examination anyway.

24 I haven't been objecting, based upon the

1 fact he's asking questions outside the scope of the
2 time period. I don't want to belabor this.

3 I don't know how it could be possibly be
4 relevant, just in general, if people when they call
5 the Commerce Commission, unless they're saying the
6 Commerce Commission doesn't do a good job. Maybe
7 that's what he's alluding to that the Commerce
8 Commission isn't attentive to people who call.

9 But that's not the relevancy for this for
10 what we're doing here. We're talking about
11 July 24th, 2015, to March 23rd, 2016, and having the
12 determination as to whether or not Lincoln Towing is
13 fit.

14 ALJ KIRKLAND-MONTAQUE: I'm going to sustain
15 the objection regarding what complainants -- the
16 motivation of complainants.

17 BY MR. BARR:

18 Q. Officer Strand, in the course of your
19 investigation, is it possible you could discover
20 something a consumer did not complain about?

21 A. Often.

22 Q. I know you kind of briefly went into this,
23 but if you will, as part of the investigation, what
24 type of things are you looking for?

1 A. I'm looking for, first, the nature of
2 their complaint. Then I'll flip it over and look at
3 things probably that wouldn't be privy to their
4 knowledge.

5 I'll look at the contract, what type of
6 contract it was, whether it was on file. I'll look
7 at the time it was towed versus the time it was
8 reported. I'll look at the dispatcher.

9 Well, I was looking at the dispatcher, but
10 now not so much. The operator permit, whether that
11 was active at the time, whether the tow truck was
12 owned by the particular relocator or was leased.

13 If it was leased it, was it on file. You
14 know, that they put all the information in the boxes
15 that they had to them at the time when the vehicle
16 was released.

17 Q. After you finished your investigation,
18 what did you do next?

19 A. Depending on the case, if there's no
20 violations, I'll close it with no volitations, write
21 up a quick summary.

22 If there are violations, whether they are
23 ones that I'm only privy to, where I don't need to
24 have a witness, I will issue them. If it's

1 something where it is a public witness, I'll
2 discuss, again, the need they would have to appear,
3 because it's essentially on their behalf.

4 I will send the tickets off, have the
5 report signed off on, and it's closed, for all
6 intents and purposes, until it gets to OTC.

7 Q. On average, how long does it take you to
8 investigate one relocation complaint?

9 MR. PERL: Objection, relevance.

10 MR. BARR: It's just background information.

11 ALJ KIRKLAND-MONTAQUE: Overruled.

12 BY MR. BARR:

13 Q. Officer Strand, on average, on average,
14 how long does it take you to investigate one
15 relocation complaint?

16 A. Anywhere between two and five hours,
17 depending on whether I'm doing a site inspection.

18 Q. Other than a site inspection, what else
19 does that include?

20 A. It's usually the traffic -- well, from the
21 time I get it, go through it, check all the boxes
22 that I can, follow-up with the complainant, ask for
23 follow-up photos from the relocater, follow-up
24 photos from the complainant, actually physically

1 handwriting citations, or typing up the complaint,
2 making copies and a turning it in.

3 Q. Is there anything that that figure does
4 not include?

5 A. My time, no.

6 Q. Officer Strand, I want you to turn in the
7 booklet in front of you to Exhibit L. Specifically,
8 I want to go to the citation that's marked 8001149.

9 It should be the second page, I believe,
10 in that book.

11 A. Okay.

12 Q. Do you recognize that?

13 A. I do.

14 Q. What do you recognize that to be?

15 A. An administrative citation that I issued.

16 Q. And who did you issue that to?

17 A. Protective Parking Service Corporation.

18 Q. And what did you issue it for?

19 A. Inaccurate or incomplete invoice.

20 Q. How do you know you issued that citation?

21 A. I recognize my handwriting and my
22 signature.

23 Q. Now, is that citation in the same, or
24 substantially the same condition, as the day you

1 wrote it?

2 A. Yes.

3 Q. Now, you said it was for inaccurate or
4 incomplete invoice, correct?

5 A. Correct.

6 Q. What does it mean to have an inaccurate or
7 incomplete invoice, inaccurate and/or incomplete
8 invoice?

9 A. If the particular tow field is not filled
10 out correctly, it could be inaccurate. If it's
11 incomplete, it could mean a field is not filled out
12 at all or just partially.

13 Q. Is it important for a relocater completely
14 fill out an invoice?

15 MR. PERL: Objection, foundation, relevancy.

16 MR. BARR: It goes to the citation. I think
17 it's relevant.

18 MR. PERL: I thought we weren't going -- I'm
19 okay with it, but I thought we weren't going to go
20 through the individual citations.

21 MR. BARR: It's a factual basis. I'm not
22 asking what was missing from that invoice. I'm just
23 asking why it's important.

24 ALJ KIRKLAND-MONTAQUE: Maybe a better question

1 why is it required or is it required?

2 BY MR. BARR:

3 Q. Officer Strand, is it required you
4 completely fill out th invoice?

5 A. It is.

6 Q. Do you know why it's required?

7 A. So that records are kept with all the
8 information necessary for both the complainant,
9 Lincoln Towing, and the Commission for future
10 reference.

11 Q. And what type of information is contained,
12 or what type of fields are required on an invoice?

13 A. Which are required to be completed?

14 Q. Correct.

15 A. Every single field.

16 Q. What are those fields on the invoice? Do
17 your best.

18 A. Let's see, from top to bottom, a full
19 description of the vehicle, year, make, model, VIN,
20 address it was towed from, whether it was towed
21 pursuant to a call or patrol, date and time it was
22 removed, date and time it was reported to which
23 particular law enforcement agency, to an identified
24 member of the police hot desk.

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1 Let's see. Tow plate, operator ID,
2 assistant ID, dispatcher who reported it to the
3 police. Let's see, later on the dispatcher who
4 released it, time it was released, the vehicle owner
5 or claimant's name, how they paid, the charge that
6 they incurred, whether there was storage. I think
7 that's most.

8 Q. And you checked some of those fields in
9 the course of your investigation?

10 A. I check each of them.

11 Q. Can a relocater benefit from inaccurately
12 or completely filling out an invoice?

13 MR. PERL: Objection. This would be outside
14 the scope of this witness' knowledge and
15 foundational and relevance.

16 MR. BARR: I don't think it's outside. Officer
17 Strand would be the one would know why a relocater
18 would benefit.

19 MR. PERL: Why would he be the one? He hasn't
20 laid any ground work for his job descriptions of
21 enforcing the towing rights, and that's it.

22 He hasn't laid any ground work for exactly
23 he knows whether towings are profitable. He's never
24 laid any foundation for that. How would he know how

1 a tow company would benefit from something?

2 MR. BARR: I can reask it, if you want me to.

3 ALJ KIRKLAND-MONTAQUE: Please.

4 BY MR. BARR:

5 Q. Officer Strand, is it a violation of the
6 Administrative Code 18A to not accurately or
7 completely fill out an invoice, correct?

8 A. Correct.

9 Q. How much does one of those citations cost
10 a relocater if they're found liable or guilty of it?

11 A. One hundred dollars.

12 Q. You testified earlier that one of the
13 fields that might be left off is the operator
14 permit, correct?

15 A. Correct.

16 Q. If a relocation towing company was to get
17 a citation for not using an operator that has
18 authority from the Commission, how much would a
19 citation -- is that a violation?

20 A. It is.

21 Q. How much would a citation cost a relocater
22 if they are found liable?

23 A. 300 for the first time, 400 for the
24 second.

1 Q. Is it possible a relocater could
2 potentially benefit from leaving information off an
3 invoice?

4 MR. PERL: Same objection. I don't know,
5 foundationally, what counsel has stated that if a
6 relocater doesn't fill something out, they can
7 get -- I guess this is cross -- they can get fined
8 for it. It cost them money.

9 He hasn't laid the ground work for how
10 Officer Strand would know how a towing company would
11 benefit. I guess it's illogical how they would
12 benefit from paying a fine, how they would benefit
13 financially as a towing company from leaving a field
14 off and not marked?

15 MR. BARR: That was my question, your Honor.

16 MR. PERL: There is no foundation for him
17 testifying to that. He doesn't know what their
18 expenses are, what their costs are.

19 ALJ KIRKLAND-MONTAQUE: I think -- I'm going to
20 sustain the objection. I think you can get what you
21 want by asking more specific questions, or asking --
22 try it again.

23 BY MR. BARR:

24 Q. Officer Strand, if invoices didn't have an

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1 operator permit listed on it, would you have any way
2 of knowing who was the operator that towed that car?

3 A. I could try to follow-up the relocater and
4 see who it was.

5 Q. But just looking at the invoice?

6 A. No.

7 Q. And it's a violation to leave that off,
8 the personal off that invoice?

9 A. That's correct.

10 Q. Officer Strand, I want you to turn to
11 citation 8001150.

12 A. Okay.

13 Q. Do you recognize that citation?

14 A. Yes.

15 Q. What do you recognize it to be?

16 A. It's an administrative citation that I
17 issued to Protective Parking Service Corporation.

18 Q. And what did you issue that citation for?

19 A. Inaccurate, incomplete invoice.

20 Q. How do you know you issued that citation?

21 A. Based on the handwriting, I recognize it
22 to be my own and my signature that I recognize to be
23 my own.

24 Q. Is that citation in the same, or

1 substantially the same condition, as it was on the
2 day when you issued it?

3 A. Yes.

4 Q. Can you next turn to citation 8001351?

5 A. Okay.

6 Q. Do you recognize that?

7 A. I do.

8 Q. What do you recognize that to be?

9 A. It's an administrative citation that I
10 issued to Protective Parking Service Corporation.

11 Q. What did you issue that citation for?

12 A. No equipment lease on file.

13 Q. How do you know you issued that citation?

14 A. I recognize my handwriting and my
15 signature.

16 Q. Is that citation in the same, or
17 substantially the same condition, as it was on the
18 day you issued it?

19 A. Yes.

20 Q. And what does it mean to have no equipment
21 lease on file?

22 A. It means that the tow equipment that was
23 used was owned by an individual or legal entity
24 other than Protective Parking Service Corporation,

1 used in the course of a relocation for Protective
2 Parking Service Corporation, without having a lease
3 agreement on file with the State of Illinois
4 Commerce Commission.

5 Q. Do you know why it's important to have an
6 equipment lease on file?

7 A. I think it's important so that the
8 relocater has general liability for all, you know,
9 of it's people and vehicles that are on the road
10 under its authority.

11 I think it would be important that any
12 equipment used would be affiliated with the towing
13 company, so that they would have oversight over it,
14 and know which vehicles are out on the road and
15 which are not doing work for them.

16 Q. Can you please turn to citation 8001352?

17 A. Okay.

18 Q. What is that?

19 A. It's an administrative citation that I
20 issued to Protective Parking Service Corporation.

21 Q. And what did you issue that citation for?

22 A. An inaccurate invoice.

23 Q. And how do you know you issued that?

24 A. I recognize my handwriting and my

1 signature.

2 Q. Is that citation the same, or
3 substantially the same condition, as it was on the
4 day you issued it?

5 A. Yes.

6 Q. Can you please turn to 8001356?

7 A. Okay.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What do you recognize that to be?

11 A. The administrative citation that I issued
12 to Protective Parking Service Corporation.

13 Q. And what did you issue that citation for?

14 A. Incomplete invoice.

15 Q. And how do you know you issued that
16 citation?

17 A. The handwriting and my signature.

18 Q. Is that citation in the same, or
19 substantially the same condition, as on the day you
20 issued it?

21 A. Yes.

22 Q. Can you please turn to citation 8001358?

23 A. Okay.

24 Q. Do you recognize that?

1 A. I do.

2 Q. What do you recognize that to be?

3 A. It's an administrative citation that I
4 issued to Protective Parking Service Corporation.

5 Q. And what did you issue that citation for?

6 A. This one was for no equipment lease on
7 file.

8 Q. And how do you know you issued that
9 citation?

10 A. Based on my handwriting and the signature.

11 Q. Is that citation in the same, or
12 substantially the same condition, as it was on the
13 day you issued it?

14 A. Yes.

15 Q. Can you next turn to citation 8001359?

16 A. Okay.

17 Q. Do you recognize that?

18 A. I do.

19 Q. What do you recognize that to be?

20 A. An administrative citation that I issued
21 Protective Parking Service Corporation.

22 Q. What did you issue that citation for?

23 A. Inaccurate and incomplete invoice.

24 Q. And how do you know you issued that

1 citation?

2 A. Handwriting and signature.

3 Q. Is that citation in the same, or
4 substantially the same condition, on the day you
5 issued it?

6 A. Yes.

7 Q. Can you please turn to citation 8001361?

8 A. Okay.

9 Q. Do you recognize that?

10 A. I do.

11 Q. What do you recognize that to be?

12 A. It's an administrative citation that I
13 issued to Protective Parking Service Corporation.

14 Q. What did you issue it for?

15 A. No equipment lease.

16 Q. And how do you know you issued that
17 citation?

18 A. Based on the handwriting and my signature.

19 Q. Is that citation in the same, or
20 substantially the same condition, as the day you
21 issued it?

22 A. Yes.

23 Q. Can you please turn to the next citation,
24 citation 8001363?

1 A. Okay.

2 Q. Do you recognize that?

3 A. I do.

4 Q. What do you recognize it to be?

5 A. It's an administrative citation that I
6 issued Protective Parking Service Corporation.

7 Q. And what did you issue it for?

8 A. An incomplete, inaccurate invoice.

9 Q. How do you know you issued that citation?

10 A. Handwriting and signature.

11 Q. And is that citation in the same, or
12 substantially the same condition, as the day you
13 issued it?

14 A. Yes.

15 Q. Can you please turn to citation 8001365?

16 A. Okay.

17 Q. Do you recognize that?

18 A. I do.

19 Q. What do you recognize that to be?

20 A. That is an administrative citation that I
21 issued to Protective Parking Service corporation.

22 Q. And what did you issue that citation for?

23 A. No equipment lease on file.

24 Q. How do you know you issued that citation?

1 A. Handwriting and signature.

2 Q. Is that citation in the same, or
3 substantially the same condition, as it was the day
4 you issued it?

5 A. Yes.

6 Q. Can you please turn to the next citation,
7 citation 8001366?

8 A. Okay.

9 Q. Do you recognize that?

10 A. I do.

11 Q. What do you recognize that to be?

12 A. It's an administrative citation that I
13 issued Protective Parking Service Corporation.

14 Q. What did you issue that citation for?

15 A. Inaccurate or incomplete invoice.

16 Q. How do you know you issued that citation?

17 A. Handwriting and signature.

18 Q. And is that citation in the same, or
19 substantially the same condition, as it was on the
20 day you issued it?

21 A. Yes.

22 Q. Can you please turn to citation 8001393?

23 A. Okay.

24 Q. Do you recognize that?

1 A. Yes.

2 Q. What do you recognize that to be?

3 A. It's an administrative citation issued to
4 Protective Parking Service Corporation.

5 Q. What did you issue that citation for?

6 A. Inaccurate or incomplete invoice.

7 Q. How do you know you issued that citation?

8 A. Handwriting and signature.

9 Q. Is that citation in the same, or
10 substantially the same condition, as it was the day
11 you issued it?

12 A. Yes.

13 Q. Can you please turn not next citation,
14 citation 8001824?

15 A. Okay.

16 Q. Do you recognize that?

17 A. I do.

18 Q. What do you recognize that to be?

19 A. An administrative citation that I issued
20 Protective Parking Service Corporation.

21 Q. What did you issue it for?

22 A. For no contract on file.

23 Q. What does it mean to not have a contract
24 on file?

1 A. Let's see, which one I did on this one. I
2 think this one is an E-relocate situation where the
3 contract that Lincoln had with the private party was
4 not electronically filed with the Illinois Commerce
5 Commission.

6 Q. Is it a violation not to electronically
7 file?

8 A. It is.

9 Q. What would the relocater file?

10 A. What would they file?

11 Q. Correct.

12 A. They file a contract summary through
13 E-relocator.

14 Q. Is it important to have that contract
15 electronically filed with the Commission?

16 A. Yes.

17 Q. Why is that?

18 A. For one, we know that there is a contract
19 on a particular address. It also states their claim
20 against other relocators, so there's no disputes
21 amongst them.

22 Then we can also have some of the
23 shorthand contact information for who it's with and
24 what type of contract it is.

1 Q. Go to citation 8001832.

2 A. Okay.

3 Q. Do you recognize that?

4 A. I do.

5 Q. What do you recognize that to be?

6 A. It's an administrative citation issued to
7 Protective Parking Service Corporation.

8 Q. And how do you know you issued that
9 citation?

10 A. Handwriting and signature.

11 Q. And what did you issue that citation for?

12 A. This was for using a dispatcher with an
13 expired permit.

14 Q. Is that citation in the same, or
15 substantially the same condition, as it was the day
16 you issued it?

17 A. Yes.

18 Q. I next want you to turn to Exhibit M, M
19 like Mary?

20 A. Mary, okay.

21 Q. Please specifically go to citation
22 No. 8001353.

23 A. Are these all in order, I take it?

24 Q. They should be.

1 MR. PERL: You said 1353?

2 MR. BARR: Yes, 1353.

3 THE WITNESS: Like halfway through?

4 BY MR. BARR:

5 Q. Yes, like halfway through.

6 A. Okay.

7 Q. Do you recognize that?

8 A. I do.

9 Q. What do you recognize that to be?

10 A. It's an administrative citation that
11 issued to Protective Parking Service Corporation.

12 Q. What did you issue that citation for?

13 A. No equipment lease on file.

14 Q. And how do you know you issued that
15 citation?

16 A. Handwriting and signature.

17 Q. And is that citation in the same, or
18 substantially the same condition, as it was the day
19 you issued it?

20 A. Yes.

21 Q. Can you please go to citation 8001354?

22 A. Okay.

23 Q. Do you recognize that?

24 A. I do.

1 Q. What do you recognize that to be?

2 A. An administrative citation that I issued
3 to Protective Parking Service Corporation.

4 Q. What did you write that citation for?

5 A. This was for an incomplete invoice.

6 Q. And how do you know you issued that
7 citation?

8 A. Handwriting and signature.

9 Q. Is that citation in the same, or
10 substantially the same condition, as it was the day
11 you issued it?

12 A. Yes.

13 Q. And can you please go to the next
14 citation, citation 8001355?

15 A. Okay.

16 Q. Do you recognize that?

17 A. I do.

18 Q. What do you understand this to be?

19 A. It's an administrative citation that you
20 issued to Protective Service Parking Corporation.

21 Q. What did you issue that citation for?

22 A. For no contract on file.

23 Q. And is that citation in the same, or
24 substantially the same condition, as it was the day

1 you issued it?

2 A. Yes.

3 Q. How do you know you issued that citation?

4 A. Handwriting and signature.

5 Q. Can you please go to the next citation,
6 citation 8001357?

7 A. Okay.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What do you recognize that to be?

11 A. It's an administrative citation that I
12 issued to Protective Parking Service Corporation.

13 Q. What did you issue that citation for?

14 A. For an incomplete invoice.

15 Q. And how do you recognize that's a citation
16 you issued?

17 A. Handwriting and signature.

18 Q. Is that citation in the same, or
19 substantially the same condition, as the day you
20 issued it?

21 A. Yes.

22 Q. And can you please go to the next
23 citation, citation 8001360?

24 A. Okay.

1 Q. Do you recognize that?

2 A. I do.

3 Q. What do you recognize that to be?

4 A. It's an administrative citation that I
5 issued to Protective Parking Service Corporation.

6 Q. What did you issue that citation for?

7 A. For inappropriate signage or improper
8 signage.

9 Q. What does it mean to have inappropriate
10 signage?

11 A. It should have been improper signage.
12 That it's not posted within specifications of the
13 Vehicle Code Chapter 18A or the Illinois
14 Administrative Code for placement of heights,
15 distance, number of signs, number of feet from the
16 entrance, correct size letters.

17 Q. These signs are to be posted on a lot
18 where a contractor or a relocater would tow from?

19 A. That's correct.

20 Q. Is it important for a lot to have signage?

21 A. Yes.

22 Q. Why is it important?

23 A. It's a notice requirement to the public.

24 Q. What do you mean by "notice requirement"?

1 A. That whoever is parking their vehicle is
2 on notice that it's private property; and if they're
3 not authorized to park there, their vehicle can and
4 will be relocated at their own expense.

5 Q. Is it a violation for a relocater to tow
6 from a lot without proper signage?

7 A. Yes.

8 Q. Can you please go to the next citation,
9 citation 8001394?

10 A. What was the numbers on that?

11 Q. 8001394.

12 A. 1394?

13 Q. Correct.

14 A. Okay.

15 Q. Do you recognize that?

16 A. I do.

17 Q. What do you recognize that to be?

18 A. This is an administrative citation issued
19 to Protective Parking Service Corporation.

20 Q. What is that citation issued for?

21 A. This was for patrolling a call lot.

22 Q. Who issued this citation?

23 A. I did.

24 Q. How do you know you issued that citation?

1 A. Handwriting and signature.

2 Q. And is that citation in the same, or
3 substantially the same condition, as the day you
4 issued it?

5 A. It is.

6 Q. What do you mean by "patrolling from a
7 call lot"?

8 A. The contract they had, both on file and
9 physically in their records, was for vehicles to be
10 relocated on a call-only basis and not on a patrol
11 basis.

12 Q. Can you describe what the difference
13 between a patrol and a call?

14 A. Sure. Patrol could be an overarching
15 contract that they E-file with us. Strike that.

16 So a basic call-only lot, it's my
17 understanding that the somebody, an owner or agent
18 who enters into the contract, will specify that
19 Lincoln will only relocate vehicles upon request of
20 whoever party, and the patrol contract is a little
21 more liberal.

22 Usually, the contract only gives Lincoln
23 conditions that they want X, Y, Z vehicles
24 relocated, for whatever various reasons they agree

1 amongst themselves, and nobody needs to be called.

2 Q. For a call lot, the vehicle has to call --
3 I'm sorry, someone from the property has to call in
4 for the vehicle to be towed?

5 A. Whoever is authorized through the contract
6 to call.

7 Q. If the authorized person does not call,
8 should the car be towed?

9 A. It should not be.

10 Q. I want you to turn next to citation
11 8001395.

12 A. Okay.

13 Q. Do you recognize that?

14 A. I do.

15 Q. What do you recognize that to be?

16 A. It's an administrative citation that I
17 issued to Protective Parking Service Corporation.

18 Q. And what did you issue that citation for?

19 A. This one is based on the way it was
20 E-filed. It was patrolling a lot that was filed a
21 as call lot only.

22 Q. How do you know you issued that citation?

23 A. Handwriting and signature.

24 Q. Is that citation in the same, or

1 substantially the same condition, as it was the day
2 you issued it?

3 A. Yes.

4 Q. Can you please go to the next citation,
5 citation 8001396?

6 A. Okay.

7 Q. Do you recognize that?

8 A. I do.

9 Q. What do you recognize that to be?

10 A. It's an administrative citation that I
11 issued to Protective Parking Service Corporation.

12 Q. What did you issue that citation for?

13 A. Incomplete invoice.

14 Q. How do you know you issued that citation?

15 A. Based on the handwriting and my signature.

16 Q. And is that citation in the same, or
17 substantially the same condition, as it was the day
18 you issued it?

19 A. Yes.

20 Q. Can you turn the page to citation 8001397?

21 A. Okay.

22 Q. Do you recognize it?

23 A. I do.

24 Q. What do you recognize it to be?

1 A. It's an administrative citation that I
2 issued to Protective Parking Service Corporation.

3 Q. And what did you issue that citation for?

4 A. This one was for incomplete invoice.

5 Q. How do you know you issued that citation?

6 A. Handwriting and signature.

7 Q. And is that citation in the same, or
8 substantially the same condition, as the day you
9 issued it?

10 A. Yes.

11 Q. Can you please turn the page to citation
12 8001398?

13 A. Okay.

14 Q. Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to be?

17 A. It's an administrative citation that I
18 issued to Protective Parking Service Corporation.

19 Q. What did you issue it for?

20 A. No written authorization to relocate was
21 E-filed.

22 Q. How do you know you issued that citation?

23 A. Handwriting and signature.

24 Q. Is that citation in the same, or

1 substantially the same condition, as it was the day
2 you issued it?

3 A. Yes.

4 Q. Can you turn to the next page for citation
5 8001399?

6 A. Okay.

7 Q. Do you recognize that?

8 A. Yes.

9 Q. What do you recognize that to be?

10 A. An administrative citation that I issued
11 to Protective Parking Service Corporation.

12 Q. What did you issue that citation for?

13 A. Relocating an authorized vehicle from an
14 authorized location.

15 Q. What do you mean by "relocating an
16 authorized vehicle from an authorized location"?

17 A. That the vehicle was authorized -- in
18 general, or in this specific one?

19 Q. In general.

20 A. That the vehicle was authorized by either
21 permit or through permission to be parked on a
22 particular lot.

23 Q. And is that citation in the same, or
24 substantially the same condition, as it was the day

1 you issued it?

2 A. Yes.

3 Q. Can you please turn to the next citation,
4 citation 8001400?

5 A. Okay.

6 Q. Do you recognize that?

7 A. Yes.

8 Q. What do you recognize that to be?

9 A. Administrative citation that I issued to
10 Protective Parking Service Corporation.

11 Q. And what did you issue that citation for?

12 A. For using a dispatcher without an active
13 permit.

14 Q. How do you know you issued that citation?

15 A. By the handwriting and signature.

16 Q. Is that citation in the same, or
17 substantially the same condition, as the day you
18 issued it?

19 A. Yes.

20 Q. Can you please turn the page to citation
21 8001801?

22 A. Okay.

23 Q. Do you recognize that?

24 A. I do.

1 Q. What do you recognize that to be?

2 A. That is an administrative citation issued
3 to Protective Parking Service Corporation.

4 Q. And what did you issue that citation for?

5 A. For no written authorization to relocate
6 on file.

7 Q. How do you know that citation was issued
8 by you?

9 A. By the handwriting and my signature.

10 Q. Is that citation in the same, or
11 substantially the same condition, as the day you
12 issued it?

13 A. Yes.

14 Q. Can you please go to citation 800 -- I'm
15 sorry, 8001802?

16 A. Okay.

17 Q. Do you recognize that?

18 A. Yes.

19 Q. What do you recognize that to be?

20 A. An administrative citation that I issued
21 to Protective Parking Service Corporation.

22 Q. What did you issue that citation for?

23 A. Using a dispatcher without an active
24 permit.

1 Q. How do you know you issued that citation?

2 A. Handwriting and signature.

3 Q. Is that citation in the same, or
4 substantially the same condition, as it was the day
5 you issued it?

6 A. Yes.

7 Q. Can you please go to citation 8001803?

8 A. Okay.

9 Q. Do you recognize that?

10 A. Yes.

11 Q. What do you recognize that to be?

12 A. It's an administrative citation that I
13 issued to Protective Parking Service Corporation.

14 Q. What did you issue that citation for?

15 A. Incomplete invoice.

16 Q. How do you recognize that to be a citation
17 you issued?

18 A. Handwriting and signature.

19 Q. Is that citation in the same, or
20 substantially the same condition, as the day you
21 issued it?

22 A. Yes.

23 Q. Can you please go to citation 8001804?

24 A. Okay.

1 Q. Do you recognize that?

2 A. Yes.

3 Q. What do you recognize that to be?

4 A. It's an administrative citation issued to
5 Protective Service Parking Corporation.

6 Q. What did you issue that citation for?

7 A. For incomplete invoice.

8 Q. How do you recognize that to be a citation
9 you issued?

10 A. By the handwriting and signature.

11 Q. Is that citation in the same, or
12 substantially the same condition, as the day you
13 issued it?

14 A. Yes.

15 Q. Can you please go to citation 8001805?

16 A. Okay.

17 Q. Do you recognize that?

18 A. Yes.

19 Q. What do you recognize that to be?

20 A. An administrative citation that I issued
21 to Protective Service Parking?

22 Q. What did you issue that citation for?

23 A. For use of dispatcher without an active
24 permit.

1 Q. How do you recognize that to be a citation
2 you issued?

3 A. Handwriting and signature.

4 Q. Was that citation in the same, or
5 substantially the same condition, as the day you
6 issued it?

7 A. Yes.

8 Q. Can you next turn the page to 800186?

9 A. Okay.

10 Q. Do you recognize that?

11 A. Yes.

12 Q. What do you recognize that to be?

13 A. It's an administrative citation issued to
14 Protective Parking Service Corporation.

15 Q. What did you issue that citation for?

16 A. Incomplete invoice.

17 Q. How do you recognize that to be a citation
18 you issued?

19 A. Handwriting and signature.

20 Q. Is that citation in the same, or
21 substantially the same condition, as it was the day
22 you issued it?

23 A. Yes.

24 Q. The next citation is 8001809?

1 A. Okay.

2 Q. Do you recognize that?

3 A. Yes.

4 Q. What do you recognize that to be?

5 A. It's an administrative citation that I
6 issued to Protective Parking Service Corporation.

7 Q. What did you issue that citation for?

8 A. For incomplete invoice.

9 Q. How do you recognize that to be a citation
10 you issued?

11 A. Handwriting and signature.

12 Q. Is that citation in the same, or
13 substantially the same condition, as the day you
14 issued it?

15 A. Yes.

16 Q. And can you turn to citation 8001810?

17 A. Okay.

18 Q. Do you recognize that?

19 A. Yes.

20 Q. What do you recognize that to be?

21 A. It's an administrative citation that I
22 issued to Protective Parking Service Corporation.

23 Q. And what did you issue that citation for?

24 A. For using a dispatcher without an active

1 permit.

2 Q. How do you recognize that to be a citation
3 you issued?

4 A. Handwriting and signature.

5 Q. Is that citation in the same, or
6 substantially the same condition, as the day you
7 issued it?

8 A. Yes.

9 Q. Can you turn the page to 8001811?

10 A. Okay.

11 Q. Do you recognize that?

12 A. I do.

13 Q. What do you recognize that to be?

14 A. It's an administrative citation that I
15 issued to Protective Parking Service Corporation.

16 Q. What did you issue that citation for?

17 A. For relocating for authorized vehicle.

18 Q. And how do you recognize that to be a
19 citation that you issued?

20 A. By the handwriting and signature.

21 Q. Is that citation in the same, or
22 substantially the same condition, as the day you
23 issued it?

24 A. Yes.

1 Q. Can you please turn to 8001812?

2 A. Yes.

3 Q. Do you recognize that?

4 A. Yes.

5 Q. What do you recognize that to be?

6 A. It's an administrative citation that I
7 issued to Protective Parking Service Corporation.

8 Q. What did you issue that citation for?

9 A. For incomplete invoice.

10 Q. How do you recognize it to be a citation
11 that you issued?

12 A. By my handwriting and signature.

13 Q. Is that citation in the same, or
14 substantially the same condition, as the day you
15 issued it?

16 A. Yes.

17 Q. And can you please turn the page to
18 citation 8001814?

19 A. Okay.

20 Q. Do you recognize that?

21 A. Yes.

22 Q. What do you recognize that to be?

23 A. That is an administrative citation that I
24 issued to Protective Service Parking Corporation.

1 Q. What did you issue this citation for?

2 A. This was for an E-file issue. It was a
3 call-out only in the written contract and it was
4 filed as patrol.

5 Q. How do you recognize that to be a
6 citation you issued?

7 A. Handwriting and signature.

8 Q. Is that citation in the same, or
9 substantially the same condition, as the day you
10 issued it?

11 A. Yes.

12 Q. Can you please turn to citation 8001815?

13 A. Okay.

14 Q. Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to be?

17 A. It's an administrative citation that I
18 issued to Protective Parking Service Corporation.

19 Q. What did you issue that citation for?

20 A. For incomplete invoice.

21 Q. How do you recognize that to be a citation
22 you issued?

23 A. Handwriting and signature.

24 Q. Is this citation in the same, or

1 substantially the same condition, as the day you
2 issued it?

3 A. Yes.

4 Q. Can you please turn to citation 8001816?

5 A. Okay.

6 Q. Do you recognize that?

7 A. Yes.

8 Q. What do you recognize that to be?

9 A. An administrative citation that I issued
10 to Protective Parking Service Corporation.

11 Q. And what did you issue that citation for?

12 A. Relocating an authorized vehicle.

13 Q. And how do you recognize it to be a
14 citation that you issued?

15 A. Handwriting and signature.

16 Q. Is that citation in the same, or
17 substantially the same condition, as the day you
18 issued it?

19 A. Yes.

20 Q. Can you please turn to citation 8001822?

21 A. Okay.

22 Q. Do you recognize that?

23 A. Yes.

24 Q. What do you recognize that to be?

1 A. It's an administrative citation that I
2 issued to Protective Parking Service Corporation.

3 Q. What did you issue that citation for?

4 A. For no equipment lease on file.

5 Q. How do you recognize it to be a citation
6 you issued?

7 A. Handwriting and signature.

8 Q. Is that citation in the same, or
9 substantially the same condition, as the day you
10 issued it?

11 A. Yes.

12 Q. Can you please turn to the next citation,
13 citation 8001823?

14 A. Okay.

15 Q. Do you recognize that?

16 A. Yes.

17 Q. What do you recognize that to be?

18 A. It's an administrative citation that
19 issued to Protective Parking Service Corporation.

20 Q. What did you issue that citation for?

21 A. For no written authorization on file to
22 relocate.

23 Q. And how do you recognize it to be a
24 citation you issued?

1 A. Handwriting and signature.

2 Q. Is that citation the same, or
3 substantially the same condition, as it was the day
4 you issued it?

5 A. Yes.

6 Q. Can you please turn to citation 8001825?

7 A. Okay.

8 Q. Do you recognize that?

9 A. Yes.

10 Q. What do you recognize that to be?

11 A. Administrative citation that I issued to
12 Protective Parking Service Corporation.

13 Q. What did you issue that citation for?

14 A. That was for an incomplete invoice.

15 Q. And how do you recognize it to be a
16 citation you issued?

17 A. By the handwriting and signature.

18 Q. Is that citation in the same, or
19 substantially the same condition, as it was the day
20 you issued it?

21 A. Yes.

22 Q. Can you please turn to the next citation,
23 citation 8001826. Do you recognize that?

24 A. I do.

1 Q. What do you recognize that to be?

2 A. It is an administrative citation that I
3 issued to Protective Parking Service Corporation.

4 Q. What did you issue that citation for?

5 A. For written authorization to relocate not
6 on file.

7 Q. And how do you recognize that to be a
8 citation that you issued?

9 A. By the handwriting and signature.

10 Q. Is that a citation in the same, or
11 substantially the same condition, as the day you
12 issued it?

13 A. I did.

14 Q. Can you please turn to citation 8001827?

15 A. Okay.

16 Q. Do you recognize that?

17 A. Yes.

18 Q. What do you recognize that to be?

19 A. Administrative citation that I issued to
20 Protective Parking Service Corporation.

21 Q. What did you issue that citation for?

22 A. For an overcharge.

23 Q. And how do you recognize that to be a
24 citation that you issued?

1 A. Handwriting and signature.

2 Q. Is that citation in the same, or
3 substantially the same condition, as the day you
4 issued it?

5 A. Yes.

6 Q. What do you mean by an overcharge?

7 A. The sign read a different amount than they
8 were charged at Lincoln, once they picked up their
9 vehicle.

10 Q. If a relocater charges a different amount
11 than the signage, what rate should they charge the
12 motorist?

13 A. At the posted rate.

14 Q. Can you please go to the next citation,
15 citation 8001828?

16 A. Okay.

17 Q. Do you recognize that?

18 A. I do.

19 Q. What do you recognize that to be?

20 A. That is an administrative citation that I
21 issued to Protective Parking Service Corporation.

22 Q. What did you issue that citation for?

23 A. It says, "No written authorization to
24 relocate."

1 Q. How do you recognize that to be a citation
2 you issued?

3 A. By the handwriting and signature.

4 Q. Is that citation in the same, or
5 substantially the same condition, as it was the day
6 you issued it?

7 A. Yes.

8 MR. BARR: Just one moment, your Honor.

9 (Pause)

10 BY MR. BARR:

11 Q. Officer Strand, go to citation 1829.

12 A. I am now.

13 Q. Do you recognize that to be?

14 A. Yes.

15 Q. What do you recognize that to be?

16 A. Administrative citation that I issued to
17 Protective Parking Service Corporation.

18 Q. And what did you issue that citation for?

19 A. For incomplete invoice.

20 Q. And how do you recognize that citation?

21 A. The handwriting and signature.

22 Q. Is that citation in the same, or
23 substantially the same condition, as the day you
24 issued it?

1 A. Yes.

2 Q. Can you please go to citation 8001830?

3 Do you recognize that?

4 A. Yes.

5 Q. What do you recognize that to be?

6 A. Administrative citation that I issued to

7 Protective Parking Service Corporation.

8 Q. What did you issue that citation for?

9 A. Incomplete or inaccurate invoice.

10 Q. And how do you recognize it to be a

11 citation that you issued?

12 A. By the handwriting and signature.

13 Q. Is that citation in the same, or

14 substantially the same condition, as the day you

15 issued it?

16 A. Yes.

17 Q. Can you please turn to the next citation,

18 citation 8001831?

19 A. Okay.

20 Q. Do you recognize that?

21 A. Yes.

22 Q. What do you recognize that to have been?

23 A. Administrative citation that I issued

24 Protective Parking Service corporation.

1 Q. What did you issue that citation for?

2 A. For no written authorization to relocate.

3 Q. And how do you recognize it to be a
4 citation you issued?

5 A. Handwriting and signature.

6 Q. Is that citation the same, or
7 substantially the same condition, as the day you
8 issued it?

9 A. Yes.

10 Q. Turn to citation 8001835.

11 A. Okay.

12 Q. Do you see that?

13 A. Yes.

14 Q. Do you recognize that to be?

15 A. Yes.

16 Q. What do you recognize it to be?

17 A. Administrative citation that I issued
18 Protective Service Parking Corporation.

19 Q. And how do you recognize -- I'm sorry,
20 what did you issue that citation for?

21 A. For an overcharge.

22 Q. How do you recognize it to be a citation
23 you issued?

24 A. By the handwriting and signature.

1 Q. Is that citation in the same, or
2 substantially the same condition, as the day you
3 issued it?

4 A. Yes.

5 Q. Can you please turn to Exhibit N, N like
6 Nancy?

7 A. Okay.

8 Q. And, specifically, can you turn to
9 citation 8001364?

10 A. Okay.

11 Q. Do you recognize that?

12 A. Yes.

13 Q. What do you recognize that to be?

14 A. Administrative citation that issued to
15 Protective Service Parking Corporation.

16 Q. What did you issue that citation for?

17 A. For patrolling a lot that was E-filed as
18 call only.

19 Q. How do you recognize it to be a citation
20 that you issued?

21 A. By the handwriting and signature.

22 Q. Is that citation in the same, or
23 substantially the same condition, as the day you
24 issued it?

1 A. Yes.

2 Q. Can you next to turn citation 8001820?

3 A. Okay.

4 Q. Do you recognize that?

5 A. Yes.

6 Q. What do you recognize that to be?

7 A. An administrative citation that I issued
8 to Protective Service Parking Corporation.

9 Q. What did you issue that citation for?

10 A. For using a dispatcher without an active
11 permit.

12 Q. How do you recognize it to be a citation
13 you issued?

14 A. By the handwriting and signature.

15 Q. Is that citation in the same, or
16 substantially the same condition, as the day you
17 issued it?

18 A. Yes.

19 Q. Can you please turn to citation 8001821?

20 A. Okay.

21 Q. Do you recognize that?

22 A. Yes.

23 Q. What do you recognize that to be?

24 A. It's an administrative citation that I

1 issued to Protective Parking Service Corporation.

2 Q. And what did you issue that citation for?

3 A. For an incomplete invoice.

4 Q. Is that citation in the same, or
5 substantially the same condition, as it was the day
6 you issued it?

7 A. Yes.

8 Q. I'm sorry, Officer Strand, I want to kind
9 of back up a little bit.

10 You regulate other things throughout your
11 duties as a Commerce Commission Officer, other than
12 towing?

13 A. Correct.

14 Q. You said one of them would be general
15 motor carrier operation on the highway?

16 A. Correct.

17 Q. How does that differ -- an investigation
18 of a motor carrier differ from a relocation
19 investigation?

20 MR. PERL: Objection to relevance, in general,
21 the scope, the time of period that we're talking
22 about.

23 Again, I haven't really gotten into too
24 much of it. I want to move this along. We're

1 talking about July 24, 2015, to March 23rd, 2016,
2 and the relevancy during that time period only. I
3 can't see how this could possibly relate to that.

4 ALJ KIRKLAND-MONTAQUE: Any response?

5 MR. BARR: Officer Strand would have to answer.
6 It's going to show that a relocation towing
7 complaint, specifically, you know, a Lincoln Towing
8 complaint, takes a lot longer to do, and it ties up
9 Commission resources. That is the connection.

10 MR. PERL: Judge, this is absolutely a line of
11 questioning that I believe not to be relevant.

12 Again, not disclosed in discovery in any
13 manner in any documentation at all regarding what
14 the relevancy -- excuse me -- what the relevancy
15 would be with how long it takes for me to actually
16 complete their investigation with regard to holding
17 a license. There's no relevancy at all.

18 There's been no allegations made that the
19 towing company might not be fit, because it takes
20 time to investigate baseless complaints.

21 ALJ KIRKLAND-MONTAQUE: Whatever the answer is,
22 it's true for all relocation companies. Is that not
23 right, Mr. Barr?

24 MR. BARR: It is, your Honor. To be honest,

1 other relocation companies don't receive the number
2 of investigations.

3 ALJ KIRKLAND-MONTAQUE: Do they tow the number
4 of cars?

5 MR. PERL: They don't. If he wants to be
6 actually honest, we tow more cars pretty much than
7 anyone else and have less complaints percentage-wise
8 than anyone else.

9 To be honest, we actually have less burden
10 on the Commerce Commission for cars towed than
11 anyone else does.

12 ALJ KIRKLAND-MONTAQUE: These are arguments
13 that can be made.

14 MR. PERL: Here's the problem, I can't make the
15 argument unless you produce the evidence, and they
16 don't produce the evidence.

17 What they always argue to you, like when
18 you have an opening statement, they want to do their
19 closing arguments in the opening statement.

20 You can only argue things presented at
21 trial. You can't argue other things. It's totally
22 inappropriate what Mr. Barr just said, because they
23 have no evidence to show that.

24 They are not going to have one witness who

1 is going to testify, because I took all their depositions.
2 Lincoln Towing has more complaints than anybody else
3 is more of a burden than anybody else? It's just
4 the lawyer saying it.

5 This whole case is what the lawyers saying
6 to you and no evidence testimony. So I would move
7 to strike Mr. Barr's statement regarding saying that
8 Lincoln Towing is more of a burden than any other
9 towing company, unless they present some evidence in
10 this Court, which they never done.

11 MR. BARR: In the end, your Honor, it doesn't
12 matter how many cars they tow, because I think in
13 the end, the Administrative Code says that even one
14 violation of the Administration Code 18A is enough
15 to revoke the license. That's why we're here.

16 MR. PERL: Actually, I would like to see that.
17 So counsel just told you something. I would like to
18 see what it says that it's enough to revoke
19 someone's a license, if you have one citation.

20 I would like to see it right now, your
21 Honor. I'm calling him out on that. If he's going
22 to make a statement like that --

23 ALJ KIRKLAND-MONTAQUE: I don't want to get
24 into a big debate. I want to move things on. I get

1 what staff is trying to do.

2 Do you want to make some general statement
3 about investigating relocation is more time
4 consuming than any other, without specific carriers
5 involved, because how can you distinguish? Then go
6 ahead.

7 MR. PERL: Here is the problem Judge, you just
8 said, "I get what he's trying to do." What he's
9 trying to do, without presenting witness testimony
10 on any of it, he wants to infer to you that somehow
11 or another, even though there is no evidence to show
12 Lincoln gets more complaints or more investigations,
13 which there is no evidence showing that.

14 This witness didn't testify to it.

15 Sergeant Sulikowski didn't testify to it.

16 Investigator Kassal didn't testify to it.

17 So there's never really any witnesses here
18 that I can cross-examine, but somehow they still get
19 the evidence out to you by way of counsel just
20 saying it.

21 MR. BARR: We can ask Officer Strand if he
22 knows how many investigations.

23 MR. PERL: Why don't you ask him that question?
24 I asked him at his dep. Why don't you ask him that

1 question right now?

2 ALJ KIRKLAND-MONTAQUE: Why don't we keep the
3 testimony to what Officer Strand does.

4 MR. PERL: No.

5 ALJ KIRKLAND-MONTAQUE: Ask him what he has
6 personally done, in terms of making his time
7 commitment.

8 MR. PERL: Judge, can I ask this? Why don't we
9 try to ask him questions about what he knows, as
10 opposed to every time counsel, or prior counsel says
11 to you, they would never follow-up the question.

12 Why don't they ask Officer Strand, "Do you
13 know whether or not Lincoln Towing gets more
14 citations than anyone else? Do you spend more time
15 on their citations? Do you even know how many
16 citations they get?"

17 Every deposition, the answer was, "I have
18 no idea."

19 ALJ KIRKLAND-MONTAQUE: Okay. Well, let's go
20 with that. Go ahead, Mr. Barr.

21 BY MR. BARR:

22 Q. Officer Strand, during the period between
23 July 4th, 2015, and March 24th, 2016, did the amount
24 of time you spent on Lincoln Towing investigations

1 affect your ability to enforce other industries
2 regulated by the industry?

3 MR. PERL: Objection as to relevance,
4 foundation. Counsel won't ask the question we're
5 talking about. He never will.

6 They do the same thing as bait and switch
7 every time. That is not the question that we had
8 talked about.

9 The question was, "Do you know how many
10 citations they got?" Because he doesn't know. Now
11 they want to back door again, square hole in a round
12 peg, by not asking the relevant question, which
13 would be, "Do you know how citations or
14 investigations Lincoln had during that period?"

15 To which Mr. Strand would say, "I have no
16 idea." That is what he said in his deposition.

17 MR. BARR: It doesn't matter if they received a
18 million investigations filed. One citation -- one
19 guilty citation per the Administrative Code, we'll
20 argue this, is enough to revoke the license.

21 It says that in the Administrative Code.
22 I wish I had the Administrative Code in front of me.

23 MR. PERL: So do I.

24 MR. BARR: Do you have a copy?

1 ALJ KIRKLAND-MONTAQUE: No, I don't.

2 MR. BARR: You want my book, your Honor, or do
3 you just want me to read it?

4 ALJ KIRKLAND-MONTAQUE: Can I see it?

5 MR. BARR: 1710.30.

6 MR. CHIRICA: What was it?

7 ALJ KIRKLAND-MONTAQUE: 1710.30.

8 MR. PERL: 1710.30.

9 ALJ KIRKLAND-MONTAQUE: Uh-huh.

10 MR. PERL: Somewhere it says in there if you
11 get one ticket, you can have your license revoked,
12 or am I missing something?

13 ALJ KIRKLAND-MONTAQUE: I think that whole
14 section, that seems like an argument to be made.

15 MR. PERL: That's my problem is that whenever
16 we're here, we don't hear any witnesses testifying
17 to that. You won't hear this witness tell you that.

18 MR. BARR: It is a legal conclusion.

19 MR. PERL: Well, then, he shouldn't be saying
20 it. Then counsel shouldn't be stating legal
21 conclusions. Counsel should stick to what witnesses
22 are testifying to.

23 Maybe he can ask the witness if he knows
24 about that. They don't have one witness that knows

1 what the code says. How do you have a legal
2 conclusion, or arguing something when none of the
3 witnesses are saying that?

4 ALJ KIRKLAND-MONTAQUE: Let's stick to the
5 testimony of this witness. Are you almost done, by
6 the way?

7 MR. BARR: I have nothing further for Officer
8 Strand.

9 ALJ KIRKLAND-MONTAQUE: He has nothing further.
10 You're done with your line of questioning?

11 MR. BARR: For Officer Strand, correct.

12 MR. PERL: We're reserving cross-examination of
13 Officer Strand until we have a ruling on the Circuit
14 Court case, or in agreement with the Commerce
15 Commission with regard to the FOIA request.

16 ALJ KIRKLAND-MONTAQUE: Thank you very much.
17 You're excused, Officer Strand.

18 Let's swear you in. Do you swear to tell
19 the truth, the whole truth, and nothing but the
20 truth, so help you God?

21 THE WITNESS: I do.

22 (Witness was duly sworn.)

23 ALJ KIRKLAND-MONTAQUE: Okay, Mr. Barr.

24 MR. BARR: Thank you, your Honor.

1 A. It's a standard law enforcement training.

2 Q. Do you currently hold any certifications?

3 A. I do.

4 Q. What are those?

5 A. It's certified law enforcement officer
6 within the State of Illinois.

7 Q. And how long have you been a police
8 officer with the Illinois Commerce Commission?

9 A. July of 2012.

10 Q. Were you a police officer, prior to
11 joining the Commission?

12 A. I was.

13 Q. Where were you an officer?

14 A. Chicago Police Department.

15 Q. How long were you a police officer of the
16 Chicago Police Department?

17 A. Since July of 2002, to July of 2012.

18 Q. July 2002, is that your first position as
19 a police officer?

20 A. Yes.

21 Q. Specifically related to the Commerce
22 Commission, what are some of your duties?

23 A. Enforcing the ICTL, Illinois Commercial
24 Transportation Law, dealing with towing complaints,

1 meaning relocation towing, safety towing,
2 repossessions, as well as warehousing household
3 goods, movers, and that's it.

4 Q. Those are all industries that the
5 Commission regulates?

6 A. Yes.

7 Q. What type of training did you receive to
8 become a Commerce Commission police officer
9 specifically?

10 A. I went to Springfield to the Illinois
11 State Police Academy for six weeks.

12 Q. Did you receive any type of on-the-job
13 training?

14 A. Yes.

15 Q. What type of training did that involve?

16 A. There was a -- I think a five- or six-week
17 field training program where I would ride along with
18 other Commerce Commission officers when they would
19 do field training.

20 Q. Were those more experienced field training
21 officers?

22 A. Yes.

23 Q. Is there a typical day as a Commerce
24 Commission police officer?

1 A. It's kind of broken up into three
2 different categories. One would be patrol. So
3 proactive enforcement.

4 Two would be investigations, so the
5 complaints. And three would be facility
6 inspections, say, warehouses or tow yards that want
7 to open up, they have to be inspected before the
8 license would be issued.

9 Q. As a police officer for the Commerce
10 Commission, do you regulate the relocation towing
11 industry?

12 A. That is one of my job duties, yes.

13 Q. How specifically do you regulate the
14 relocation towing industry?

15 A. Mostly it's through investigating consumer
16 complaints.

17 Q. A consumer complaint -- can you describe
18 what a consumer complaint is?

19 A. An individual has their vehicle towed by a
20 relocater, and then they file a complaint with the
21 Illinois Commerce Commission.

22 Q. In general, what type of things does a
23 motorist complain about?

24 A. They complain about a lot of different

1 things. The biggest one being they don't think
2 their car should have been towed.

3 The motorist thinks it's unfair that their
4 vehicle was removed, and then a close second would
5 be there weren't signs warning them that their car
6 would be towed, or they were charged too much for
7 the tow.

8 Q. And how are complaints for motorists
9 received?

10 A. Usually it's via the mail, U.S. mail.

11 Q. Are they ever received over the phone?

12 A. No.

13 Q. Why is that?

14 A. We don't take complaints over the phone.
15 They have to be in writing.

16 Q. Now, what's the typical process for a
17 consumer complaint?

18 A. It varies a bit, but the first thing would
19 be to read the complaint, see what the motorist's,
20 complainant -- what their issue is with the tow.

21 Then review the information that the
22 relocater filled out on their side of the form that
23 was given to the motorist, the invoice.

24 And then you might be involved in going to

1 check a location from where they were towed, calling
2 the towing company and asking them what happened for
3 this particular incident, calling the complainant
4 and talking to them or asking them for additional
5 information.

6 Inevitably, some sort of determination is
7 made, and a report is completed and submitted.

8 Q. You talk to the complainant before issuing
9 a citation?

10 A. For the most part, yes.

11 Q. And do you explain the process to them,
12 after you've issued a citation?

13 A. I do.

14 Q. What type of things do you explain to
15 them?

16 A. That a citation does not mean that they
17 will be getting their money back. That if they
18 wanted to have a Circuit Court Judge order that the
19 towing company give a refund, they would have to
20 take them to Smalls Claims Court.

21 And I also indicate most likely --
22 depending on the violation, they would have to
23 appear at hearing to determine if there was some
24 sort of violation on the towing company's part.

1 Q. Do you ever lose contact with a motorist
2 throughout this process?

3 A. I do.

4 Q. Is that something that happens regularly?

5 A. Maybe 10 percent of the time. Either
6 people don't call me back, or I will ask them to get
7 some additional information for me, and they don't
8 follow-up; or they just tell me they don't want to
9 go through with the process, they want to withdraw
10 the complaint.

11 Q. Are you assigned any specific relocator?

12 A. I'm not sure exactly how the cases are
13 handed out. It's usually by geography.

14 I'm responsible mostly now for the towing
15 companies that are on the south and southeast side,
16 as well as Will County, but I have been doing
17 Lincoln Towing complaints.

18 Q. Were you doing Lincoln Towing complaints
19 between the period of July 24th, 2015, and
20 July 24th -- I'm sorry, July 24th, 2015, and
21 March 24, 2016?

22 A. I was.

23 Q. You're aware that Lincoln Towing corporate
24 name is Protective Parking Service Corporation?

1 A. I'm aware of that, yes.

2 Q. Now, once you receive a complaint, what do
3 you do?

4 What are the steps in your investigation
5 after you receive a complaint?

6 A. The first thing is to read the complaint,
7 see what the individual's issue is with the towing
8 company.

9 Then review the part that the towing
10 company filled out on the invoice. Then contact the
11 complainant, talk to them, see if they have anything
12 else they want to add, or if something had been
13 resolved since they filed the complaint.

14 And depending on the nature of the
15 complaint, I might go out and check the parking lot
16 from where they were towed, and I might ask the
17 towing company for a response to the complaint.

18 Q. What type of things do you check at the
19 parking lot where the car was towed?

20 A. Sometimes I just have to go there and see
21 the layout of the parking lot so I understand what
22 their complaint might be.

23 Most of the time it involves signs being
24 posted in the lot that would warn a motorist that

1 their car could be towed.

2 Q. And in the course of your investigation,
3 is it possible you could discover something that a
4 consumer did not complain about?

5 A. It's possible, yes.

6 Q. Would you take enforcement action, if you
7 found a violation that a consumer didn't complain
8 about?

9 A. I would, yes.

10 Q. Do you review the invoices as part of your
11 investigation?

12 A. I do.

13 Q. What type of things are you looking for on
14 the invoice?

15 A. Just give it a cursory scan, make sure
16 it's completed, and that the boxes are filled out.

17 I will check to make sure that the towing
18 operator has a valid operator permit, the tow truck
19 that was used has a lease, or that it's owned by the
20 towing company.

21 Check that the police were notified within
22 one hour, and check to see if the address was
23 electronically filed in our computer system.

24 Q. After you finish your investigation, what

1 do you do next?

2 A. Usually, I have some determination that
3 I'm going to put forth and write up in a report, but
4 I'll call the complainant first and let them know
5 what's going to happen.

6 Sometimes people don't want to follow
7 through. So I end up just closing the complaint up.

8 Q. And what other possible outcomes with an
9 investigation file?

10 A. Either a citation would be issued, a
11 complaint would be closed out, because there's no
12 violations; or in some cases, the towing company
13 might give a refund, so it would be closed out with
14 a refund.

15 Occasionally, we get complaints that we
16 don't have jurisdiction over. Those are closed out
17 as no jurisdiction.

18 Q. What do you mean by a relocater might give
19 a refund?

20 A. Sometimes I will talk to a relocater, and
21 they will say, "We made a mistake. We'll just give
22 the person their money back."

23 Q. Officer Geisbush, do you have a white
24 binder in front of you?

1 A. I do.

2 Q. Can you please turn to that binder to
3 Exhibit L?

4 A. Exhibit L?

5 Q. Are you on Exhibit L?

6 A. I am.

7 Q. Can you please turn -- it should be the
8 first page citation 800150?

9 A. I'm there.

10 Q. Do you recognize that?

11 A. I do.

12 Q. What do you recognize that to be?

13 A. A citation that I wrote to Protective
14 Parking Service Corporation.

15 Q. What did you issue that citation for?

16 A. 1710170C, inaccurate or incomplete
17 invoice.

18 Q. And how do you recognize that to be a
19 citation you issued as opposed to another officer or
20 investigator?

21 A. It is my handwriting, my signature and my
22 ID number on the ticket.

23 Q. Is that citation in the same, or
24 substantially the same condition, as the day you

1 issued it?

2 A. Yes.

3 Q. And you said you wrote that for incomplete
4 invoice, correct?

5 A. Yes.

6 Q. What does it mean to have an incomplete
7 invoice?

8 A. At the time the vehicles were leased, the
9 relocation towing invoice should be accurately and
10 completely filled out.

11 If, for some reason, the relocater doesn't
12 know some information, they should note on the
13 invoice why that box was left blank.

14 Q. Is it important to completely fill out the
15 invoice?

16 A. Yes.

17 Q. Is it a violation to not completely fill
18 it out?

19 A. Yes.

20 Q. Why is it important to fill it out?

21 A. Those boxes each represent information
22 that's needed for a relocater to operate.

23 So if things are being left off, that's
24 information that we just can't check then. So if

1 you leave boxes blank, we don't know what
2 information should have been filled out there.

3 So, potentially, you could skirt around
4 certain violations by just not writing the
5 information on there.

6 Q. What do you mean by "skirt around other
7 violations"?

8 A. If, say, an operator didn't have a valid
9 permit, if he just left the box blank, then there's
10 no way to check that.

11 You just leave it blank and take a
12 citation for an inaccurate invoice versus having an
13 operator without a permit.

14 Q. Now, specifically related to Lincoln
15 Towing, do you recall how much they were able to
16 charge between July 24th 2015, and March 24th, 2016?

17 A. What their approved rate was?

18 Q. Correct.

19 A. I'm not sure. It would either be \$196 or
20 \$216. I'm not sure when the change occurred.

21 Q. During that same time frame, do you recall
22 how much a no invoice or inaccurate invoice ticket
23 would cost, if a relocater were found liable?

24 A. It's \$100.

1 Q. To give an example, I know operator
2 permit, you left that blank, correct?

3 A. Yes.

4 Q. How much would a relocater face, in terms
5 of a fine, if they were found liable for a
6 no-operator permit?

7 A. \$300.

8 Q. I want you to turn next to citation
9 8001207. It should just be a couple pages, maybe
10 two.

11 A. Okay, 1207?

12 Q. Correct. Are you there?

13 A. I'm on that page, yes.

14 Q. Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to be?

17 A. A citation I issued to Protective Parking
18 Service Corporation.

19 Q. And what did you issue that citation for?

20 A. 1710.44B, unsafe operations.

21 Q. And how do you recognize it to be a
22 citation that you issued?

23 A. My handwriting and my signature and ID
24 number on the ticket.

1 Q. And is that citation in the same, or
2 substantially the same condition, as it was the day
3 you issued it?

4 A. Yes.

5 Q. What do you mean by "unsafe operations"?

6 A. There's a section in the Illinois
7 Administrative Code that says that only licensed
8 operators are allowed to ride in the cab of a tow
9 truck when the tow truck is being operated under the
10 authority of the relocater's license.

11 Q. And that's a violation to have someone
12 else in the vehicle?

13 A. Yes.

14 Q. Why is that a violation?

15 MR. PERL: Your Honor, I'm curious -- here is
16 my objection here. So now what we are being faced
17 with now, since they're going through all these
18 violations, I'm going to have to go through all
19 these violations.

20 I'm going have to now have go through each
21 and every one of these citations with this officer,
22 and determine whether or not there actually was a
23 violation.

24 This is what I was afraid of. This is

1 what we're doing not.

2 MR. BARR: I'm not asking if there was a
3 violation. I'm asking if he issued a citation.

4 MR. PERL: I'm surprised counsel could actually
5 say that, when he's literally got the invoice in
6 front of him and asking why it's a violation.

7 MR. BARR: I don't have the invoice in front of
8 me.

9 MR. PERL: The witness does.

10 ALJ KIRKLAND-MONTAQUE: I think this is the
11 same questioning we've done before.

12 MR. PERL: It is. I'm now going to go through
13 each one of them, because I have no choice, and
14 determine whether or not -- see, if the Commerce
15 Commission isn't using this testimony to tell you
16 that there was a violation, just that there was a
17 citation written, I'm okay.

18 It is just a citation. If they're going
19 to argue to you there is a violation, because there
20 was a citation written, then I'm going to ask each
21 and every one of these officers, and I will put on a
22 hearing to see if they know.

23 ALJ KIRKLAND-MONTAQUE: Is the issue the word
24 "violation" versus "citation"?

1 MR. PERL: Yes, because --

2 MR. BARR: If I did, I apologize.

3 ALJ KIRKLAND-MONTAQUE: Let's stick to
4 citation.

5 MR. PERL: So just, for the record, Judge, I
6 want to be clear, that all of the testimony from
7 Investigator Kassal, Officer Strand, and Officer
8 Geisbush, regarding the citations, is solely for the
9 purpose of showing the Court that a citation was
10 written, not that there was a violation.

11 ALJ KIRKLAND-MONTAQUE: Well, that's all I've
12 heard today. I've not heard anything about
13 violations. Go ahead, Mr. Barr.

14 MR. BARR: Thank you. I'll start over with the
15 citation.

16 ALJ KIRKLAND-MONTAQUE: Okay.

17 BY MR. BARR:

18 Q. Officer Geisbush, you are on citation
19 8001207?

20 A. I am.

21 Q. Do you recognize that?

22 A. I do.

23 Q. What do you recognize that to be?

24 A. It is a citation I wrote to Protective

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1 Parking Service Corporation.

2 Q. And what did you issue that citation for?

3 A. It's 92IAC44B unsafe operation.

4 Q. And how do you know you issued that
5 citation?

6 A. My handwriting and my signature and ID
7 number on the ticket.

8 Q. Is that citation in the same, or
9 substantially the same condition, as it was the day
10 you issued it?

11 A. It is.

12 Q. And can you please turn to Exhibit M, M
13 like Mary?

14 Specifically, I want you to turn to the
15 first citation.

16 A. I'm there.

17 Q. Do you recognize that?

18 A. I do.

19 Q. What do you recognize that to be?

20 A. A citation I issued to Protective Parking
21 Service Corp.

22 Q. And what did you issue that citation for?

23 A. 18A310, improper signage.

24 Q. And how do you know it's a citation you

1 wrote, as opposed to another officer or
2 investigator?

3 A. It is my handwriting, my signature and my
4 ID number on this citation.

5 Q. And is that citation in the same, or
6 substantially the same condition, as it was the day
7 you issued it?

8 A. It is.

9 Q. What do you mean by "improper signage"?

10 A. There was some violation of 18A310
11 regarding signs posted in the lot.

12 MR. PERL: Objection, move to strike. We just
13 got through speaking about that.

14 The only thing the witness can testify to
15 is there was a citation written, not that there was
16 a violation. Then I have got to go in --

17 MR. BARR: According to the officer, there was
18 a violation. It doesn't mean that it was founded.

19 MR. PERL: To state that there was a violation,
20 I will now have to put on a hearing regarding this
21 particular citation, to determine whether there was;
22 otherwise, your Honor hears testimony that there was
23 a violation versus there was a citation.

24 ALJ KIRKLAND-MONTAQUE: I'm trying to think of
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1 how he could word it.

2 THE WITNESS: There was evidence to issue a
3 citation.

4 ALJ KIRKLAND-MONTAQUE: Based on your
5 investigation, you wrote a citation because the sign
6 wasn't whatever.

7 MR. PERL: The problem is now we're running
8 into hearsay.

9 ALJ KIRKLAND-MONTAQUE: Based on his
10 investigation.

11 MR. PERL: But his investigation is all
12 hearsay, because it's going to be what the witnesses
13 told him, what documents he looked at.

14 MR. BARR: He's not testifying to anything
15 specific.

16 MR. PERL: This is the exact problem --

17 ALJ KIRKLAND-MONTAQUE: We did this already. I
18 understand.

19 MR. PERL: -- I run into. The other witnesses,
20 all they said was all -- counsel said was, "This is
21 a citation you wrote? It's the same condition?" We
22 moved on.

23 For whatever reason with this particular
24 officer, he's now trying to determine there actually

1 were violations.

2 ALJ KIRKLAND-MONTAQUE: Can you repeat?

3 MR. PERL: It was the answer that was the
4 problem.

5 ALJ KIRKLAND-MONTAQUE: I want to hear the
6 question first, Mr. Barr's last question.

7 (Said question was read.)

8 MR. PERL: But he said there was a violation,
9 which is a conclusion of law. I now have to have a
10 hearing on whether or not there was a violation,
11 because we know the only thing that Officer Geisbush
12 knows -- I'm guessing he wasn't there when the
13 vehicle was towed.

14 So everything he knows is hearsay. It has
15 to be.

16 ALJ KIRKLAND-MONTAQUE: Okay. I think
17 Mr. Barr's question was probably meant to be more
18 general.

19 MR. BARR: Yes.

20 ALJ KIRKLAND-MONTAQUE: What can you write an
21 improper signage for?

22 MR. PERL: So I wasn't objecting to the
23 question.

24 ALJ KIRKLAND-MONTAQUE: Right.

1 MR. PERL: I was moving to strike the answer.

2 ALJ KIRKLAND-MONTAQUE: Okay. Sustained. I'm
3 going to strike the answer.

4 In general, Mrs. Geisbush, why would you
5 write an improper signage citation?

6 THE WITNESS: In general, if the sign did not
7 meet the criteria set forth in 18A300 or in
8 92IAC1710.50, 51 and 52.

9 BY MR. BARR:

10 Q. Officer Geisbush --

11 MR. PERL: I would move to strike as to
12 relevancy. It's not relevant to this proceeding,
13 where we're talking about a specific time frame why
14 an officer would write a ticket, in general.

15 This is a proceeding regarding Lincoln
16 Towing's fitness to hold a license, based upon what
17 they did or didn't do, during the relevant time
18 period July 24th, 2015, to March 23rd, 2016.

19 I don't see how it could possibly be
20 relevant why, in general, an officer writes a
21 citation.

22 MR. BARR: They are foundational questions,
23 your Honor.

24 ALJ KIRKLAND-MONTAQUE: I don't see how these

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1 are different from --

2 MR. PERL: Here is why, because exactly what
3 counsel just said. They are foundational questions,
4 because they want you to infer there is a violation
5 here.

6 I've got to have a hearing. Everything
7 leads back to inferring to you that these are
8 violations and not citations, and that's my problem.

9 ALJ KIRKLAND-MONTAQUE: I think he's just
10 describing why would you write a citation for
11 improper signage. Improper signage is right in
12 front of us.

13 MR. PERL: How is that relevant to this case?
14 Unless you're somehow adding one and one to be two,
15 to show that and that's why I wrote this ticket;
16 otherwise, it's not relevant.

17 It's not relevant why Officer Geisbush
18 wrote a ticket, unless it somehow relates to the
19 case. Is it? It can't be relevant. You wouldn't
20 ask him why, in general, would you drive on the
21 right side of the road.

22 ALJ KIRKLAND-MONTAQUE: Not, in general. What
23 does that mean? That is the question.

24 What does it mean, improper signage? What

1 could it mean? Just so the record is clear, what
2 that citation could possibly be written for.

3 MR. BARR: I think, your Honor, just as counsel
4 is entitled to build his record, I think staff is
5 entitled to build our record.

6 ALJ KIRKLAND-MONTAQUE: I'm going to overrule
7 that objection. I'm going to allow it.

8 I don't see the problem with describing
9 why there might be a citation written for that. We
10 don't have any specifics on this particular
11 citation. So go ahead, Mr. Barr.

12 MR. BARR: Thank you, your Honor.

13 BY MR. BARR:

14 Q. Officer Geisbush, why is it important to
15 have proper signage on the a lot?

16 A. So a motorist is warned that if their
17 vehicle is deemed unauthorized, it could be removed,
18 as well as telling the motorist the information from
19 the towing company as well as the rate they would
20 charge.

21 Q. If there is evidence of improper signage
22 at the lot, should the relocater be towing from
23 there?

24 A. No.

1 Q. Can you please turn to citation 800113?

2 A. I'm there.

3 Q. Do you recognize that?

4 A. I do.

5 Q. What do you recognize that to be?

6 A. A citation that I issued to Protective
7 Parking Service Corp.

8 Q. What did you issue that citation for?

9 A. 18A310, no signage.

10 Q. How do you recognize it to be a citation
11 that you issued?

12 A. My handwriting, my signature and my ID
13 number on the ticket.

14 Q. Is that citation in the same, or
15 substantially the same condition, as it was the you
16 issued it?

17 A. It is.

18 Q. Can you please turn the page to citation
19 800114?

20 A. Yes.

21 Q. Do you recognize that?

22 A. I do.

23 Q. What do you recognize that to be?

24 A. A citation I issued to Protective Parking

1 Service Corporation.

2 Q. How do you recognize if to be a citation
3 you issued?

4 A. It is in my handwriting, my signature and
5 my ID number on the citation.

6 Q. And what did you issue that citation for?

7 A. 92IAC91F3, patrol from a call lot.

8 Q. And is that citation in the same, or
9 substantially the same condition, as it was the you
10 issued it?

11 A. It is.

12 Q. And what do you mean by "patrol from a
13 call lot"?

14 A. The contracts are required to be filed
15 with the Illinois Commerce Commission in an
16 electronic format.

17 One of the boxes on the contract --
18 electronically-filed contract summary indicates
19 whether the lot is a call lot or a patrol lot.

20 In this case, the address was a filed as a
21 call lot, but the invoice indicated the vehicle was
22 towed because of a patrol.

23 Q. And, generally, for the record, would you
24 describe what a patrol lot is?

1 A. A patrol lot would be where the tow
2 operator has discretion as to who to tow, based on
3 criteria set forth in the written contract and at
4 the direction of the property owner or agent.

5 Q. And then what's a call lot?

6 A. A call lot would be specific authorization
7 from an authorized individual to remove a specific
8 vehicle.

9 Q. So unless an authorized caller calls a
10 relocator and ask him to remove a vehicle, a car
11 should not be removed?

12 A. If it was a call lot?

13 Q. Correct.

14 A. Yes.

15 Q. I'll move on from this. Officer Geisbush,
16 can you go to citation 800116?

17 A. Yes.

18 Q. Do you recognize that?

19 A. I do.

20 Q. What do you recognize that to be?

21 A. A citation I issued to Protective Service
22 Parking Corp.

23 Q. How do you know it's a citation you
24 issued?

1 A. My handwriting, my ID number and part of
2 my signature.

3 Q. What did you issue that citation for?

4 A. 18A307, no written authorization to
5 relocate.

6 Q. Can you next turn to citation 800117?

7 A. Yes.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What do you recognize that to be?

11 A. A citation I issued to Protective Parking
12 Service Corp.

13 Q. What did you issue that citation for?

14 A. 18A310, reference 92AIC1710.51.

15 Q. What does that mean?

16 A. It's a no or improper signage violation.

17 Q. How do you recognize that to be a citation
18 that you issued?

19 A. My handwriting, signature, and ID number.

20 Q. Is that citation in the same, or
21 substantially the same condition, as the day you
22 issued it?

23 A. Yes.

24 Q. Can you next turn to page 800118?

1 A. Yes.

2 Q. Do you recognize that?

3 A. I do.

4 Q. What do you recognize that to be?

5 A. A citation I issued to Protective Parking
6 Service Corp.

7 Q. What did you issue that citation for?

8 A. 92IAC1710.40A.

9 Q. What does that mean?

10 A. To remove an authorized vehicle.

11 Q. How do you know this is a citation that
12 you issued?

13 A. It's my handwriting, my signature and ID
14 number on the ticket.

15 Q. Is that ticket or citation in the same, or
16 substantially the same condition, as it was the day
17 you issued it?

18 A. Yes.

19 Q. What do you mean remove an authorized
20 vehicle?

21 A. That section of the Illinois
22 Administrative Code says a relocater cannot tow a
23 vehicle that is authorized to be on that property.

24 Q. Can you next go to citation 800119?

1 A. Yes.

2 Q. Do you recognize that?

3 A. I do.

4 Q. What do you recognize that to be?

5 A. A citation I issued to Protective Parking
6 Service Corp.

7 Q. What did you issue that citation for?

8 A. 18A-310, improper signage.

9 Q. And how do you recognize it to be a
10 citation that you issued?

11 A. It's my handwriting, my signature and my
12 ID number on the citation.

13 Q. Is that citation in the same, or
14 substantially the same condition, as it was the day
15 you issued it?

16 A. Yes.

17 Q. Can you next go to citation 800120?

18 A. Yes.

19 Q. Do you recognize that?

20 A. I do.

21 Q. What do you recognize this to be?

22 A. A citation I issued to Protective Parking
23 Service Corporation.

24 Q. What did you issue that citation for?

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1 A. 92AIC1710.51B3.

2 Q. And what does all that mean?

3 A. To overcharge a motorist, based on the
4 relocation towing sign that was posted on the
5 private property.

6 Q. How do you recognize it to be a citation
7 that you issued?

8 A. It's my handwriting, signature and ID
9 number on the citation.

10 Q. Is that citation in the same, or
11 substantially the same condition, as it was the day
12 you issued it?

13 A. It is.

14 Q. Now, if there is a conflict between the
15 sign and the relocater, what the relocater charged
16 the motorist to claim their vehicle, what rate
17 should they charge?

18 A. The lesser of the two, either the lesser
19 would be the approved rate, or the rate that's
20 posted on the relocation towing sign.

21 Q. Can you please turn to citation 800121?

22 A. Yes.

23 Q. Do you recognize that?

24 A. I do.

1 Q. What do you recognize that to be?

2 A. A citation I issued to Protective Parking
3 Service Corporation.

4 Q. And what did you issue that citation for?

5 A. 18A-310.

6 Q. How do you recognize it to be a citation
7 that you issued?

8 A. It's my handwriting, signature and ID
9 number on the citation.

10 Q. Is that citation in the same, or
11 substantially the same condition, as it the day you
12 issued it?

13 A. It is.

14 Q. Can you please turn to citation 800122?

15 A. Yes.

16 Q. Do you recognize that?

17 A. I do.

18 Q. What do you recognize that to be?

19 A. A citation I issued to Protective Parking
20 Service Corp.

21 Q. What did you issue that citation for?

22 A. 92AIC1710.51B3.

23 Q. What does all that mean?

24 A. That was to overcharge the motorist based

1 on the towing sign posted in the lot.

2 Q. How do you recognize it to be a citation
3 that you issued?

4 A. My handwriting, signature and ID number on
5 the citation.

6 Q. Is that citation in the same, or
7 substantially the same condition, as it was on the
8 day you issued it?

9 A. It is.

10 Q. Can you next turn to page or citation 800
11 -- I'm sorry, were you on 800123?

12 A. It's the next one.

13 Q. Can you do 123?

14 A. I am there, yes.

15 Q. Do you recognize that?

16 A. I do.

17 Q. What do you recognize that to be?

18 A. A citation I issued to Protective Parking
19 Service Corp.

20 Q. What did you issue that citation for?

21 A. 18A-310, improper signage.

22 Q. How do you recognize it to be a citation
23 that you issued?

24 A. It's my handwriting, signature and ID

1 number on the citation.

2 Q. Is that citation in the same, or
3 substantially the same condition, as it was the day
4 you issued it?

5 A. It is.

6 Q. Can you turn the page to citation 800124?

7 A. Yes.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What do you recognize that to be?

11 A. A citation I issued to Protective Parking
12 Service Corp.

13 Q. And what did you issue that citation for?

14 A. 92AIC1710.51B3, overcharge.

15 Q. And how do you recognize it to be a
16 citation that you issued?

17 A. It's my handwriting, signature and ID
18 number on the citation.

19 Q. And is that citation in the same, or
20 substantially the same condition, as it was the day
21 you issued it?

22 A. It is.

23 Q. Can you turn the page to citation 800125?

24 A. Yes.

1 Q. Do you recognize that?

2 A. I do.

3 Q. What do you recognize that to be?

4 A. A citation I issued to Protective Parking
5 Service Corp.

6 Q. Is that citation in the same, or
7 substantially the same condition, as it was the day
8 you issued it?

9 A. It is.

10 Q. I'll back up. What did you issue that
11 citation for?

12 A. 18A-310, improper signage.

13 Q. How do you recognize it to be a citation
14 that you issued?

15 A. It's my handwriting, signature and ID
16 number on the citation.

17 Q. Can you turn to citation 8000126, 8 triple
18 zero 126?

19 A. Yes.

20 Q. Do you recognize that?

21 A. I do.

22 Q. What do you recognize that to be?

23 A. A citation I issued to Protective Parking
24 Service Corp.

1 Q. What did you issue that citation for?

2 A. 92AIC1710.51B3, overcharge.

3 Q. And how do you recognize that to be a
4 citation that you issued?

5 A. My handwriting, signature and ID number on
6 the citation.

7 Q. Is that citation in the same, or
8 substantially the same condition, on the day you
9 issued it?

10 A. Yes.

11 Q. Can you turn the pages to citation
12 8000128?

13 A. Yes.

14 Q. Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to have been?

17 A. A citation I issued to Protective Parking
18 Service Corporation.

19 Q. What did you issue that citation for?

20 A. 92AIC1710.40A, remove authorized vehicle.

21 Q. How do you recognize it to be a citation
22 that you issued?

23 A. It's my handwriting, signature and ID
24 number on the citation.

1 Q. Is that citation in the same, or
2 substantially the same condition, as it was the day
3 you issued it?

4 A. It is.

5 Q. Can you turn the page to 8000129?

6 A. Yes.

7 Q. Do you recognize that?

8 A. I do.

9 Q. What do you recognize that to be?

10 A. A citation I issued to Protective Parking
11 Service Corp.

12 Q. And what did you issue that citation for?

13 A. 92AIC171091F3, patrol from a call lot.

14 Q. How do you recognize it to be a citation
15 that you issued?

16 A. It's my handwriting, signature and ID
17 number on the citation.

18 Q. Is that citation in the same, or
19 substantially in the same condition, as it was the
20 day you issued it?

21 A. It is.

22 Q. Can you turn to the page to 8000130?

23 A. Yes.

24 Q. Do you recognize that?

1 A. I do.

2 Q. What do you recognize that to be?

3 A. A citation I issued to Protective Parking
4 Service Corp.

5 Q. And what did you issue that citation for?

6 A. 18A-310, improper signage.

7 Q. And how do you recognize it to be a
8 citation that you issued?

9 A. It's my handwriting, signature and ID
10 number on the citation.

11 Q. Is that citation in the same, or
12 substantially the same condition, as it was the day
13 you issued it?

14 A. Yes.

15 Q. Can you turn to the next page, 8000131?

16 A. Yes.

17 Q. Do you recognize that?

18 A. Yes, I do.

19 Q. What do you recognize that to be?

20 A. A citation I issued to Protective Parking
21 Service Corp.

22 Q. What did you issue that citation for?

23 A. 18A-316, no equipment lease on file.

24 Q. And is that citation in the same, or

1 substantially the same condition, as it was the day
2 you issued it?

3 A. It is.

4 Q. How do you recognize it to be a citation
5 you issued?

6 A. My handwriting, my signature and ID number
7 on the citation.

8 Q. What do you mean by no lease on file?

9 A. Relocators are required to file leases for
10 any vehicles that's being operated under the
11 authority if the relocator doesn't own that
12 equipment.

13 Q. Is it important for a relocator to file an
14 equipment lease?

15 A. I did.

16 Q. Why is that?

17 A. For one thing, it's required. If it's not
18 their equipment, they have to file the lease. It
19 also says that the relocator is responsible for
20 anybody operating under their authority.

21 So I think it's important to know who is
22 operating as, in this case, Lincoln Towing. That
23 protects both the motorist and the company, because
24 it would prevent somebody from saying, "Hey, it's a

1 sign that says Lincoln Towing," and just driving
2 around towing cars.

3 Q. How does it protect the motorist?

4 A. It makes the relocater accountable for the
5 actions of any independent operators they may have
6 that have their own tow trucks.

7 Q. Without a equipment lease being on file,
8 would the Commerce Commission have any way of
9 knowing who is operating under the relocater's
10 authority?

11 MR. PERL: Objection, foundation. The witness
12 has testified, I think, as to what his duties are.
13 His duties do not include receiving mail.

14 There could be a number of different ways
15 the Commerce Commission would be on notice, other
16 than just E-filing, and this witness hasn't
17 testified that he's aware at all.

18 I don't think he has a foundation to know
19 whether or not there are other ways the Commerce
20 Commission knows, or even knows based upon -- I
21 would argue that the witness hasn't even testified
22 that he knows how you actually go about notifying
23 the ICC of the equipment lease, who actually files
24 it, who doesn't file it, does Lincoln file it, does

1 the independent contractor file it.

2 ALJ KIRKLAND-MONTAQUE: Can you read the
3 question back from Mr. Barr's question?

4 (Said record was read.)

5 MR. PERL: My objection would be foundation.
6 He hasn't testified to any basis for knowing the
7 answer to that question.

8 It's not in his job description, anymore
9 than asking me.

10 MR. BARR: I think it's in his job description,
11 your Honor, to be able to look up who's operating
12 under their authority.

13 MR. PERL: That's not the question. The
14 question is there any way other than that to know.

15 ALJ KIRKLAND-MONTAQUE: Maybe if you could ask
16 it without it being filed, would an officer be able
17 to determine.

18 BY MR. BARR:

19 Q. Officer Geisbush, how do you tell whether
20 an equipment lease is on file?

21 A. There's a database in our motor carrier
22 information system, and I could check to see the
23 leases filed under, in this case, Protective Parking
24 Service Corp.

1 Q. And so if an equipment lease was filed by
2 a relocater, it would be in that system?

3 A. It would, yes.

4 MR. PERL: Objection, foundation. All this
5 witness would know is what he sees on the screen.
6 He hasn't testified he has any knowledge that if
7 something gets filed, it will be on that screen. He
8 doesn't know that.

9 I mean, there has to be some foundational
10 aspects to these questions, because they have the
11 wrong witness testifying every time, which they
12 haven't had the right witness.

13 All this witness knows he looks at a
14 screen. He sees something. He doesn't -- he has no
15 way of knowing if Lincoln something in, who they
16 sent it to, how they sent it, no way.

17 He doesn't know that. He just looks at a
18 screen, period.

19 ALJ KIRKLAND-MONTAQUE: I think the question is
20 specific.

21 MR. BARR: It was specific.

22 MR. PERL: It isn't. That is not what the
23 question was. If the question is if you look at a
24 screen, and you don't see it, maybe you write a

1 citation, but you don't know whether or not Lincoln
2 sent something in.

3 You don't know Lincoln typed it
4 incorrectly, and the ICC got it wrong. He doesn't
5 know that. He just knows what the screen says.

6 ALJ KIRKLAND-MONTAQUE: He would know what was
7 E-filed. That is what he said.

8 MR. PERL: He only knows what is on the screen.
9 He doesn't know if it was E-filed. It could have
10 been he filed, and the ICC could have made a
11 mistake.

12 The MCIS could have made a mistake. The
13 ICC could have taken it off the day before. This is
14 my problem every time. They have a witness up there
15 they want to present, and they want to say, "Do you
16 know whether this was E-filed?" Ask him. He
17 doesn't know that.

18 ALJ KIRKLAND-MONTAQUE: That wasn't the
19 question.

20 MR. PERL: He doesn't know if it was E filed or
21 not. He only knows when he looks on the screen.
22 That is all he knows.

23 ALJ KIRKLAND-MONTAQUE: That is what he
24 testified.

1 MR. PERL: That is not what he's asking. That
2 is not what he's asking.

3 MR. BARR: The question was answered by Officer
4 Geisbush.

5 ALJ KIRKLAND-MONTAQUE: Let's go on to the next
6 one.

7 BY MR. BARR:

8 Q. Officer Geisbush, turn to citation 800132.

9 A. Yes.

10 Q. Do you recognize that?

11 A. I do.

12 Q. What do you recognize that to have been?

13 A. A citation I issued to Protective Parking
14 Service Corporation.

15 Q. What did you issue that citation for?

16 A. 18A-307.

17 Q. What does that mean?

18 A. No written authorization to relocate.

19 Q. How do you recognize it to be a citation
20 you issued?

21 A. My handwriting, my signature and my ID
22 number on the citation.

23 Q. Is that citation in the same, or
24 substantially the same condition, as it was the day

1 you issued it?

2 A. It is.

3 Q. What do you mean by "no written
4 authorization to relocate"?

5 A. The contract was canceled.

6 Q. So how is that violation different from
7 not having a written authorization to relocate on
8 file?

9 A. In this case, the authorization was
10 electronically filed, but it showed it had been
11 canceled.

12 Q. Is it important for a relocater to file
13 written authorization to relocate?

14 A. Yes.

15 Q. Why is that?

16 A. So that the property owner, agent, knows
17 who is towing off of their property and understands
18 the terms of the relocater's agreement with them.

19 Q. And can you turn next to citation 8000133?

20 A. Yes.

21 Q. Do you recognize that?

22 A. I do.

23 Q. What do you recognize that to be?

24 A. A citation I issued to Protective Parking

1 Service Corp.

2 Q. Is that citation in the same, or
3 substantially the same condition, as it was the day
4 you issued it?

5 A. It is.

6 Q. How do you recognize it to be a citation
7 that you issued?

8 A. It's my handwriting, my signature and ID
9 number on the citation.

10 Q. And what did you issue that citation for?

11 A. 18A-310, improper signage.

12 Q. And can you turn the page to citation
13 8000134?

14 A. Yes.

15 Q. Do you recognize that?

16 A. I do.

17 Q. What do you recognize that to be?

18 A. A citation I issued to Protective Parking
19 Service Corp.

20 Q. And what did you issue that citation for?

21 A. 92AIC1710.170C.

22 Q. And what does that mean?

23 A. Inaccurate or incomplete invoice.

24 Q. And how do you recognize it to be a

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1 citation that you issued?

2 A. My handwriting, signature, and ID number
3 on the citation.

4 Q. Is that citation in the same, or
5 substantially the same condition, as it was the day
6 you issued it?

7 A. It is.

8 Q. Can you turn the page to citation 8000952?

9 A. Yes.

10 Q. Do you recognize that?

11 A. I do.

12 Q. What do you recognize that to be?

13 A. A citation I issued to Protective Parking
14 Service Corp.

15 Q. What did you issue that citation for?

16 A. 18A-307, no written authorization to
17 relocate.

18 Q. And how do you recognize it to be a
19 citation that you issued?

20 A. My handwriting, my signature and ID number
21 on the citation.

22 Q. Is that citation in the same, or
23 substantially the same condition, as it was the day
24 you issued it?

1 A. Yes.

2 Q. And can you turn the page to 8000953?

3 A. Yes.

4 Q. Do you recognize that?

5 A. I do.

6 Q. What do you recognize that to be?

7 A. A citation I issued to Protective Parking
8 Service Corp.

9 Q. What did you issue that citation for?

10 A. 18A-307, no written authorization to
11 relocate.

12 Q. And how do you recognize it to be a
13 citation you issued?

14 A. My handwriting, my signature and ID number
15 on the citation.

16 Q. Is that citation in the same, or
17 substantially the same condition, as it was the day
18 issued it?

19 A. It is.

20 Q. Can you turn the page to 8000958?

21 A. Yes.

22 Q. Do you recognize that?

23 A. I do.

24 Q. What do you recognize that to be?

1 A. A citation I issued to Protective Parking
2 Service Corp.

3 Q. What did you issue that citation for?

4 A. 18A-310, improper signage.

5 Q. And is that citation in the same, or
6 substantially the same condition, as it was the day
7 you issued it?

8 A. It looks like it, yes.

9 Q. How do you recognize it to be a citation
10 you issued?

11 A. My handwriting, my signature and ID number
12 on the citation.

13 Q. Can you turn the page to 8000959?

14 Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to be?

17 A. The citation I issued to Protective
18 Parking Service Corp.

19 Q. What did you issue that citation for?

20 A. 92AIC1710.170C, inaccurate or incomplete
21 invoice.

22 Q. How do you recognize it to be a citation
23 you issued?

24 A. It's my handwriting, my signature and ID

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1 number on the citation.

2 Q. Is that citation the same, or
3 substantially the same condition, as it was the day
4 you issued it?

5 A. It is.

6 Q. Can you turn the page to 8000960?

7 A. Yes.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What do you recognize that to be?

11 A. A citation I issued to Protective Parking
12 Service Corp.

13 Q. What did you issue that citation for?

14 A. 18A-307, no authorization to relocate.

15 Q. How do you recognize it to be a citation
16 that you issued?

17 A. It's my handwriting, my signature and ID
18 number on the citation.

19 Q. Is that citation in the same, or
20 substantially the same condition, as it was the day
21 you issued it?

22 A. It is.

23 Q. Can you please turn to 8000961?

24 A. Yes.

1 Q. Do you recognize that?

2 A. I do.

3 Q. What do you recognize that to be?

4 A. A citation I issued to Protective Parking
5 Service Corp.

6 Q. And what did you issue that citation for?

7 A. 18A-310, improper signage.

8 Q. How do you recognize it to be a citation
9 you issued?

10 A. It's my handwriting, my signature and my
11 ID number on the citation.

12 Q. Is that citation in the same, or
13 substantially the same condition, as it was the day
14 you issued it?

15 A. It is.

16 Q. Can you please turn to citation to
17 8001213, 8001213?

18 A. Yes.

19 Q. Do you recognize that?

20 A. I do.

21 Q. What do you recognize that to be?

22 A. A citation I issued to Protective Parking
23 Service Corp.

24 Q. And how do you recognize it to be a

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1 citation you issued?

2 A. It's my handwriting, my signature and my
3 ID number on the citation.

4 Q. What did you issue that citation for?

5 A. 92IAC1710.170C, inaccurate or incomplete
6 invoice.

7 Q. Is that citation in the same, or
8 substantially the same condition, as it was the day
9 you issued it?

10 A. It is.

11 Q. Can you please turn to citation 8001214?

12 A. Yes.

13 Q. Do you recognize that?

14 A. I do.

15 Q. What do you recognize that to be?

16 A. A citation I issued to Protective Parking
17 Service Corporation.

18 Q. What did you issue that citation for?

19 A. 18A-310, improper signage.

20 Q. How do you recognize it to be a citation
21 you issued?

22 A. My handwriting, signature and ID number on
23 the citation.

24 Q. Is that citation in the same, or

1 substantially the same condition, as it was the day
2 you issued it?

3 A. It is.

4 Q. Can you please turn to citation 8001215?

5 A. Yes.

6 Q. Do you recognize that?

7 A. I do.

8 Q. What do you recognize that to be?

9 A. The citation I issued to Protective
10 Parking Service Corp.

11 Q. What did you issue that citation for?

12 A. 92AIC1710.170C, inaccurate invoice.

13 Q. Is that citation in the same, or
14 substantially the same condition, as it was the day
15 you issued it?

16 A. It is.

17 Q. Can you please turn to 8001216?

18 A. Yes.

19 Q. Do you recognize that?

20 A. I do.

21 Q. What do you recognize that to be?

22 A. A citation I issued to Protective Parking
23 Service Corp.

24 Q. What did you issue that citation for?

1 A. 92AIC1710.51B3, overcharge.

2 Q. And how do you recognize that to be a
3 citation that you issued?

4 A. My handwriting, signature and ID number
5 are on the citation.

6 Q. Is that citation in the same, or
7 substantially the same condition, as it was the day
8 you issued it?

9 A. It is.

10 Q. Can you please turn to citation 8001 --
11 I'm sorry, what was the last citation number I gave
12 out?

13 MR. PERL: 1216.

14 BY MR. BARR:

15 Q. Thank you. Can you turn please to
16 8001219? Do you recognize that?

17 A. Yes.

18 Q. What do you recognize that to be?

19 A. A citation I issued to Protective Parking
20 Service Corp.

21 Q. What did you issue that citation for?

22 A. 18A-310, improper signage.

23 Q. How do you recognize that to be a citation
24 that you issued?

1 A. It's my handwriting, signature and ID
2 number on the citation.

3 Q. Is that the citation in the same, or
4 substantially the same condition, as it was the day
5 you issued it?

6 A. It is.

7 Q. Can you please turn to citation 8001222?

8 A. Yes.

9 Q. Do you recognize that?

10 A. I do.

11 Q. What do you recognize that to be?

12 A. It is a citation I issued to Protective
13 Parking Service Corp.

14 Q. And what did you issue that citation for?

15 A. 18A-310 reference 92AIC1710.51, improper
16 signage.

17 Q. How do you recognize it to be -- I'm
18 sorry.

19 Is that citation in the same, or
20 substantially the same condition, as it was the day
21 you issued it?

22 A. It is.

23 Q. Can you turn the page to 8001223?

24 A. Yes.

1 Q. Do you recognize that?

2 A. I do.

3 Q. What do you recognize that to be?

4 A. A citation I issued to Protective Parking
5 Service Corp.

6 Q. What did you issue that citation for?

7 A. 92AIC1710.51, reference 1710.122E to
8 overcharge.

9 Q. How do you recognize it to be a citation
10 you issued?

11 A. My handwriting, signature and ID number on
12 the citation.

13 Q. Is that citation in the same, or
14 substantially the same condition, as it was the day
15 you issued it?

16 A. Yes.

17 Q. Can you turn to 8001224?

18 A. Yes.

19 Q. Do you recognize that?

20 A. I do.

21 Q. What do you recognize that to be?

22 A. It is a citation I issued to Protective
23 Parking Service Corp.

24 Q. What did you issue that citation for?

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1 A. 1710.170C, inaccurate or incomplete
2 invoice.

3 Q. How do you recognize it to be a citation
4 that you issued?

5 A. My handwriting, signature and ID number on
6 the citation.

7 Q. Is that citation in the same, or
8 substantially the same condition, as it was the day
9 you issued it?

10 A. It is.

11 Q. Can you turn to the next page 8001225?

12 A. Yes.

13 Q. Do you recognize that?

14 A. I do.

15 Q. What do you recognize that to be?

16 A. A citation I issued to Protective Parking
17 Service Corporation.

18 Q. What did you issue that citation for?

19 A. 92AIC1710.122E2, referencing 1710.51,
20 overcharge.

21 Q. And is that citation in the same, or
22 substantially the same condition, as it was the day
23 issued it?

24 A. It is.

1 Q. How do you recognize it to be a citation
2 you issued?

3 A. My handwriting, my signature and ID number
4 on the citation.

5 Q. And can you turn to citation 8001226?

6 A. Yes.

7 Q. Do you recognize that?

8 A. I do.

9 Q. What do you recognize it to be?

10 A. A citation I issued to Protective Service
11 Parking Corp.

12 Q. What was that citation issued for?

13 A. 18A-310, improper signage.

14 Q. How do you know it's a citation that you
15 issued?

16 A. It's my handwriting, my signature, and my
17 ID number on the citation.

18 Q. Is that citation in the, or substantially
19 the same condition, as it was on the day you issued
20 it?

21 A. It is.

22 Q. Can you turn to 8001227?

23 A. Yes.

24 Q. Do you recognize that?

1 A. I do.

2 Q. What do you recognize that to be?

3 A. A citation I issued to Protective Parking
4 Service Corp.

5 Q. What did you issue that citation for?

6 A. 92AIC1710.170C.

7 Q. What violation is that? Strike that.

8 What citation does that -- in the code
9 does that go to?

10 A. Inaccurate or incomplete invoice.

11 Q. And how do you recognize it to be a
12 citation that you issued?

13 A. My handwriting, signature and ID number on
14 the citation.

15 Q. And is that citation in the same, or
16 substantially the same condition, as it was on the
17 day you issued it?

18 A. It is.

19 Q. Can you next turn to citation 8001228?

20 A. Yes.

21 Q. Do you recognize that?

22 A. I do.

23 Q. What do you recognize that to be?

24 A. It's a citation I issued to Protective

1 Parking Service Corp.

2 Q. What did you issue that citation for?

3 A. 18A-316, no lease on file.

4 Q. And how do you recognize it to be a
5 citation that you issued?

6 A. It's my handwriting, signature and ID
7 number on the citation.

8 Q. Is that citation in the same, or
9 substantially the same condition, as it was the day
10 you issued it?

11 A. It is.

12 Q. Can you turn to citation 8001229?

13 A. Yes.

14 Q. Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to be?

17 A. It's a citation I issued to Protective
18 Parking Service Corporation.

19 Q. What did you issue that citation for?

20 A. 92AIC1710.122E2, referencing 1710.51,
21 overcharge.

22 Q. And how do you recognize it to be a
23 citation that you issued?

24 A. It's my handwriting, signature and ID

1 number on the citation.

2 Q. Is that citation in the same, or
3 substantially the same condition, as it was the day
4 you issued it?

5 A. It is.

6 Q. Can you please turn the page to 8001230?

7 A. Yes.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What do you recognize that to be?

11 A. A citation I issued to Protective Parking
12 Service Corp.

13 Q. What did you issue that citation for?

14 A. 18A-319, reference 1710.48, remove
15 authorized vehicle.

16 Q. How do you recognize it to be a citation
17 that you issued?

18 A. My handwriting, signature and ID number on
19 the citation.

20 Q. Is that citation in the same, or
21 substantially the same condition, as it was the day
22 you issued it?

23 A. Yes.

24 Q. Can you please turn to pages 8001233?

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1 A. Yes.

2 Q. Do you recognize that?

3 A. I do.

4 Q. What do you recognize that to be?

5 A. A citation I issued to Protective Parking
6 Service Corp.

7 Q. What did you issue that citation for?

8 A. 18A-310, improper signage.

9 Q. And is that citation in the same, or
10 substantially the same condition, as it was the day
11 you issued it?

12 A. It is.

13 Q. And how do you recognize it to be a
14 citation that you issued?

15 A. It's my handwriting, signature and ID
16 number on the citation.

17 Q. Can you please turn the page to citation
18 8001234? Do you recognize that?

19 A. I do.

20 Q. What do you recognize that to be?

21 A. A citation I issued to Protective Parking
22 service Corp.

23 Q. What did you issue that citation for?

24 A. 92AIC1710.40A, remove authorized vehicle.

1 Q. And how do you know it is a citation that
2 you issued?

3 A. It's my handwriting, signature and ID
4 number on the citation.

5 Q. Is that citation in the same, or
6 substantially the same condition, as it was the day
7 you issued it?

8 A. It is.

9 Q. Can you please turn to 8001235?

10 A. Yes.

11 Q. Do you recognize that?

12 A. I do.

13 Q. What do you recognize that to be?

14 A. A citation I issued to Protective Service
15 Parking Corp.

16 Q. What did you issue that citation for?

17 A. 92IAC1710.91F3, patrol from call lot.

18 Q. And how do you recognize it to be a
19 citation that you issued?

20 A. My handwriting, signature and ID number on
21 the citation.

22 Q. Is that citation in the same, or
23 substantially the same condition, as it was the day
24 you issued it?

1 A. It is.

2 Q. Can you please turn to citation 8001240?

3 A. Yes.

4 Q. Do you recognize that?

5 A. I do.

6 Q. What do you recognize that to be?

7 A. It's a citation I issued to Protective
8 Parking Service Corp.

9 Q. What did you issue that citation for?

10 A. 92AIC1710.40A, remove authorized vehicle.

11 Q. How do you recognize it to be a citation
12 you issued?

13 A. My handwriting, signature and ID number on
14 the citation.

15 Q. Is that citation in the same, or
16 substantially the same condition, as it was on the
17 day you issued it?

18 A. It is.

19 Q. Can you please turn to 8001244?

20 A. Yes.

21 Q. Do you recognize that?

22 A. I do.

23 Q. What do you recognize that to be?

24 A. It's a citation I issued to Protective

1 Parking Service Corp.

2 Q. What did you issue that citation for?

3 A. 92AIC1710.122E2, referencing 1710.51,
4 overcharge.

5 Q. And how do you recognize it to be a
6 citation that you issued?

7 A. It's my handwriting, signature and ID
8 number on the citation.

9 Q. Is that citation in the same, or
10 substantially the same condition, as it was the day
11 you issued it?

12 A. It is.

13 Q. Can you please turn to 8001248?

14 A. Yes.

15 Q. Do you recognize that?

16 A. Yes.

17 Q. What do you recognize that to be?

18 A. A citation I issued to Protective Parking
19 Service Corp.

20 Q. What did you issue that citation for?

21 A. 18C-316, no equipment lease on file.

22 Q. And how do you recognize it to be a
23 citation that you issued?

24 A. My handwriting, signature and ID number on
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1 the citation.

2 Q. Is that citation in the same, or
3 substantially the same condition, as it was the day
4 you issued it?

5 A. It is.

6 Q. Can you please turn to 8001249?

7 A. Yes.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What do you recognize that to be?

11 A. A citation I issued to Protective Parking
12 Service Corp.

13 Q. What did you issue that citation for?

14 A. 92IAC1710.40A, remove authorized vehicle.

15 Q. How do you recognize it to be a citation
16 that you issued?

17 A. It's my handwriting, signature and ID
18 number on the citation.

19 Q. Is that citation in the same, or
20 substantially the same condition, as it was the day
21 you issued it?

22 A. It is.

23 Q. Can you please turn to 8001250?

24 A. Yes.

1 Q. Do you recognize that?

2 A. I do.

3 Q. What do you recognize that to be?

4 A. A citation I issued to Protective Parking
5 Service Corp.

6 Q. What did you issue that citation for?

7 A. 18A-3909 remove vehicle when owner
8 present.

9 Q. How do you recognize it to be a citation
10 you issued?

11 Officer Geisbush, how do you recognize it
12 to be a citation that you issued?

13 A. My handwriting, my signature and my ID
14 number on the citation.

15 Q. Is that citation in the same, or
16 substantially the same condition, as it was the day
17 you issued it?

18 A. It is.

19 Q. Can you please turn to citation 8001250?

20 MR. PERL: I think we just did that one.

21 MR. BARR: The time is getting to me.

22 BY MR. BARR:

23 Q. Can you please turn to citation 8001851?

24 It's towards the back of the exhibit.

1 A. 1851?

2 Q. Correct.

3 A. There.

4 Q. Do you recognize that?

5 A. I do.

6 Q. What do you recognize that to be?

7 A. It is a citation I issued to Protective
8 Parking Service Corp.

9 Q. And what did you issue that citation for?

10 A. 18A-307, no written authorization to
11 relocate.

12 Q. And how do you recognize it to be a
13 signature -- again, strike that.

14 Officer Geisbush, how do you recognize it
15 to be a citation that you issued?

16 A. My handwriting, signature and ID number on
17 the citation.

18 Q. And is that citation in the same, or
19 substantially the same condition, as it was the day
20 you issued it?

21 A. It is.

22 Q. Can you please turn to 8001852?

23 A. Yes.

24 Q. Do you recognize that?

1 A. Yes.

2 Q. What do you recognize it to be?

3 A. A citation I issued to Protective Parking
4 Service Corp.

5 Q. What was that citation issued for?

6 A. 92AIC1710.40A, remove authorized vehicles.

7 Q. And how do you recognize it to be a
8 citation that you issued?

9 A. It's my handwriting, signature and ID
10 number on the citation.

11 Q. Is that citation in the same, or
12 substantially the same condition, as the day you
13 issued it?

14 A. It is.

15 Q. Can you please turn to 8001853?

16 A. Yes.

17 Q. Do you recognize that?

18 A. I do.

19 Q. What do you recognize that to be?

20 A. A citation I issued to Protective Parking
21 Service Corp.

22 Q. What did you issue that citation for?

23 A. 92AIC1710.170C, inaccurate or incomplete
24 invoice.

1 Q. How do you recognize it to be a citation
2 that you issued?

3 A. It's my handwriting on the citation.

4 Q. Is that citation in the same, or
5 substantially the same condition, as the day you
6 issued it?

7 A. I believe so, yes.

8 Q. And can you please turn to citation
9 8001854?

10 A. Yes.

11 Q. Do you recognize that?

12 A. I do.

13 Q. What do you recognize that to be?

14 A. A citation I issued to Protective Parking
15 Service Corporation.

16 Q. How do you recognize it to be a citation
17 that you issued?

18 A. It's my handwriting, signature and ID
19 number on the citation.

20 Q. What did you issue that citation for?

21 A. 18A-310, improper signage.

22 Q. Is that citation in the same, or
23 substantially the condition, as it was on the day
24 you issued it?

1 A. It is.

2 Q. Can you please turn to 8001867?

3 A. Yes.

4 Q. Do you recognize that?

5 A. I do.

6 Q. What do you recognize that to be?

7 A. It is a citation I issued to Protective
8 Parking Service Corp.

9 Q. How do you recognize it to be a citation
10 that you issued?

11 A. My handwriting, signature and ID number on
12 the citation.

13 Q. And what did you issue that citation for?

14 A. 18A-316, no lease on file.

15 Q. Is that citation in the same, or
16 substantially the same condition, as the day you
17 issued it?

18 A. It is.

19 Q. Can you please turn to citation 8001868?

20 A. Yes.

21 Q. Do you recognize that?

22 A. I do.

23 Q. What do you recognize that to be?

24 A. It's a citation I issued to Protective

1 Parking Service Corp.

2 Q. What did you issue that citation for?

3 A. 92AIC1710.40A, remove authorized vehicles.

4 Q. How do you recognize it to be a citation
5 that you issued?

6 A. My handwriting, signature and ID number on
7 the citation.

8 Q. Is that citation in the same, or
9 substantially the same condition, as the day you
10 issued it?

11 A. It is.

12 Q. Can you turn to citation 8001879?

13 A. Yes.

14 Q. Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to be?

17 A. A citation I issued to Protective Parking
18 Service Corp.

19 Q. What did you issue that citation for?

20 A. 18A-310, improper signage.

21 Q. How do you recognize it to be a citation
22 that you issued?

23 A. My handwriting, signature and ID number on
24 the citation.

1 Q. Is that citation in the same, or
2 substantially the same condition, as the day you
3 issued it?

4 A. It is.

5 Q. And can you please turn to citation
6 8001880?

7 A. Yes.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What do you recognize that to be?

11 A. A citation I issued to Protective Parking
12 Service Corp.

13 Q. And what did you issue that citation for?

14 A. 92AIC1710.122E2, referencing 1710.51,
15 overcharge.

16 Q. And how do you recognize it to be a
17 citation that you issued?

18 A. It's my handwriting, my signature and my
19 ID number on the citation.

20 Q. Is that citation in the same, or
21 substantially the same condition, as the day you
22 issued it?

23 A. It is.

24 Q. Can you please turn to 8001881?

1 A. Yes.

2 Q. Do you recognize that?

3 A. I do.

4 Q. What do you recognize that to be?

5 A. It is a citation I issued to Protective
6 Parking Service Corporation.

7 Q. And what did you issue that citation for?

8 A. 92AIC1710.170C, inaccurate or incomplete
9 invoice.

10 Q. And how do you recognize that to be a
11 citation that you issued?

12 A. My handwriting, signature and ID number on
13 the citation.

14 Q. Is that citation in the same, or
15 substantially the same condition, as the day you
16 issued it?

17 A. It is.

18 Q. Can you please turn to citation 8001883?

19 A. Yes.

20 Q. Do you recognize that?

21 A. I do.

22 Q. How do you recognize that?

23 A. The citation I issued to Protective
24 Parking Service Corp.

1 Q. What did you issue that citation for?

2 A. 18A-309, remove vehicle when owner
3 present.

4 Q. And how do you recognize it to be a
5 citation that you issued?

6 A. My handwriting, my signature and my ID
7 number.

8 Q. And is that citation in the same or
9 substantially the same condition, as the day you
10 issued it?

11 A. It is.

12 Q. What do you mean by "remove vehicle when
13 the owner present"?

14 A. If the owner or the authorized user of the
15 vehicle arrives on the property before the vehicle
16 is completely removed, and they can immediately
17 remove the trespassing vehicle from private
18 property, the relocation company has to allow them
19 to remove the car.

20 Q. What do you mean by "completely remove"?

21 A. Once the tow truck and the vehicle are off
22 the private property, then the relocation is
23 complete, and they are obligated to take it back to
24 the tow yard.

1 Q. And what do you mean by "immediately
2 removed"?

3 A. The owner, or the authorized driver of the
4 vehicles, would have to have the keys and be able
5 to, right then and there, jump in the car, start it
6 up and take it away.

7 Q. Is that true, even if the car was on the
8 hook of the tow truck?

9 A. As long as they are still on the private
10 property, yes.

11 Q. Thank you. Can you please turn to
12 citation 8001884?

13 A. Yes.

14 Q. Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to be?

17 A. A citation I issued to Protective Parking
18 Service Corp.

19 Q. What did you issue that citation for?

20 A. 92AIC1710.170C, inaccurate or incomplete
21 invoice.

22 Q. How do you recognize it to be a citation
23 that you issued?

24 A. It's my handwriting, signature and my ID

1 number on the citation.

2 Q. Is that citation in the same, or
3 substantially the same condition, as the day you
4 issued it?

5 A. It is.

6 Q. Can you please turn to citation 8001886?

7 A. Yes.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What do you recognize that to be?

11 A. A citation I issued to Protective Parking
12 Service Corp.

13 Q. What did you issue that citation for?

14 A. 92AIC1710.40A, remove authorized vehicle.

15 Q. How do you recognize it to be a citation
16 that you issued?

17 A. My handwriting, signature and ID number on
18 the citation.

19 Q. Is that citation in the same, or
20 substantially the same condition, as it was on the
21 day you issued it?

22 A. Yes.

23 Q. And can you please turn to citation
24 800187?

1 A. Yes.

2 Q. Do you recognize that?

3 A. I do.

4 Q. What do you recognize that to be?

5 A. A citation I issued to Protective Parking
6 Service Corp.

7 Q. How do you recognize it to be a citation
8 that you issued?

9 A. It's my handwriting, signature and ID
10 number on the citation.

11 Q. And what did you issue that citation for?

12 A. 18A-307, no authorization to relocate.

13 Q. And is that citation in the same, or
14 substantially the same condition, as the day you
15 issued it?

16 A. It is.

17 Q. Can you please turn to citation 8001891?

18 A. Yes.

19 Q. Do you recognize that?

20 A. I do.

21 Q. What do you recognize that to be?

22 A. A citation I issued to Protective Parking
23 Service Corp.

24 Q. How do you recognize it to be a citation

1 you issued?

2 A. My handwriting, signature and ID number on
3 the citation.

4 Q. And what did you issue that citation for?

5 A. 18A-307, written authorization to relocate
6 a tow from a call lot.

7 Q. Is that citation in the same, or
8 substantially the same condition, as the day you
9 issued it?

10 A. It is.

11 Q. And can you please turn to citation
12 8001892?

13 A. Yes.

14 Q. Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to be?

17 A. It is a citation I issued to Protective
18 Parking Service Corp.

19 Q. And how do you recognize it to be a
20 citation that you issued?

21 A. My handwriting, signature and ID number on
22 the citation.

23 Q. And what did you issue that citation for?

24 A. 92AIC1710.40A, remove authorized vehicle.

1 Q. Is that the citation in the same, or
2 substantially the same condition, as the day you
3 issued it?

4 A. It is.

5 Q. Can you please turn to citation 8001893?

6 A. Yes.

7 Q. Do you recognize that?

8 A. I do.

9 Q. What do you recognize that to be?

10 A. It is a citation I issued to Protective
11 Parking Service Corp.

12 Q. And how do you recognize it to be a
13 citation that you issued?

14 A. It's my handwriting, signature and ID
15 number on the citation.

16 Q. What did you issue that citation for?

17 A. 92AIC1710.170C, inaccurate or incomplete
18 invoice.

19 Q. Is that citation in the same, or
20 substantially the same condition, as the day you
21 issued it?

22 A. It is.

23 Q. And can you please turn to citation
24 8001894?

1 A. Yes.

2 Q. Do you recognize that?

3 A. I do.

4 Q. What do you recognize that to be?

5 A. A citation I issued to Protective Parking
6 Service Corp.

7 Q. What did you issue that citation for?

8 A. 18A-307, written authorization to relocate
9 patrol from a call lot.

10 Q. How do you recognize it to be a citation
11 you issued?

12 A. My handwriting, signature and ID number on
13 the citation.

14 Q. Is that citation in the same, or
15 substantially the same condition, as the day you
16 issued it?

17 A. It is.

18 Q. And can you please turn to citation
19 8001895?

20 A. Yes.

21 Q. Do you recognize that?

22 A. I do.

23 Q. What do you recognize that to be?

24 A. A citation I issued to Protective Parking

1 Service Corp.

2 Q. How do you recognize it to be a citation
3 that you issued?

4 A. My handwriting, signature and ID number of
5 on the citation.

6 Q. And what did you issue that citation for?

7 A. 92AIC1710.40A, remove authorized vehicles.

8 Q. How do you recognize it to be a
9 citation -- I'm sorry, is that citation in the same,
10 or substantially the same condition, as the day you
11 issued it?

12 A. Yes.

13 Q. And can you please turn to citation
14 8001895?

15 ALJ KIRKLAND-MONTAQUE: You just did that one.

16 BY MR. BARR:

17 Q. Can you please turn to 8001896?

18 A. Yes.

19 Q. Do you recognize that?

20 A. I do.

21 Q. What do you recognize that to be?

22 A. It's a citation I issued to Protective
23 Parking Service Corp.

24 Q. How do you recognize it to be a citation

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1 that you issued?

2 A. My handwriting, signature around ID number
3 on the citation.

4 Q. And what did you issue that citation for?

5 A. 92AIC1710.170C, inaccurate or incomplete
6 invoice.

7 Q. Is that citation the same, or
8 substantially the same condition, as the day you
9 issued it?

10 A. If is.

11 Q. Can you please turn to citation 8001897?

12 A. Yes.

13 Q. Do you recognize that?

14 A. I do.

15 Q. What do you recognize that to be?

16 A. A citation I issued to Protective Parking
17 Service Corp.

18 Q. What did you issue that citation for?

19 A. 18A-307, written authorization to relocate
20 patrol from a call lot.

21 Q. How do you recognize it to be a citation
22 you issued?

23 A. My handwriting, signature and ID number on
24 the citation.

1 Q. Is that citation in the same, or
2 substantially the same condition, as the day you
3 issued it?

4 A. It is.

5 Q. Can you please turn to citation 8001898?

6 A. Yes.

7 Q. Do you recognize that?

8 A. I do.

9 Q. What do you recognize that to be?

10 A. A citation I issued to Protective Parking
11 Service Corporation.

12 Q. And how do you recognize it to be a
13 citation that you issued?

14 A. My handwriting, signature and ID number on
15 the citation.

16 Q. What did you issue that citation for?

17 A. 92IAC17150.40A, remove authorized
18 vehicles.

19 Q. Is that citation in the same, or
20 substantially the same condition, as the day you
21 issued it?

22 A. It is.

23 Q. Can you please turn to citation 8001899?

24 A. Yes.

1 Q. Do you recognize that?

2 A. I do.

3 Q. What do you recognize it to be?

4 A. A citation I issued to Protective Parking
5 Service Corporation.

6 Q. What did you issue that citation for?

7 A. 92AIC1710.170C, inaccurate or incomplete
8 invoice.

9 Q. Is that citation in the same, or
10 substantially the same condition, as the day you
11 issued it?

12 A. It is.

13 Q. Can you please turn to citation 8001900?

14 A. Yes.

15 Q. Do you recognize that?

16 A. I do.

17 Q. What do you recognize that to be?

18 A. A citation that I issued to Protective
19 Parking Service Corp.

20 Q. What did you issue that citation for?

21 A. 18A-307, no written authorization to
22 relocate.

23 Q. And is that citation in the same, or
24 substantially the same condition, as the day you

1 issued it?

2 A. It is.

3 Q. Can you please turn to now to Exhibit N,
4 and specifically citation 800137?

5 A. Yes.

6 Q. Do you recognize that?

7 A. I do.

8 Q. What do you recognize that to be?

9 A. It is a citation I issued to Protective
10 Parking Service Corp.

11 Q. And what did you issue that citation for?

12 A. 92IAC1710.94, no call log or similar
13 document for a call contract.

14 Q. And what do you mean by that?

15 A. Relocators are required to keep a call log
16 or a documents that has the same information as the
17 call log for relocation towing contracts that are
18 call only.

19 Q. And why is it important for a relocater to
20 keep that information?

21 A. So that they could reference when they
22 have calls for service from a call lot.

23 MR. PERL: Are we on 1237?

24 MR. BARR: 8000137 in Exhibit N.

1 MR. PERL: Okay.

2 BY MR. BARR:

3 Q. How do you recognize that to be a citation
4 that you issued?

5 A. It's my handwriting, signature and ID
6 number on the citation.

7 Q. Is that citation in the same or
8 substantially the same condition, as the day you
9 issued it?

10 A. It is.

11 Q. Can you please go to citation 8001231?

12 A. Yes.

13 Q. Do you recognize that?

14 A. I do.

15 Q. What do you recognize that to be?

16 A. A citation I issued to Protective Parking
17 Service Corp.

18 Q. What did you issue that citation for?

19 A. 18A-316, no equipment lease on file.

20 Q. And is that citation in the same, or
21 substantially the same condition, as the day you
22 issued it?

23 A. It is.

24 Q. Can you please turn to citation 8001232?

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1 Do you recognize that?

2 A. I do.

3 Q. What do you recognize that to be?

4 A. It is a citation I issued to Protective
5 Parking Service Corp.

6 Q. What did you issue that citation for?

7 A. 18A-316, no equipment lease on file.

8 Q. And how do you recognize it to be a
9 citation that you issued?

10 A. My handwriting, signature and ID number on
11 the citation.

12 Q. Is that citation in the same, or
13 substantially the same condition, as the day you
14 issued it?

15 A. It is.

16 Q. Can you please turn to 8001236?

17 A. Yes.

18 Q. Do you recognize that?

19 A. I do.

20 Q. What do you recognize that to be?

21 A. A citation I issued to Protective Service
22 Parking Corp.

23 Q. What did you issue that citation for?

24 A. 5A-316, no equipment lease on file.

1 Q. How do you recognize it to be a citation
2 that you issued?

3 A. My handwriting, signature and ID number on
4 the citation.

5 Q. Is that citation in the same, or similar
6 condition, as it was on the day you issued it?

7 A. Yes.

8 Q. Can you please turn to 8001237?

9 A. Yes.

10 Q. Do you recognize that?

11 A. I do.

12 Q. What do you recognize that to be?

13 A. A citation I issued to Protective Parking
14 Service Corporation.

15 Q. What citation did you issue that for?
16 Strike that. I'm sorry.

17 What was that citation issued for?

18 A. 92AIC1710.170C, inaccurate and incomplete
19 invoice.

20 Q. How do you recognize it to be a citation
21 that you issued?

22 A. My handwriting, signature and ID number on
23 the citation.

24 Q. Is that citation in the same, or

1 substantially the same condition, as it was on the
2 day you issued it?

3 A. It is.

4 Q. Can you turn to citation 8001238? Do you
5 recognize that?

6 A. I do.

7 Q. What do you recognize that to be?

8 A. A citation I issued to Protective Parking
9 Service Corp.

10 Q. And what was the citation issued for?

11 A. 18A-310, improper signage.

12 Q. And how do you recognize it to be a
13 citation that you issued?

14 A. My handwriting, signature and ID number on
15 the citation.

16 Q. And is that citation in the same, or
17 substantially the same condition, as the day you
18 issued it?

19 A. It is.

20 Q. Can you please turn to 8001239?

21 A. Yes.

22 Q. Do you recognize that?

23 A. Yes, I do.

24 Q. What do you recognize that to be?

1 A. A citation I issued to Protective Parking
2 Service Corp.

3 Q. What did you issue that citation for?

4 A. 1710.1706C, inaccurate invoice.

5 Q. And how do you recognize it to be a
6 citation you issued?

7 A. My handwriting, signature and ID number on
8 the citation.

9 Q. Is that citation in the same, or
10 substantially the same condition, as the day you
11 issued it?

12 A. Yes.

13 Q. Can you please turn the pages to 8001241?

14 A. Yes.

15 Q. Do you recognize that?

16 A. I do.

17 Q. What do you recognize that to be?

18 A. A citation I issued to Protective Parking
19 Service Corp.

20 Q. What did you issue that citation for?

21 A. The violations -- the numeric violation
22 code is not filled out on this ticket, but based on
23 what I wrote, it would be 18A-310, improper signage.

24 Q. How do you recognize it to be a citation

1 that you issued?

2 A. My handwriting, signature and ID number on
3 the citation.

4 Q. Is that citation in the same, or
5 substantially the same condition, as it was on the
6 day you issued it?

7 A. Yes.

8 Q. Can you please jump ahead to 8001863?

9 A. 8001863?

10 Q. Yes. It should be towards the back of
11 that exhibit.

12 A. Okay, I'm there.

13 Q. Do you recognize that?

14 A. I do.

15 Q. What do you recognize that to be?

16 A. A citation I issued to Protective Parking
17 service Corp.

18 Q. What did you issue that citation for?

19 A. 18A-316, no equipment lease on file.

20 Q. And how do you recognize it to be a
21 citation you issued?

22 A. It's my handwriting, signature and ID
23 number on the citation.

24 Q. Is that citation in the same, or

1 substantially the same condition, as the day you
2 issued it?

3 A. Yes.

4 Q. Can you please turn to page 8001864?

5 A. Yes.

6 Q. Do you recognize that?

7 A. I do.

8 Q. What do you recognize that to be?

9 A. The citation I issued to Protective
10 Parking Service Corporation.

11 Q. What did you issue this citation for?

12 A. 18A-310, improper signage.

13 Q. How do you recognize it to be a citation
14 that you issued?

15 A. It's my handwriting, signature and ID
16 number on the citation.

17 Q. Is that citation the same, or
18 substantially the same condition, as the day you
19 issued it?

20 A. It is.

21 Q. Can you turn to citation 8001869?

22 A. Yes.

23 Q. Do you recognize that?

24 A. I do.

1 Q. What do you recognize that to be?

2 A. A citation I issued to Protective Parking
3 Service Corp.

4 Q. What did you issue that citation for?

5 A. 18A-316, no equipment lease on file.

6 Q. How do you recognize it to be a citation
7 that you issued?

8 A. My handwriting, signature and ID number on
9 the citation.

10 Q. Is that citation in the same, or
11 substantially the same condition, as it was on the
12 day you issued it?

13 A. It is.

14 Q. Can you please turn to 8001875?

15 A. Yes.

16 Q. Do you recognize that?

17 A. I do.

18 Q. What do you recognize that to be?

19 A. It is a citation that I issued to
20 Protective Parking Service Corp.

21 Q. And what did you issue that citation for?

22 A. 92IAC1710.91F3, written authorization to
23 relocate not on file.

24 Q. How do you recognize it to be a citation

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1 that you issued?

2 A. It's my handwriting, signature and ID
3 number on the citation.

4 Q. Is that citation in the same or similar
5 condition as it was when you issued it?

6 A. It is.

7 Q. Can you please turn to citation 8001888?

8 A. Yes.

9 Q. Do you recognize that?

10 A. I do.

11 Q. What do you recognize that to be?

12 A. It is a citation I issued to Protective
13 Parking Service Corp.

14 Q. And what did you issue that citation for?

15 A. 92IAC1710.80A, failure to notify police
16 department of relocation tow.

17 Q. And what do you mean by "failure to notify
18 police department of relocation tow"?

19 A. Relocators are required to notify the
20 police organization having jurisdiction over the lot
21 where the vehicle was towed from within one hour of
22 the tow.

23 Q. And why is it important that a relocater
24 notify the police jurisdiction within one hour of

1 the tow?

2 A. That would prevent a motorist from filing
3 frivolous vehicle theft reports, because they would
4 never know their vehicle was towed, and they would
5 go and file a theft report, believing their car was
6 stolen.

7 Q. How do you recognize it to be a citation
8 that you issued?

9 A. My handwriting, signature ID number on the
10 citation.

11 Q. Is that citation in the same or similar
12 condition as it was on the day you issued it?

13 A. It is.

14 Q. And, finally, can you turn to 8001889?

15 A. Yes.

16 Q. Do you recognize that?

17 A. I do.

18 Q. What do you recognize that to be?

19 A. A citation I issued to Protective Parking
20 Service Corp.

21 Q. And what did you issue that citation for?

22 A. 18A-316, no equipment lease on file.

23 Q. And how do you recognize it to be a
24 citation that you issued?

1 A. It's my handwriting, signature and ID
2 number on the citation.

3 Q. Is that citation in the same or similar
4 condition as it was on the day you issued it?

5 A. It is.

6 MR. BARR: Just a few more questions.

7 BY MR. BARR:

8 Q. Officer Geisbush, in general, how long
9 does it take you to do a relocation complaint?

10 A. Two to three hours.

11 Q. And what does that figure include?

12 A. Reviewing the complaint, checking all the
13 information that I have to check in our computer
14 system, making phone calls, checking the lot, if I
15 have to, contacting the towing company.

16 If I do, contacting the complainant, if I
17 do, and a large part of that would be typing up
18 reports and writing out citations, writing out cover
19 sheets for the file.

20 Q. And, in your opinion, did is the amount of
21 time you spent investigating Lincoln Towing
22 complaints for tows between July 4th, 2015, and
23 March 24, 2016, affect your ability to enforce other
24 industries regulated by the Commission?

1 MR. PERL: Objection, your Honor, relevance,
2 foundation. Relevance mainly. I'm not sure how it
3 would be relevant.

4 Certainly we all the know if you're doing
5 something, you can't be doing something else. I
6 don't believe it's relevant, regarding the issue of
7 whether Lincoln Towing is fit to hold a license or
8 not, during the relevant time period. That hasn't
9 been shown by this Commerce Commission.

10 MR. BARR: It's just Officer Geisbush's
11 opinion, your Honor.

12 MR. PERL: They never disclosed Officer
13 Geisbush would be giving testimony in that regard.
14 This is my problem again.

15 Literally, if you look at interrogatory
16 No. 20, it is so general. All it says is, "Officer
17 Geisbush will testify as to his findings in 2508,"
18 which, by the way we, struck so he couldn't do that,
19 "and any and all investigations which he
20 investigated."

21 Where does it say in here to testify how
22 it impacted his ability to investigate other things?
23 It's not there. None of it is there.

24 These are the most generic, ridiculous

1 interrogatory answers I've ever seen. There is no
2 way to know what he's going to testify to, other
3 than what's in the report.

4 So I would ask your Honor to show me
5 within the documents that they tendered to me for
6 this witness, which they did, wherein there it talks
7 about or shows anything about how this impacted his
8 ability to investigate other things, which then I
9 could follow through in a deposition.

10 But I didn't, because they never brought
11 that out. So when I deposed Officer Geisbush, I
12 didn't get into that area, because they never put it
13 into the interrogatories that is what he was
14 testifying to.

15 Again, that is the same trial by ambush.
16 Let me just ask you question at the hearing that I
17 never raised in my interrogatories, eight of them,
18 by the way, not one time did they say he's going to
19 be testifying. This is the first I'm hearing of
20 that.

21 ALJ KIRKLAND-MONTAQUE: I do think it's
22 irrelevant to bring in how it did affect other
23 investigations that are not related. Let's stick to
24 Lincoln Towing or Protective Parking.

1 MR. PERL: How is it relevant to anything when
2 they don't disclose it to me? Again, this is the
3 same thing again.

4 How could they be allowed to examine this
5 witness when they gave me interrogatories, and
6 didn't mention anything to do with this?

7 That is what you do interrogatories for,
8 for a hearing, so the other side knows. You can't
9 just say, "I'm going to question as to anything I
10 want to in the world."

11 Why don't we just do no more discovery in
12 any cases, just say, "I'm going to question this
13 witness about anything I want to." That is why he
14 did.

15 ALJ KIRKLAND-MONTAQUE: Why don't you ask him
16 about the time he spent?

17 MR. BARR: Counsel's argument it wasn't
18 disclosed, it's interesting that he would take such
19 a hard-and-fast approach, when the testimony that,
20 assuming Mr. Munyon and Mr. Dennis were going to
21 give, were never disclosed in their discovery
22 responses.

23 ALJ KIRKLAND-MONTAQUE: Let's stick to
24 Geisbush, Officer Geisbush.

1 MR. PERL: Judge, I don't know what counsel is
2 talking about. We gave him our disclosures a long
3 time ago. They deposed both individuals.

4 MR. BARR: Other than saying they are going to
5 testify, that is all they said. They could testify
6 about anything under that approach.

7 I'm just asking Officer Geisbush the
8 question and to move things along.

9 ALJ KIRKLAND-MONTAQUE: Okay. Let's move
10 things along.

11 BY MR. BARR:

12 Q. Officer Geisbush, during the period
13 July 24, 2015, through March 24, 2016, were a
14 substantial part of your duties related to
15 investigating Lincoln Towing?

16 A. Yes.

17 Q. Officer Geisbush, during that same time
18 period, were you taking any proactive approach to
19 investigate Lincoln Towing or only investigating
20 consumer complaints?

21 A. Aside from one tow truck I stopped, it was
22 all just complaints.

23 MR. BARR: I having nothing further, your
24 Honor, for Officer Geisbush.

1 MR. PERL: So, for the record, again, your
2 Honor, we would reserve cross-examination until the
3 final determination by the Circuit Court in the
4 pending chancery action, or until such time as we
5 reach an agreement with the Commerce Commission
6 regarding our FOIA request.

7 ALJ KIRKLAND-MONTAQUE: Okay. All right.
8 That's fine. But I have a follow-up question from
9 Mr. Barr's last question.

10 Mr. Geisbush, Officer Geisbush, from one
11 complaint, is it possible that you could write
12 several citations?

13 THE WITNESS: Yes.

14 ALJ KIRKLAND-MONTAQUE: So each citation
15 doesn't necessarily represent a complaint?

16 THE WITNESS: It's not necessarily a one to
17 one.

18 ALJ KIRKLAND-MONTAQUE: Right. One complaint
19 can cause several citations?

20 THE WITNESS: Yes.

21 ALJ KIRKLAND-MONTAQUE: All right. Just to be
22 clear on that. All right. That's as all I have.
23 Anything further?

24 MR. BARR: Your Honor, I would move for

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1 Exhibits L, M and N to be introduced into evidence.

2 I think Officer Geisbush, Officer Strand
3 and Investigator Kassal laid proper foundation for
4 every one of those citations we went through today.

5 MR. PERL: My argument would be since I'm not
6 cross-examining them, then I haven't raised the
7 issue with them that I'm going to raise, regarding
8 how they could possibly know that these documents
9 are in the same condition when they -- here is what
10 they've been asked, literally, "You wrote these
11 citations a year ago?"

12 All the witness did was glance at them for
13 about 30 seconds and somehow he wants to convince
14 this Court that he knows they are in the same, or
15 substantially the same condition, as when they wrote
16 them. That is literally impossible.

17 He didn't even take the time to look at
18 them. The same question was asked over and over
19 again literally.

20 I can't ask him. There is no way he
21 remembers writing any of these citations off the top
22 of his head. He can't.

23 There is no individual, unless they were
24 an incredible savant, that could remember that they

1 wrote a ticket, a citation, back on September of
2 2016 and looks at it for a second: "Yes it's in the
3 same condition as it was on the day I wrote?"

4 It is impossible. The Court doesn't have
5 to throw out common sense. Just because someone
6 says something, doesn't makes it true.

7 Judge there is no way that this
8 individual, and I can't cross-examine yet, I would
9 ask you to at least reserve you ruling until I
10 cross-examine, so I can ask him those questions on
11 cross.

12 ALJ KIRKLAND-MONTAQUE: I'll reserve the
13 ruling.

14 MR. BARR: Your Honor, can I makes two pints?

15 ALJ KIRKLAND-MONTAQUE: Go ahead.

16 MR. BARR: I believe citation 800116 from
17 Exhibit M should not be introduced. They were
18 introduced, your Honor, because there is an issue --
19 I should have caught it. I apologize. There is a
20 sticky note that was scanned in it.

21 ALJ KIRKLAND-MONTAQUE: What was the number?

22 MR. PERL: This goes to show you. This is a
23 document that this witness looked at, and he told
24 you under oath, "This is in the same condition as it

1 was" --

2 MR. BARR: I didn't ask him that question. We
3 can read the record back. I would be more than
4 happy to read the records.

5 ALJ KIRKLAND-MONTAQUE: He did. I was
6 listening.

7 MR. PERL: He also moved to introduce it
8 telling you just now that he wanted to introduce it
9 into evidence.

10 ALJ KIRKLAND-MONTAQUE: I'm going to reserve
11 that ruling until after the cross-examination.
12 Okay?

13 MR. BARR: Your Honor, we're also moving these
14 into evidence under judicial notice.

15 MR. PERL: Same thing, Judge. Why don't we
16 wait until I have cross-examination of these things?

17 We won't do it today, but we also have,
18 from last time we were in court, you reserved
19 ruling.

20 ALJ KIRKLAND-MONTAQUE: I did.

21 MR. PERL: If the Court doesn't mind, we can
22 wait until then.

23 ALJ KIRKLAND-MONTAQUE: That's fine. I'm going
24 to wait. What are these three exhibits again today?

1 MR. BARR: Those exhibits were L, M and N.

2 Your Honor, I also have other exhibits that you can
3 take judicial notice would be proper on.

4 ALJ KIRKLAND-MONTAQUE: I did reserve my ruling
5 from last time on the screen shots of the operator
6 permit numbers, and that was Exhibit --

7 MR. BARR: I believe it was F. Let me double
8 check.

9 MR. PERL: I believe it was F, yes.

10 ALJ KIRKLAND-MONTAQUE: I'll reserve my ruling
11 of Exhibit L, M and N.

12 MR. PERL: So, for the record, now we're
13 striking tomorrow's date, your Honor?

14 ALJ KIRKLAND-MONTAQUE: You have no witnesses,
15 no other witnesses?

16 MR. BARR: That's correct, your Honor.

17 ALJ KIRKLAND-MONTAQUE: Yes, we're striking
18 tomorrow's date. I'll do that before I leave.
19 That's it for you, Mr. Barr?

20 MR. BARR: For today, your Honor. I'll move
21 the other exhibits, or move to move the other
22 exhibits into evidence at the next date.

23 ALJ KIRKLAND-MONTAQUE: Okay. As I stated
24 before, we're going to have status on the motions

1 that were filed in Circuit Court on September 7th at
2 3:00 p.m. So we'll reconvene at that time. Thank
3 you very much.

4 MR. BARR: Thank you, your Honor.

5 MR. PERL: Thank you, Judge.

6 (WHICH WERE ALL THE PROCEEDINGS HAD.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 PAMELA A. MARZULLO, C.S.R., being first duly sworn,
5 says that she is a court reporter doing business in the city
6 of Chicago; that she reported in shorthand the proceedings
7 had at the Proceedings of said cause; that the foregoing is
8 a true and correct transcript of her shorthand notes, so
9 taken as aforesaid, and contains all the proceedings of said
10 hearing.

11
12 PAMELA A. MARZULLO
13 License No. 084-001624
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