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December 13, 2016

Director of Processing
Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, IL 62794-9280

Re: Rendered Services, Inc., RTV-R 74 Sub 15

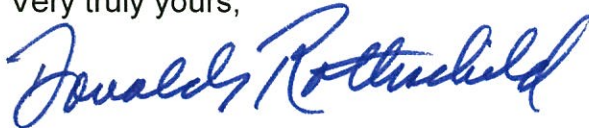
To Whom It May Concern:

Enclosed please find an original and two (2) copies of the following documents for filing with your office:

Rendered Services, Inc.'s Motion to Compel

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Donald S. Rothschild

DSR:kam

Enclosure

cc: The Honorable Latrice Kirkland-Montague
Benjamin Barr

TRANSPORTATION
DEC 16 2016
DIVISION

BEFORE THE
ILLINOIS COMMERCE COMMISSION

TRANSPORTATION
DEC 16 2016
DIVISION

In Re:)
RENDERED SERVICES, INC.,)
Respondent.) Docket No. RTV-R 74 Sub 15
81440 MC

NOTICE OF FILING

To: Via First Class Mail David Lazarides
Director of Processing
Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, IL 62701

Via Hand Delivery
The Honorable Latrice Kirkland-Montague
Chief Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle Street, Suite C-800
Chicago, IL 60601

Via Hand Delivery
Benjamin Barr
Special Assistant Attorney General
Illinois Commerce Commission
160 N. LaSalle Street, Suite C-800
Chicago, IL 60601

PLEASE TAKE NOTICE that on the 13th day of December, 2016, I caused to be filed with the Illinois Commerce Commission copies of the following documents which are attached and served upon you:

Rendered Services, Inc.'s Motion to Compel

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he caused copies of the aforementioned document to be served upon all parties listed of record via hand delivery and by placing same in a postage prepaid envelope and depositing in the U.S. Mail at Burr Ridge, Illinois on this 13th day of December, 2016 before 5:00 p.m.



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Brian M. Dougherty
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835 McClintock Drive, Second Floor
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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

TRANSPORTATION

DEC 16 2016

DIVISION

In Re:)
)
RENDERED SERVICES, INC.,) RTV-R-74 Sub 15
) 81440 MC
Respondent.)

RENDERED SERVICES, INC.'S MOTION TO COMPEL

Respondent, RENDERED SERVICES, INC. ("RENDERED"), by its attorneys, Donald S. Rothschild and Brian M. Dougherty, pursuant to 83 Ill. Adm. Code §200.370, submits its Motion to Compel, and states as follows:

1. On or about March 23, 2016, the Illinois Commerce Commission ("Commission") ordered that RENDERED appear in connection with a "fitness hearing" examination.
2. Staff subsequently served "Staff Data Requests". RENDERED thereafter issued written discovery to Staff. Staff responded to some discovery. Thereafter, the parties held several Rule 201(k) conferences, on September 9, October 14 and October 19, 2016; as a result, several of the issues in dispute were resolved. See 83 Ill. Adm. Code § 200.350.

Staff's Interrogatory Answer No. 4

3. RENDERED'S Interrogatory Request No. 4 is as follows:

List with particularity any remedial or disciplinary action by the Commission (including the Illinois Commerce Commission Police) from August 9, 2012 to the present as a result of any Investigator's conduct in the course of performing his/her duties, with names, dates and issues involved described and provided.

4. The Commission objected to Interrogatory Request No. 4 as irrelevant and refused to provide an answer. See Staff's Answer to Rendered Services, Inc.'s First Set of Interrogatories to the Illinois Commerce Commission attached as Exhibit A. There are 6 employees who would fall within this request since they either issued administrative citations to

RENDERED or were supervisory employees who reviewed their subordinates work. See Exhibit A, no. 2.

5. Discovery in this matter is controlled by the provisions governing civil actions, which includes the Illinois Code of Civil Procedure and Illinois Supreme Court Rules. 83 Ill. Adm. Code § 200.335(b)(1). Supreme Court Rule 201(b)(1) provides, in pertinent part:

(1) *Full Disclosure Required.* Except as provided in these rules, a party may obtain by discovery full disclosure regarding any matter relevant to the subject matter involved in the pending action ...

This policy of full disclosure is also incorporated into the Commission's Rules of Practice. See 83 Ill. Adm. Code § 200.340 ("... full disclosure of all relevant and material facts ...").

6. The Commission has presumably targeted RENDERED for a fitness hearing due to the number of administrative citations it has received. Transportation Counsel, Benjamin Barr, in a telephone conversation that occurred on October 19, 2016, indicated that the Commission has a service that compiles news stories pertaining to companies over which the Commission has jurisdiction. Thus, if there was sufficient negative publicity concerning Rendered's towing practices, this would seem to relate to why the Commission ordered a fitness hearing.

7. Administrative citations are issued by Commission police officers and investigators. These citations then result in either a payment, a settlement or an administrative hearing, the latter of which could result in a settlement, with or without a finding of liability or non-liability. Administrative violations may not have been established or sustained because the officer may have been derelict in or breached his investigatory duties. Additionally, citations may have been issued because the officer was over zealous in pursuing RENDERED or for other

improper reasons, while the citation may have lacked merit and was ultimately dismissed. In sum, the officers and investigators issuing the citations are the first step in the administrative citation process. Noting and compiling or otherwise using the numbers or sheer volume of citations issued to RENDERED suggests, albeit inaccurately, that it was not following the law in conducting relocation tows. At a minimum, as part of discovery RENDERED is entitled to probe behind the issuance of the citations to determine whether they were even meritorious or whether impermissible considerations affected this case or this proceeding.

8. RENDERED's Rule 213 Request No. 4 is indeed relevant to this subject matter of this case. "[T]he right to discovery is limited to disclosure of matters that will be relevant to the case at hand in order to protect against abuses and unfairness, and a court should deny a discovery request where there is insufficient evidence that the requested discovery is relevant or will lead to such evidence." *Youle v. Ryan*, 349 Ill. App. 3d 377, 380-81 (4th Dist. 2004), quoting *Leeson v. State Farm Mutual Automobile Insurance Co.*, 190 Ill. App. 3d 359, 366 (1st Dist. 1989). Courts have allowed defendants to cross-examine police officers about prior discipline since it could show a motive to testify falsely to avoid further disciplinary action. *People v. Phillips*, 95 Ill. App. 3d 1013, 1021 (1st Dist. 1981); *People v. Robinson*, 56 Ill. App. 3d 832, 840 (5th Dist. 1977). If the citation's issuer is careless in his duties or of bad character or has an ill-motive, such evidence is indeed relevant to show that the citation is unfounded and should never have been issued. Ill.R.Evid. 401 ("Relevance is that which has a tendency to make a fact more or less probable"); Ill.R.Evid. 404(b). A witness's credibility can also be attacked. Ill.R.Evid. 607. Thus, if a Commission employee was disciplined or otherwise subject to corrective action for issuing citations without a legal or factual basis, or manufacturing evidence against RENDERED or other relocators, RENDERED has a right to know to this in order to

defend itself. If a citation was determined to be unfounded, the fact that the citation was issued should not be counted against RENDERED and it should be allowed to argue this and related matters at the fitness hearing.

9. Whether the discovery, if ordered per this Motion, is admissible as evidence at a future hearing is another matter for ALJ analysis and judgment. Nevertheless, the Illinois Supreme Court Rules and Rule of Evidence clearly support the information being sought by RENDERED here as being relevant to the issuance of the citations.

10. If there are confidentiality concerns associated with disclosure of the requested information, RENDERED will agree to a protective order covering the contents of the information provided. Such protective orders have been effectively used in other relocation towing hearings.

Staff's Supplemental Interrogatory Answers Nos. 1 and 3

11. On November 29, 2016, the Commission served its First Supplemental Answer to Rendered Services, Inc.'s First Set of Interrogatories to the Illinois Commerce Commission ("Supplemental Interrogatory Answers"). A copy of the Supplemental Interrogatory Answers is attached as Exhibit B.

12. Supplemental Interrogatory Answer number 1 still fails to disclose the identity of the witnesses the Commission intends to present at the fitness hearing. It is unfathomable that the Commission does not know the identity of *any* witness who may be called to present testimony. The Commission requested a formal hearing based on some natural person's request or insistence that a hearing be convened. Waiting for Rendered to answer discovery before the Commission identifies any witnesses is nonsensical because it was the Commission that ordered a fitness hearing. The Commission should be compelled to identify known witnesses to date.

13. Supplemental Interrogatory Answer number 3 is deficient since it fails to provide any meaningful details on the training that was provided to each investigator, when the training was provided to each investigator and who provided the training to each investigator.

Attorney-Client and Work Product Privileges

14. On November 29, 2016, the Commission served Staff's First Supplemental Answer to Rendered's Request to Produce ("Supplemental Document Answer"). In Answer No. 11, Staff referenced Exhibit 15, which is a privilege log. A copy of the Supplemental Document Answer and Exhibit 15 is attached as Exhibit C. The privilege log identifies 11 items that were withheld from production based on the attorney-client and work product privileges.

15. The attorney-client privilege applies (1) where legal advice of any kind is sought (2) from a professional legal adviser in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence (5) *by the client*, (6) are at his instance permanently protected (7) from disclosure by himself or by the legal adviser, (8) except the protection be waived. *People v. Adam*, 51 Ill.2d 46, 48 (1972) (emphasis added).

16. On the first and fifth items where the privilege is claimed, these appear to be communications directly from an attorney (Jennifer Anderson) to Commission representatives (Chairman and Commissioners and Tim Sulikowski), as opposed to communications originating directly from Commission representatives to an attorney. Since these two items do not show that the "client" made a communication seeking legal advice, the attorney-client privilege does not apply and those two communications must be produced.

17. A party impliedly waives the attorney-client privilege by "voluntarily inject[ing] either a factual or legal issue into the case, the truthful resolution of which requires an examination of the confidential communications." *Fox Moraine, LLC v. United City of Yorkville*,

2011 IL App (2d) 100017, ¶ 65 (Internal quotation marks omitted). If Jennifer Anderson was acting as the lead person and gathering facts about Rendered's fitness history in an effort to advise or inform the Commission, then Ms. Anderson voluntarily interjected factual issues that gave rise to the instant fitness hearing. What information Ms. Anderson actually obtained that prompted a request for a fitness hearing is the heart of this matter and is now fully discoverable. Thus, this further supports the disclosure of the first item.

18. Additionally, Staff also withheld item 1 on grounds that it was protected by the attorney work-product privilege. Work product falls into two categories: 1) relevant material generated in preparation for trial which does not disclose conceptual data (which is freely discoverable); and 2) opinion or core work product which is trial preparation material which reveals mental impressions, opinions and strategy of an attorney (which is discoverable upon a showing of impossibility of securing similar information from other sources. *Waste Management, Inc. v. International Surplus Lines Insurance Co.*, 144 Ill.2d 178, 196 (1991). The fitness hearing press release was issued in March 2016 and the item 1 document is dated August 26, 2015. At this point, there was no contemplated litigation. Even if litigation was contemplated, there is not enough information in the privilege log to determine the type of work product at issue. Rendered contends that item 1 should be produced to the ALJ for an *in camera* inspection.

19. On items 2 through 11 of the privilege log, there is nothing indicating which employees is part of the Commission's control group. An organization's control group consists of: a) top management who has the ability to make a final decision; and 2) employees who advise top management in a particular area such that a decision would not normally be made without their advice or opinion, and whose opinion forms the basis of any final decision made by

those with actual authority. *Consolidation Coal Co. v. Bucyrus-Erie Co.*, 89 Ill.2d 103, 120 (1982). Individuals upon whom top management may rely for supplying information are not members of the control group. *Id.* There are no affidavits supplying the required information to determine which employees is part of the Commission's control group. Staff should be compelled to produce affidavits for each individual so that a determination can be made on whether the employee is part of the Commission's control group.

WHEREFORE, Respondent, RENDERED SERVICES, INC., respectfully requests that the ALJ grant this Motion to Compel and order the Staff of the Illinois Commerce Commission to:

- A. answer Rule 213 Request No. 4;
- B. amend its answers to request numbers 1 and 3 contained in its Supplemental Interrogatory Answers;
- C. produce the first and fifth items contained on the privilege log, provided that item one be produced to the ALJ for an *in camera* inspection to determine the applicability of the attorney work-product privilege;
- D. produce affidavits from the employees identified on items two through eleven of the privilege log; and
- E. award all other relief deemed equitable and just.

Respectfully submitted,

RENDERED SERVICES, INC.,

By: 
One of Its Attorneys

Donald S. Rothschild
Brian M. Dougherty
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Nemec and Hoff, Ltd.
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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

In the matter of:

Rendered Services, Inc.,
Applicant.

Docket No. 74 RTV-R Sub 15
81440 MC

Application for renewal of a Commercial
Relocator's License pursuant to Section
401 of the Illinois Commercial Relocation
of Trespassing Vehicles Law, 625 ILCS
5/18a-401.

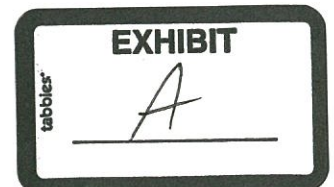
**STAFF'S ANSWER TO RENDERED SERVICES, INC.'S FIRST SET OF
INTERROGATORIES TO THE ILLINOIS COMMERCE COMMISSION**

1. Identify all witnesses that the Commission intends to present on its behalf with regard to the "fitness hearing" described in the Commission's press release of March 24, 2016. This should include: (a) the name of the witness; (b) the address of the witness; and (c) relationship of the witness to the Commission.

ANSWER: Investigation ongoing. It is unclear who Staff will present as witnesses until after Rendered's Response to Staff's Data Request has been analyzed.

2. Identify all Commission Investigators (including sworn police officers) employed during any time from August 9, 2012 to the present who investigated Rendered for any alleged violations of the laws that the Commission enforces. This request includes: (a) the name of the investigator; (b) the business address or last known address of the investigator if he/she is no longer a Commission employee; (c) the date of each investigation performed, including dates of communications with a complainant other witnesses or Rendered employees; (d) a list of all reports prepared by the investigator; and (d) if an administrative citation was issued, then identify the citation number.

OBJECTION: The business address or last known address of the individual investigators and officers, and dates of communication with Rendered personnel or complaining witnesses are irrelevant to the fitness of Rendered Services, Inc. to operate as a commercial vehicle relocator. Additionally, the additional data requested is requested in a format not ordinarily kept by the Commission and it would overly burden Staff of the Illinois Commerce Commission to analyze each investigation file for this time period to determine whether responsive data exists. Additionally, this interrogatory is in part duplicative of Requests to Produce # 16, in response to which Staff has provided a listing of all investigations into the operations of Rendered Services, Inc. during the time period August 9, 2012 – May 24, 2015.



ANSWER:

Investigators: James Carlson, Scott Kassal, Felix Uti
Officers: John Geisbush, Bryan Strand, Tim Sulikowski

See also Exhibit 9 to Staff's Answer to Rendered's Requests to Produce.

3. With respect to the Commission Investigators listed in your answer to Interrogatory No. 2, identify all training provided to the Investigator, when the training was provided and identify who performed said training.

OBJECTION: Staff objects to this interrogatory as it is irrelevant to Rendered's fitness to operate as a commercial vehicle relocater. Staff further objects to this interrogatory as it is overly broad in scope in that the request would potentially require disclosure of training unrelated to the regulation of relocation towing and it is unlimited in time frame.

4. List with particularity any remedial or disciplinary action by the Commission (including the Illinois Commerce Commission Police) from August 9, 2012 to the present as a result of any Investigator's conduct in the course of performing his/her duties, with names, dates and issues involved described and provided.

OBJECTION: Staff objects to this interrogatory as it is irrelevant to Rendered's fitness to operate as a commercial vehicle relocater.

5. Describe with particularity the reasons why Rendered did not receive a timely renewal of its relocation license after applying for same in 2012, including the names and titles of all current and former Commission employees having knowledge of same. Provide a chronology of when the information supporting the non-renewal became known to the Commission.

OBJECTION: Staff objects to this interrogatory as it would require the disclosure of information subject to attorney-client privilege.

6. Identify with particularity all information including witnesses and documents, used by Staff and/or the Illinois Commerce Commission Police to recommend that a "fitness hearing" be conducted under this docket. Identify all persons having knowledge and all documents that pertain.

OBJECTION: Staff objects to this interrogatory as it would require the disclosure of information subject to attorney-client privilege and attorney work-product privilege.

7. The name, title and position description of the commission employee who prepares and mails the stamped ADMINISTRATIVE LAW JUDGE'S DECISION forms such as Exhibits 3 and 4 attached to Staff's Response to Motion to Deem Voluntary Payments as Settlements.

ANSWER: Rebecca Crask, Administrative Assistant I. Performs clerical duties for the Review & Examination Section of the Transportation Division of the Illinois Commerce Commission.

Respectfully submitted,

Staff of the Illinois Commerce Commission

By  _____
Jennifer Anderson

Jennifer Anderson
Attorney Registration 6302296
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160 N. LaSalle Street, Suite C-800
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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

In the matter of: :
: :
Rendered Services, Inc., :
Applicant. : Docket No. 74 RTV-R Sub 15
: 81440 MC
Application for renewal of a Commercial :
Relocator's License pursuant to Section :
401 of the Illinois Commercial Relocation :
of Trespassing Vehicles Law, 625 ILCS :
5/18a-401. :

**STAFF'S FIRST SUPPLEMENTAL ANSWER TO RENDERED SERVICES, INC.'S
FIRST SET OF INTERROGATORIES TO THE ILLINOIS COMMERCE COMMISSION**

1. Identify all witnesses that the Commission intends to present on its behalf with regard to the "fitness hearing" described in the Commission's press release of March 24, 2016. This should include: (a) the name of the witness; (b) the address of the witness; and (c) relationship of the witness to the Commission.

ANSWER: Investigation ongoing. It is unclear who Staff will present as witnesses until after Rendered's Response to Staff's Data Request has been analyzed.

2. Identify all Commission Investigators (including sworn police officers) employed during any time from August 9, 2012 to the present who investigated Rendered for any alleged violations of the laws that the Commission enforces. This request includes: (a) the name of the investigator; (b) the business address or last known address of the investigator if he/she is no longer a Commission employee; (c) the date of each investigation performed, including dates of communications with a complainant other witnesses or Rendered employees; (d) a list of all reports prepared by the investigator; and (d) if an administrative citation was issued, then identify the citation number.

OBJECTION: The business address or last known address of the individual investigators and officers, and dates of communication with Rendered personnel or complaining witnesses are irrelevant to the fitness of Rendered Services, Inc. to operate as a commercial vehicle relocator. Additionally, the additional data requested is requested in a format not ordinarily kept by the Commission and it would overly burden Staff of the Illinois Commerce Commission to analyze each investigation file for this time period to determine whether responsive data exists. Additionally, this interrogatory is in part duplicative of Requests to Produce # 16, in response to which Staff has provided a listing of all investigations into the operations of Rendered Services, Inc. during the time period August 9, 2012 – May 24, 2015.



ANSWER:

Investigators: James Carlson, Scott Kassal, Felix Uti
Officers: John Geisbush, Bryan Strand, Tim Sulikowski

See also Exhibit 9 to Staff's Answer to Rendered's Requests to Produce.

3. With respect to the Commission Investigators listed in your answer to Interrogatory No. 2, identify all training provided to the Investigator, when the training was provided and identify who performed said training.

OBJECTION: Staff objects to this interrogatory as it is irrelevant to Rendered's fitness to operate as a commercial vehicle relocater. Staff further objects to this interrogatory as it is overly broad in scope in that the request would potentially require disclosure of training unrelated to the regulation of relocation towing and it is unlimited in time frame.

ANSWER: All newly hired Commission Police Officers and Investigators undergo a five-week training course soon after being hired. However, the exact dates of training for the above listed Commission Police Officers and Investigators are unknown. Training is provided by the Chief of Police at the time the training is conducted as well as experienced Commission Officers and outside instructors. Additionally, Officers receive on-the-job training as the law evolves.

4. List with particularity any remedial or disciplinary action by the Commission (including the Illinois Commerce Commission Police) from August 9, 2012 to the present as a result of any Investigator's conduct in the course of performing his/her duties, with names, dates and issues involved described and provided.

OBJECTION: Staff objects to this interrogatory as it is irrelevant to Rendered's fitness to operate as a commercial vehicle relocater.

5. Describe with particularity the reasons why Rendered did not receive a timely renewal of its relocation license after applying for same in 2012, including the names and titles of all current and former Commission employees having knowledge of same. Provide a chronology of when the information supporting the non-renewal became known to the Commission.

OBJECTION: Rendered Services, Inc. received a renewal of its Commercial Vehicle Relocator's License on June 27th, 2012 in docket number 74 RTV-R Sub 12.

6. Identify with particularity all information including witnesses and documents, used by Staff and/or the Illinois Commerce Commission Police to recommend that a "fitness hearing" be conducted under this docket. Identify all persons having knowledge and all documents that pertain.

ANSWER: All Commission employees receive a twice daily email with news articles related to the industries in which the Commission regulates, including relocation towing.

See Exhibit 14

7. The name, title and position description of the commission employee who prepares and mails the stamped ADMINISTRATIVE LAW JUDGE'S DECISION forms such as Exhibits 3 and 4 attached to Staff's Response to Motion to Deem Voluntary Payments as Settlements.

ANSWER: Rebecca Crask, Administrative Assistant I. Performs clerical duties for the Review & Examination Section of the Transportation Division of the Illinois Commerce Commission.

Respectfully submitted,

Staff of the Illinois Commerce Commission

By: 

Benjamin J. Barr

Benjamin J. Barr
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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

In the matter of: :
: :
Rendered Services, Inc., :
Applicant. :
: :
Application for renewal of a Commercial :
Relocator's License pursuant to Section 40 :
the Illinois Commercial Relocation of :
Trespassing Vehicles Law, 625 ILCS 5/18a :
:

Docket No. 74 RTV-R Sub 15
81440 MC



STAFF'S FIRST SUPPLEMENTAL ANSWER TO RENDERED'S REQUESTS TO PRODUCE

1. All administrative citation Notices of Hearing forms (see attached sample) issued by the Commission to Rendered from August 9, 2012 to the present.

ANSWER: See attached Exhibit 1.

2. All written Commission Police investigative reports on administrative citations which were followed by the issuance of a Notice of Hearing as described in Request No. 1.

OBJECTION: Compilation of these records is overly burdensome and irrelevant to the fitness of Rendered Services, Inc. to hold a commercial vehicle rellocator's license.

3. All administrative citation forms signed on the reverse side by Rendered or any other person or entity on its behalf, regarding administrative citations issued on August 9, 2012 to the present.

ANSWER: See attached Exhibit 13.

4. All documents evidencing that a voluntary payment made pursuant to an administrative citation is an admission that a violation of the law or regulations has in fact occurred.

ANSWER: See attached Exhibit 2.

5. All court reporter transcripts of hearings or proceedings on the record, along with all file documents for Administrative Law Judge hearings and proceedings held on administrative citations issued to Rendered, from August 9, 2012 to the present.

ANSWER: See attached Exhibit 3.

6. All records, including but not limited to, ledger entries, docket sheets and remittance advice reflecting all payments (e.g. checks, money orders, etc.) from Rendered to the Commission made pursuant to administrative citations that the Commission issued to Rendered

from August 9, 2012 to the present, along with any administrative citations (front and back) or other documents returned with the payments.

OBJECTION: Compilation of these records is overly burdensome in that it is incredibly time consuming for Staff to locate all credit card receipts, if any exist, for administrative citation payments made by credit card.

ANSWER: See attached Exhibit 4, which contains the paid administrative citations correspondence maintained by the Processing & Information Section and a summary from the Commission's MCIS system for all payments received for administrative citations issued to Rendered Services, Inc. between August 9, 2012 – May 24, 2016.

7. All internal memoranda, logs or notes reflecting how the Commission documents, records or logs of payments from Rendered to the Commission for administrative citations that the Commission issued to Rendered from August 9, 2012 to the present. Please indicate which payments are for admissions reflected by administrative citations signed on the reverse and which, if any, are not.

ANSWER: The Commission has no internal memoranda, logs or notes reflecting how the Commission documents, records or logs payments from Rendered to the Commission for administrative citations.

8. All Administrative Law Judge Decisions or Commission orders or rulings entered regarding administrative citations issued by the Commission to Rendered indicating, establishing or reflecting that the Commission committed a violation of any statute or regulation which the Commission has jurisdiction to enforce.

ANSWER: No such records exist.

9. All documents reflecting agreed dispositions, including but not limited to stipulations, agreed settlements, settlement agreements, agreed orders and consent orders, on administrative citations involving Rendered or its licensed personnel and the Commission from August 9, 2012 to the present.

OBJECTION: Staff objects to this request in so far as requesting "all documents" would include documents in the possession of the Commission's Administrative Law Judges, i.e. monthly docket sheets containing dispositions that result in the entry of rulings. Requesting these documents from the Chief Administrative Law Judge would run afoul of 83 Ill. Adm. Code 200.710 because the Commission's Administrative Law Judges have a decision-making role in this docket and obtaining information to respond to discovery would require substantive discussion about available records which Rendered Services, Inc. is presumably seeking in connection with this matter and may try to raise in the course of the litigation.

ANSWER: See attached Exhibit 5, which contains records maintained by Staff of the Illinois Commerce Commission other than the Administrative Law Judges.

10. All written settlement agreements entered into between Rendered and the

Commission as a result of administrative citations being issued to Rendered from August 9, 2012 to the present. Also provide evidence of any oral agreements reached between Staff and Rendered on administration citations for the same time period, including notes, logs, docket sheets or transcripts reflecting those agreements.

ANSWER: See attached Exhibits 5 and 6.

11. All internal communications, reports, investigations and supporting documents between Commission Staff and Commission Police or the Commission, regarding the non-renewal of Rendered's commercial vehicle relocators license, 74-RTV- R, for the period August 9, 2012 to the present.

OBJECTION: Production of records of this nature is irrelevant to Rendered Services, Inc.'s fitness to hold a commercial vehicle relocators license and would require disclosure of privileged attorney-client communications and attorney work product.

See Exhibit 15 – Privilege Log

12. All documents, including but not limited to, notes, emails, and correspondence, reflecting information or notice provided to Rendered that voluntary payments constitute an admission of guilt, fine or civil penalty, other than the reverse side of the administrative citation forms.

ANSWER: See attached Exhibit 2.

13. All notes, memos and correspondence (including emails) or other documents, by and between Rendered and the Commission relating to compromising, or offering to compromise, or accepting, or offering to accept, fines or penalties on administrative citations.

OBJECTION: This request is overly-broad, as it contains no limitation on time frame, and thus would inquire about times irrelevant to Docket 74 RTV-R Sub 15.

ANSWER: See attached Exhibit 7, which contains correspondence limited to August 9, 2012 – May 24, 2016.

14. All documents and other records and evidence of all formal adjudications, findings and/or rulings or determinations made by any Administrative Law Judge against Rendered or its personnel, for the period August 9, 2012 to the present.

OBJECTION: Compilation of these records is overly burdensome and irrelevant to the fitness of Rendered Services, Inc. to hold a commercial vehicle relocators license.

ANSWER: See attached Exhibit 8, which contains copies of Administrative Law Judge's Rulings for Rendered Services, Inc. and certain relocation towing operators issued between August 9, 2012 and May 24, 2016.

15. All documents, including but not limited to, internal guidance, handbooks, manuals or agency memoranda, delegating authority to Staff to compromise or settle alleged violations of laws that the Commission enforces, including but not limited to, administrative citations.

ANSWER: No such records exist.

16. All complaints from motorists or vehicle owners (hereinafter "consumer complaints") against Rendered from August 9, 2012 to the present received by the Commission. This includes the complaint form or document, communications between the consumer and the Commission, communications between the Commission and Rendered, and disposition of the complaint.

OBJECTION: Compilation of these records is overly burdensome and irrelevant to the fitness of Rendered Services, Inc. to hold a commercial vehicle rellocator's license.

ANSWER: See attached Exhibit 9, which contains a summary of investigations opened concerning Rendered Services, Inc. for the period August 9, 2012 to May 24, 2016.

17. All administrative citations alleging violations that were issued to Rendered that resulted from a consumer complaint alleging a violation which is unrelated to the violations stated by or in the consumer complaint, for the period August 9, 2012 to the present. For example, consumer complained that parking was authorized but the citation that was issued is for inaccurate tow truck license plate listed on the invoice.

Revised Request 17: The number of administrative citations issued to Rendered from January 1, 2010 through March 24, 2016, (broken down by issuance date) the nature of the violations (statute or regulated alleged to be violated) the disposition of each citation and whether the citation was issued to Rendered's Iron Street or Rascher Avenue location.

OBJECTION: Compilation of these records dating back to 2010 is overly burdensome and irrelevant to the fitness of Rendered Services, Inc. to hold a commercial vehicle rellocator's license. Moreover, Staff has previously provided the Applicant with all administrative citations dating back to at least 2014 in an on-going effort to resolve outstanding administrative citations.

18. Copies of all stamped form letters entitled ADMINISTRATIVE LAW JUDGE'S DECISION issued from Springfield on relocation towing administrative citations, for the period August, 2012 to the present.

ANSWER: See attached Exhibit 10.

19. All existing compilations, lists and docket forms prepared or used by the Commission to announce the following in a press release dated March 24, 2016:

Since August 2012, the date Rendered's most recent commercial vehicle rellocator's

license was renewed, the ICC has issued 373 Administrative Citations against the company. Of these, 140 were been dismissed, 87 resolved with payment, and 11 remain unpaid. There are also 135 pending citations against Rendered, with allegations ranging from improper invoicing and signage of invoices, to relocation of authorized vehicles and overcharging motorists.

ANSWER: See attached Exhibit 11.

20. Compilations, lists and docket forms revealing information for all other licensed relocators in the same categories, format and time period covered by Request No. 19.

OBJECTION: Compilation of these records is overly burdensome and irrelevant to the fitness of Rendered Services, Inc. to hold a commercial vehicle relocator's license.

ANSWER: See attached Exhibit 12, which contains a summary spreadsheet of citations issued to licensed commercial vehicle relocators for the period August 9, 2012 to May 24, 2016.

Respectfully submitted,

Staff of the Illinois Commerce Commission

By: 

Benjamin J. Barr

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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

In the matter of: :
: :
Rendered Services, Inc., :
Applicant. : Docket No. 74 RTV-R Sub 15
: 81440 MC
: :
Application for renewal of a Commercial :
Relocator's License pursuant to Section 40 :
the Illinois Commercial Relocation of :
Trespassing Vehicles Law, 625 ILCS 5/18a :
:

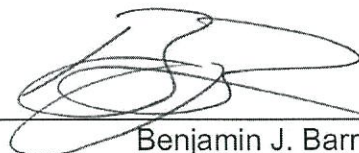
CERTIFICATE OF SERVICE

TO:

Donald S. Rothschild
Goldstine, Skrodzki, Russian, Nemecek and Hoff, Ltd.
835 McClintock Drive, Second Floor
Burr Ridge, Illinois 60527

CERTIFICATE OF SERVICE

I hereby certify under penalties of perjury as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure that a copy of the attached **STAFF'S FIRST SUPPLEMENTAL ANSWER TO RENDERED'S REQUESTS TO PRODUCE** was placed in the U.S. Mail properly addressed and mailed with first-class postage prepaid to the above listed persons on November 29th, 2016.



Benjamin J. Barr

ATTESTATION

State of Illinois)
)
County of Cook) SS.

Timothy J. Sulikowski, being first duly sworn on oath, deposes and states that he/she is authorized to attest to the foregoing Request to Produce Documents on behalf of the Illinois Commerce Commission in the above-captioned matter, that he/she has read the foregoing document, and the answers made herein are true, correct and complete to the best of his/her knowledge and belief.

Timothy J. Sulikowski
SIGNATURE

SUBSCRIBED and SWORN to before me this 28th day of November, 2016

Esperanza De Los Santos
NOTARY PUBLIC



EXHIBIT 15

PRIVILEGE LOG – ALL INTERNAL COMMUNICATIONS, REPORTS,
INVESTIGATIONS AND SUPPORTING DOCUMENTATION BETWEEN
COMMISSION STAFF AND COMMISSION POLICE OR THE COMMISSION

Department	Persons Identified
Office of Transportation Counsel	Jennifer Anderson
Police and Enforcement	Kim Castro; Tim Sulikowski; Blanche Weigand; and Kathleen Wozniak
Chairman and Commissioners	Brien Sheahan (Chairman); Sherina Maye Edwards; John Rosales; Ann McCabe; and Miguel del Valle

74 RTV-R Sub 15 Privilege Log

Type of Document	Document Description	Date	Author(s)	Recipient(s)	Privilege
Document	Rendered Services, Inc. Renewal	08/26/2015	Jennifer Anderson	Chairman and Commissioners	Attorney-Client/Work Product
E-Mail	Renewal Recommendation	09/10/2015 at 11:58 AM	Kim Castro	Jennifer Anderson	Attorney-Client
E-Mail	James Damion Fingerprint Date	02/26/2016 at 8:37 AM	Kim Castro	Jennifer Anderson	Attorney-Client
E-Mail	James Damion Fingerprint Date	02/26/2016 at 8:34 AM	Jennifer Anderson	Kim Castro; Kathleen Wozniak; Blanche Weigand	Attorney-Client
E-Mail	Cook County State's Attorney Contact Info	02/26/2016 at 9:15 AM	Jennifer Anderson	Tim Sulikowski	Attorney-Client
E-Mail	Cook County State's Attorney Contact Info	02/26/2016 at 10:53 AM	Tim Sulikowski	Jennifer Anderson	Attorney-Client
E-Mail	James Damion Fingerprint Date	02/26/2016 at 1:22 PM	Blanche Weigand	Jennifer Anderson	Attorney-Client
E-Mail	James Damion Fingerprint Date	02/26/2016 at 1:24 PM	Jennifer Anderson	Blanche Weigand	Attorney-Client
E-Mail	James Damion Fingerprint Date	02/26/2016 at 1:34 PM	Blanche Weigand	Jennifer Anderson	Attorney-Client
E-Mail	James Damion Fingerprint Date	02/26/2016 at 1:35 PM	Jennifer Anderson	Blanche Weigand	Attorney-Client
E-Mail	James Damion Fingerprint Date	02/26/2016 at 1:37 PM	Blanche Weigand	Jennifer Anderson	Attorney-Client