

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DOCKET NO. 03G-270TO
CIVIL PENALTY ASSESSMENT NOTICE NO. CPAN-28218.

**STIPULATION OF SETTLEMENT AND MOTION TO APPROVE STIPULATION
AND CLOSE DOCKET**

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO
COMPLAINANT,

v.

QUANTUM TOWING, T-3094, PATRICK W. MCREYNOLDS, DBA
RESPONDENT.

RECEIVED

JUL 25 2003

Staff of the Public Utilities Commission ("Staff") and QUANTUM TOWING to collectively herein as ("the Parties") enter into this Stipulation and request that the Commission issue an order approving this Stipulation of Settlement and closing Docket Number 03G-270TO. In support of the Stipulation, the Parties state:

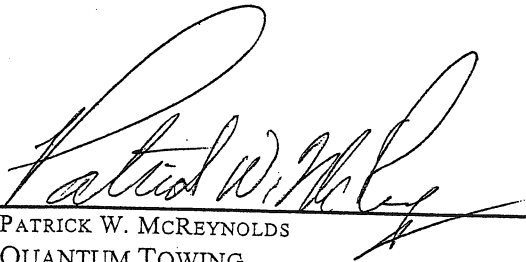
1. On June 13, 2003, Staff issued Civil Penalty Assessment Notice ("CPAN") No. 28218 to QUANTUM TOWING. A copy of the CPAN is attached to this motion.
2. CPAN 28218 gave notice of seven violations of the Rules, Regulations, and Civil Penalties Governing Towing Carriers by Motor Vehicle. QUANTUM TOWING received the CPAN by certified mail on June 19, 2003. In CPAN 28218, QUANTUM TOWING was charged with seven violations of 723-9-15.2.3.3 (carrier using blank authorizations pre-signed by property owner on impound tows from public property).
3. The CPAN originated from a complaint filed by Sgt. D. P. O'Shea and Detective J. Haney of the Denver Police. O'Shea and Haney allege that QUANTUM TOWING uses pre-signed tow invoices and the property owner is not present when the actual tow of the abandoned or trespassing vehicle commences. The blank pre-signed tow bills obtained by Staff

from the Denver Police supported their allegations. Subsequent investigation by Staff resulted in CPAN 28218.


4. QUANTUM TOWING was issued a \$400 penalty for each of the seven violations of 723-9-15.2.3.3. The penalties were the maximum allowed under the Commission Rules.
5. QUANTUM TOWING has cooperated with Staff regarding CPAN 28218 and a reduction in the penalty assessment is warranted. QUANTUM TOWING agrees to a fifty percent payment of the total penalty assessment. QUANTUM TOWING admits to the violations.
6. Staff and QUANTUM TOWING now desire to compromise and settle the charges contained in CPAN 28218.
7. STAFF AND QUANTUM TOWING STIPULATE AND AGREE AS FOLLOWS:
 - a. To settle Staff's charge in this CPAN, QUANTUM TOWING admits to seven violations of 723-9-15.2.3.3. of 4CCR 723-9.
 - b. The total penalty due is \$1400 or \$200 for each violation.
 - c. QUANTUM TOWING AGREES TO comply henceforth with State Statute, Commission Rules, and City Ordinances on the removal of abandoned and trespassing vehicle from public and private property.
 - d. 1). First payment of \$700 of the penalty of \$1400 to the Commission will be due within ten working days following the date this stipulation becomes the decision of the Commission.
2). The second payment of \$700 will be due within twenty working days following the date this stipulation becomes the decision of the Commission.
 - e. If QUANTUM TOWING fails to pay the \$1400 according to the agreed schedule in (7)(d) above, then the (1) QUANTUM TOWING admission in paragraph 5 and subparagraph (7)(a) above, shall be conclusive evidence that the seven violations of 723-9-15.2.3.3. of 4CCR 723-9 named in CPAN 28218 occurred and the fine is justified, and (2) QUANTUM TOWING must pay the entire \$2800 to the Commission immediately.

8. In the event that this Stipulation is modified or is not approved in its entirety, either Staff, or QUANTUM TOWING may withdraw from this Stipulation. In that event, Docket No. 03G-270TO shall be set for hearing.
9. The Staff and QUANTUM TOWING, MOVE that the Commission (1) accept this Stipulation of Settlement, (2) issue an order consistent with the Stipulation provisions, and (3) close Docket No. 03G-270TO.

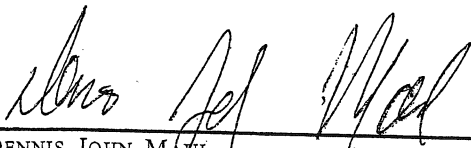
Dated this 11th day of July 2003.



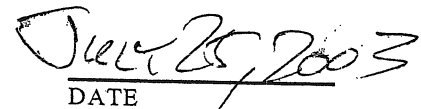
PATRICK W. MCREYNOLDS
QUANTUM TOWING
15160 EAST COLUMBIA DRIVE
AURORA, CO 80014



DATE



DENNIS JOHN MAUL
STAFF OF THE COMMISSION
1580 LOGAN STREET, OL1
DENVER, CO 80203



DATE

**CIVIL PENALTY ASSESSMENT NOTICE
OR NOTICE OF COMPLAINT TO APPEAR**

Attachment
Docket No. 03G-270TO
Decision No. R03-0958
August 21, 2003
Page 4 of 4

O. CPAN-28218

Public Utilities Commission of the State of Colorado v.

Quantum Towing, Patrick W. McReynolds, D.B.A. (Respondent, T-3094)
15160 East Columbia Drive
Aurora, CO 80014

| Number Invoice | Date of Violation | PUC Rule No. | Nature of Violation | Place of Violation | Penalty |
|----------------|-------------------|----------------------|---|--|---------|
| 1-9603 | May 25, 2003 | 4 CCR 723-9-15.2.3.3 | CARRIER USING BLANK AUTHORIZATIONS PRE-SIGNED BY THE PROPERTY OWNER | 15 TH AND STOUT, DENVER, CO | \$ 400 |
| 2-9604 | May 25, 2003 | 4 CCR 723-9-15.2.3.3 | CARRIER USING BLANK AUTHORIZATIONS PRE-SIGNED BY THE PROPERTY OWNER | 15 TH AND STOUT, DENVER, CO | \$ 400 |
| 3-9605 | May 25, 2003 | 4 CCR 723-9-15.2.3.3 | CARRIER USING BLANK AUTHORIZATIONS PRE-SIGNED BY THE PROPERTY OWNER | 15 TH AND STOUT, DENVER, CO | \$ 400 |
| 4-9606 | May 25, 2003 | 4 CCR 723-9-15.2.3.3 | CARRIER USING BLANK AUTHORIZATIONS PRE-SIGNED BY THE PROPERTY OWNER | 15 TH AND STOUT, DENVER, CO | \$ 400 |
| 5-9610 | May 25, 2003 | 4 CCR 723-9-15.2.3.3 | CARRIER USING BLANK AUTHORIZATIONS PRE-SIGNED BY THE PROPERTY OWNER | 15 TH AND STOUT, DENVER, CO | \$ 400 |
| 6-9611 | May 25, 2003 | 4 CCR 723-9-15.2.3.3 | CARRIER USING BLANK AUTHORIZATIONS PRE-SIGNED BY THE PROPERTY OWNER | 15 TH AND STOUT, DENVER, CO | \$ 400 |
| 7-9614 | May 25, 2003 | 4 CCR 723-9-15.2.3.3 | CARRIER USING BLANK AUTHORIZATIONS PRE-SIGNED BY THE PROPERTY OWNER | 15 TH AND STOUT, DENVER, CO | \$ 400 |

Total Penalty Assessment - \$ 2,800.00

Remarks: 4 CCR 723-9-15.2.3.3 reads: No towing carrier shall accept blank authorizations pre-signed by the property owner.

HEREBY ACKNOWLEDGE RECEIPT OF THIS NOTICE.

Respondent's Signature _____

ON PAYMENT OF THIS ASSESSMENT, I ACKNOWLEDGE LIABILITY OF ALL VIOLATION (S) HEREIN. See Instructions on Reverse Side)

Respondent's Signature _____

within ten days of the issuance of this notice the penalty assessment is not paid then you must contact the Public Utilities Commission at 1-800-888-0170 or (303) 894-2000, extension 8, by 4:00 p.m. on June 30, 2003 to set alleged violation(s) for a hearing.

THE UNDERSIGNED HAS PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT COMMITTED THE VIOLATION(S) CITED AND AFFIRMS THAT A COPY OF THIS SUMMONS & COMPLAINT OR CIVIL PENALTY ASSESSMENT NOTICE WAS DULY SERVED UPON THE RESPONDENT.

COMPLAINANT MAK
Print last name

COMPLAINANT [Signature]
Signature

INVESTIGATIVE PERSONNEL OF THE COLORADO PUBLIC UTILITIES COMMISSION

SERVED THIS 13th DAY OF June, 2003

Original: Commission Records Copy #1: Respondent Copy #2: Rates Copy #3: A. G.
Copy # 2-Rates

THIS IS A LEGAL DOCUMENT -- PLEASE READ BOTH SIDES