

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PA.

CIVIL DIVISION

* * *

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

vs.

PENNSYLVANIA STATE
CONSTABULARY,

Defendant.

No. SA-23-000552

* * *

HEARD: July 11, 2024

BEFORE: Jennifer Satler, Judge

* * *

TRANSCRIPT OF PROCEEDINGS

* * *

A P P E A R A N C E S

On Behalf of the Department of Transportation:
Meron Murphy, Esq.

On Behalf of the Defendant:
Roy E. Leonard Esq.
Matthew Dugan, Esq.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

<u>WITNESS:</u>	<u>PAGE</u>
<u>Constable Jason Christopher Knapp:</u>	
Direct Examination by Mr. Leonard	9
Cross-Examination by Ms. Murphy	64

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS

(PROCEEDINGS CONVENEED -- 9:56 A.M.)

THE CLERK: Pennsylvania State Constabulary, SA-23-552, represented by Attorneys Leonard and Dugan.

THE COURT: Good morning.

MR. LEONARD: Good morning, Your Honor.

THE COURT: I see we also have Mr. Dugan today. Welcome, Mr. Dugan.

MR. DUGAN: Judge, how are you?

THE COURT: How are you?

MR. DUGAN: Doing great.

THE COURT: Good to see you.

MR. DUGAN: Good to see you.

THE COURT: And, Mr. Leonard, hello again.

MR. LEONARD: Good morning, Your Honor.

THE COURT: All right. Ready when you are.

MS. MURPHY: Yes, Your Honor. This is a revocation case of a municipal government plate. Essentially this is a case of a constable, Jason Knapp, applying for and being granted a governmental municipal plate upon a material representation that he is a political subdivision. However, the case law, Your

1 Honor, is clear that a constable is not a governmental
2 nor a quasi-governmental entity under Section 1901(a) of
3 the Vehicle Code. And the case law is Ward v.
4 Commonwealth and Office of the Constable v. DOT, if you
5 would like copies, Your Honor.

6 MR. LEONARD: Yes please.

7 MS. MURPHY: Under that case law, Your
8 Honor, it's delineated that the constable's duties are
9 -- as prescribed by statute. Under that statute, the
10 constable has no authority to act on behalf of the
11 government. Therefore, a constable is not allowed any
12 municipal government plates. And it also outlines the
13 public safety concern of constables taking actions akin
14 to highly trained police officers. And that is a big
15 part of why they are not allowed municipal government
16 plates.

17 THE COURT: Okay. Mr. Leonard.

18 MR. LEONARD: Thank you, Your Honor. Let
19 me start out, Your Honor, by saying that the alleged
20 statement of facts that Ms. Murphy expressed to you are
21 inaccurate. This is not a case where Jason Knapp, as a
22 constable, applied for municipal government registration
23 plates. This is a case on appeal, statutory appeal,
24 where the appeal is taken on behalf of the Pennsylvania
25 State Constabulary. The Pennsylvania State Constabulary

1 is a nonprofit corporation. And it has been at least
2 consistent, since this appeal has been taken, that there
3 have been misrepresentations that this case is all about
4 Jason Knapp as a constable misrepresenting in an
5 application to obtain municipal government plates, which
6 is not true.

7 But instead, based on a Department of
8 Revenue finding that the Pennsylvania State Constabulary
9 is a political subdivision, that it was the Pennsylvania
10 State Constabulary that applied for and received
11 municipal government plates for a vehicle, a 2018 Ford
12 Interceptor that is owned by the Pennsylvania State
13 Constabulary, not personally owned by Mr. Knapp or by
14 Constable Knapp. This is a statutory appeal under
15 Section 1377 of the Vehicle Code.

16 The Court can take judicial notice, if it
17 would. In fact, the date of the timely appeal taken in
18 this case was October 6th of 2023. And that the
19 official notice of suspension of the registration plate
20 occurred on September 11, 2023, via a letter from
21 PennDot.

22 We believe the evidence in this case,
23 Your Honor -- we'll have Constable Knapp testify. And
24 we have exhibits that we'll also be introducing at this
25 hearing that, based on Mr. Knapp's testimony and the

1 documents that we're going to be submitting into
2 evidence, that the suspension by PennDot of the
3 municipal government plates should be reviewed. In this
4 case, as I said earlier, is easily distinguishable from
5 the Ward case, from the Metzgar case, and from the
6 Rodriguez case in that this is not a case where an
7 individual constable either applied for municipal
8 government registration plates for his own vehicle or
9 under color of an office that he was working for as a
10 constable. This is a case where the registration plate
11 was issued to the Pennsylvania State Constabulary.

12 In addition, Your Honor, we believe the
13 evidence will prove that the Constabulary, which I'll be
14 referring to the Pennsylvania State Constabulary as, is
15 a governmental or quasi-governmental entity, within the
16 meaning of Section 1901(a) of the Vehicle Code, and that
17 is because a number of reasons. The Constabulary is a
18 nonprofit corporation that admits as members and hires
19 as employees certain eligible constables and deputies.
20 The Constabulary's member employees are public officials
21 who represent and serve the municipal districts and
22 election districts. The Constabulary substantially
23 exercises police power through its member employees. In
24 addition, the Constabulary performs an essential
25 governmental function, through its member employees.

1 The purposes served by the Constabulary are public not
2 private.

3 The Constabulary revenue in addition is
4 derived from tax dollars and other revenue is public in
5 character. And, again, the Constabulary is controlled
6 by public officials, and that's the constables who are
7 members of the Pennsylvania State Constabulary. The
8 Constabulary is a body corporate and politic. And, Your
9 Honor, the Constabulary is an exempt entity under
10 Subsections 1901(a)(1), (a)(2), or (a)(3) of the Vehicle
11 Code, and that is because the Constabulary qualifies as
12 a political subdivision under Section 1901(a)(2) as
13 initially found by the Department of Revenue.

14 Alternatively, Your Honor, the
15 Constabulary can also reasonably be interpreted to
16 function as a state or local authority under Section
17 1901(a)(3). And alternatively, the Constabulary can
18 also reasonably be interpreted to mean the Commonwealth
19 under Section 1901(a)(1). Moreover, Your Honor, the
20 Constabulary is eligible for municipal government
21 registration under Section 1331 of the Vehicle Code, and
22 that is because the Constabulary's vehicle is a
23 government vehicle. And the designating of the
24 Constabulary vehicle as a municipal government vehicle
25 services are in the public interest.

1 Based on the evidence that we intend to
2 submit in this case, Your Honor, we believe that the
3 evidence will support the suspension of the
4 Constabulary's plate, the reversal of the suspension of
5 the Constabulary's municipal registration plate.

6 THE COURT: Thank you. All right. Ready
7 for witnesses when you are.

8 MR. LEONARD: Yes, Your Honor. We would
9 call Constable Jason Knapp to the stand please.

10 THE COURT: All right.

11 MR. LEONARD: Your Honor, if I may,
12 before Mr. -- Constable Knapp testifies, I do have
13 exhibits in binders I'm happy to provide the Court at
14 this time.

15 THE COURT: Sure.

16 MR. LEONARD: As well as Ms. Murphy.

17 THE COURT: Thank you.

18 MS. MURPHY: I do have certified record
19 Commonwealth Exhibit 1, Your Honor, as well.

20 THE COURT: Okay. Does Mr. Leonard have
21 that?

22 MS. MURPHY: I'll give him a copy.

23 THE COURT: So hold onto that. Let me
24 take your binder. We'll go through it.

25 MR. LEONARD: Your Honor, before I ask

1 Constable Knapp any questions, let me just note for the
2 record my objection to the admissibility of the
3 documents that Ms. Murphy just handed to you.

4 THE COURT: I think she hasn't moved for
5 their admission yet. I think she just wants everything
6 up here so we can duke it out later, as you handed me
7 your binder.

8 MR. LEONARD: Well, in anticipation that
9 I'll be duking it out, I would at least let the Court
10 know that I will make the objection, to the extent this
11 doesn't qualify as one, that the documents are not
12 admissible.

13 THE COURT: Okay. Fair enough.

14 * * *

15 CONSTABLE JASON CHRISTOPHER KNAPP,
16 having been previously sworn,
17 was examined and testified as follows:

18 * * *

19 DIRECT EXAMINATION

20 BY MR. LEONARD:

21 Q. Would you state your full name for the record
22 please?

23 A. Good morning. It's Constable Jason
24 Christopher Knapp, K-N-A-P-P.

25 Q. And, Mr. Knapp, you are a constable, are you

1 not?

2 A. Yes, I am.

3 Q. And for what district?

4 A. I am the constable for the 2nd Ward of the
5 City of Pittsburgh, Allegheny County, Commonwealth of
6 Pennsylvania.

7 Q. And when did you first become a constable?

8 A. It would've been by an Order Nisi and final
9 order dated April 27, 2021.

10 Q. And were you elected or appointed as a
11 constable at that time?

12 A. I was initially appointed to my first term of
13 office.

14 Q. And do you recall the term that you were
15 appointed for?

16 A. It would've been the term ending the first
17 week or the first Monday of 2022.

18 Q. And that term began on April 27th of 2021?

19 A. Correct.

20 Q. And I'm referring you to Exhibit A.

21 A. Just to correct, my appointment began, the
22 term began much earlier. My appointment for the
23 remainder of that term began on or about April 27, 2021.

24 Q. Thank you. I'm going to refer you to Exhibit

25 A. Is Exhibit A the records that indicate or confirm

1 that you were appointed as constable of City of
2 Pittsburgh Ward 2?

3 A. Yes.

4 Q. After being appointed as a constable for the
5 City of Pittsburgh Ward 2, did you then run for election
6 for that position?

7 A. Yes, I did.

8 Q. And when did that occur?

9 A. I was elected to my current term of office in
10 November of 2021.

11 Q. And that term for the elected position of
12 constable for Ward 2 of the City of Pittsburgh continues
13 until what date?

14 A. The first Monday of 2028.

15 Q. And I'm going to refer you to Exhibit C. And
16 is Exhibit C, are those documents that confirm that you
17 were elected as constable for Pittsburgh Ward 2 as of
18 November 22, 2021?

19 A. Yes, they are.

20 Q. Can you explain to the Court the training
21 that you have obtained as a constable? And I'm going to
22 go through some of the certifications with you, if we
23 can do so very briefly. But let me ask you the general
24 question first. As a constable for the City of
25 Pittsburgh Ward 2, do you undertake certain training and

1 classes to further your training and experience and the
2 services that you provide as a constable to the City of
3 Pittsburgh?

4 A. Yes, I do.

5 Q. All right. Constable Knapp, I'm going to
6 refer you to Exhibit J. Let's go through these very
7 briefly. I'm going to start with the first page of
8 Exhibit J. And is the first page of Exhibit J the
9 Constables' Education and Training Board that you
10 received on July 27, 2021?

11 A. Yes.

12 Q. Second page of Exhibit J, is that the
13 certification from the Suburban Academy of Law
14 Enforcement, Inc., that you received on December 9,
15 2020?

16 A. Yes.

17 Q. And what does that apply to?

18 A. It applies to Act 235 Certification under and
19 administered by the Pennsylvania State Police.

20 Q. And the third page of Exhibit J is a
21 Certificate of Completion issued to you having completed
22 training in Naloxone training as of December 16, 2022,
23 or '21, I'm sorry?

24 A. Yes.

25 THE COURT: I have that as the CCAC. Is

1 that the third?

2 MR. LEONARD: I'm on the third page, Your
3 Honor, certificate of --

4 THE COURT: Oh wait, sorry. I was on the
5 fourth page. Go ahead, sorry.

6 BY MR. LEONARD:

7 Q. What is Naloxone training?

8 A. It's commonly referred to Narcan.

9 Q. And on page 4 in Exhibit J is a Certificate
10 of Training Certification that you received on September
11 19, 2021 for Basic Fire Police, is it not?

12 A. Yes.

13 Q. And the next Emergency Management Institute
14 Certification that you received on June 28, 2021, An
15 Introduction to Hazardous Materials; is it not?

16 A. Yes.

17 Q. The next page is an Emergency Management
18 Institute Certification that you received on April 19,
19 2021, for an Introduction to the National Incident
20 Management System, correct?

21 A. Yes.

22 Q. What does that certification apply to?

23 A. It refers to the National Incident Management
24 System.

25 Q. The next page of Exhibit J is a certification

1 from the Emergency Management Institute FEMA for the
2 Introduction to Incident Command System, ICS 100 that
3 you received on February 25, 2021, correct?

4 A. Yes.

5 Q. The next page is a Certification of
6 Completion for Recognizing and Reporting Child Abuse:
7 Mandated and Permissive Reporting in Pennsylvania that
8 you received as a constable on June 28, 2021, is it not?

9 A. Yes, it is.

10 Q. The next page is a Certificate of Completion
11 for PS Mandatory Abuse Reporting Training Course that
12 you received on December 12, 2021, is it not?

13 A. Yes.

14 Q. The next page is a certification that you
15 received from the Axon Academy on April 28, 2022,
16 correct?

17 A. Yes.

18 Q. And what does that certification apply to?

19 A. This is a certification for -- I have two
20 certifications from Axon. One is as a instructor for
21 taser, which is what this certification is.

22 Q. The next page is a certification from the
23 Allegheny County Police Training Academy Certificate of
24 Training Oleoresin Capsicum Aerosol awarded to you on
25 June 1, 2021, correct?

1 A. Yes, it is.

2 Q. What does that certification apply to?

3 A. That is OC, that is a less lethal weapons
4 platform that law enforcement officers carry.

5 Q. The next page, you referred to this earlier,
6 is a certification from Axon Academy dated April 12,
7 2025, for Taser 7 Energy Weapon, is it not?

8 A. Correct.

9 Q. And you received that certification?

10 A. Yes, I did.

11 Q. The next page is Certificate of Attainment
12 issued by the Office of the Sheriff to you as constable
13 dated June 23, 2021, is it not?

14 A. Not as a constable, that was in my capacity
15 as a reserve deputy for the Allegheny County Sheriff's
16 Office.

17 Q. And having received this certification, did
18 it help you in your duties as a constable?

19 A. Yes.

20 Q. The next page is a Certificate of Training
21 issued to you on April 18, 2021, Advanced Fire Police,
22 correct?

23 A. Yes.

24 Q. The next page is a Glock Certificate issued
25 to you on December 13, 2022, correct?

1 A. Yes, that is an Armorer's Certification.

2 Q. Does a constable carry a weapon as part of
3 its services it provides?

4 A. Yes, we carry firearms.

5 Q. The next page is a Certificate of Training
6 issued to you for Emergency Vehicle Competency Course
7 Completed Using Squad dated February 28, 2021, is it
8 not?

9 A. Yes, it is.

10 Q. What is the significance of this Certificate
11 of Training?

12 A. That is a Emergency Vehicle Operator's
13 Training Certification to operate emergency vehicles.

14 Q. The next page is a Center for Domestic
15 Preparedness issued by FEMA to you, dated June 28, 2021,
16 for Hazardous Materials Awareness Distance Learning
17 course, is it not?

18 A. Yes, it is.

19 Q. The next page is the Emergency Management
20 Institute Certification issued to you on April 18, 2021,
21 for Basic Incident Command System for Initial Response,
22 correct?

23 A. Yes.

24 Q. The next page is an Emergency Management
25 Institute Certification to you for National Response

1 Framework, an Introduction dated April 22, 2021, is it
2 not?

3 A. Yes.

4 Q. The next page is a National Rifle Association
5 of America Certification issued to you for a Law
6 Enforcement Firearms Instructor for Patrol Rifle dated
7 July 5, 2022, is it not?

8 A. Yes, it is.

9 Q. And that was issued while or after you had
10 been appointed as a constable, correct?

11 A. Correct.

12 Q. The next page of Exhibit J is a -- is that
13 Vigr Training? Do I have that?

14 A. Vigr.

15 Q. Vigr Training, issued to you it. It's a
16 Certification for LEO Armed Vehicle Defense on November
17 16th through the 17th of 2021, correct?

18 A. Correct.

19 Q. The next page is a certificate issued to you
20 by the MOAB, MOAB Training International, Inc. Institute
21 dated June 27, 2021, Management of Aggressive Behavior
22 for Public Safety Officers, correct?

23 A. Correct.

24 Q. The next page is a certification issued by
25 the National Rifle Association of America for Basics of

1 Pistol Shooting issued January 23, 2021, correct?

2 A. Correct.

3 Q. The next page is a National Rifle Association
4 of America Certification issued to you by the, or of the
5 Allegheny County Sheriff's Reserve as you testified
6 earlier, for Basic Police Handgun training dated June
7 18, 2021, correct?

8 A. Correct.

9 Q. The next page is a Certificate of Training
10 issued to you by the National Highway Institute for
11 National Traffic Incident Management Responder Training,
12 dated May 15, 2021, correct?

13 A. Correct.

14 Q. The next page is a Certification Completion
15 issued by the National TIM Responder Training Program,
16 for Responder Training Course issued December 7, 2021,
17 correct?

18 A. Correct. That certification is for traffic
19 incident management.

20 Q. What does traffic incident management mean?

21 A. That means how to manage a scene properly
22 whenever there is a motor vehicle crash.

23 Q. And do you or have you been involved in
24 managing those type of scenes in your role as a
25 constable for the City of Pittsburgh?

1 A. Well, not -- again, not for the City of
2 Pittsburgh. But as a constable, we routinely encounter
3 disabled vehicles. I have not had an occasion to, in my
4 capacity as a constable, to deal with a traffic incident
5 in the form of a motor vehicle crash, but in the form of
6 disabled vehicles.

7 Q. Thank you. The next page is a Certificate of
8 Training the Pennsylvania State Fire Academy issued to
9 you for Hazardous Materials and Awareness dated December
10 12, 2021, correct?

11 A. Correct.

12 Q. The next page is a certification issued to
13 you by the National Rifle Association of America for the
14 Patrol Rifle Instructor Development School dated June
15 17, 2022, correct?

16 A. Correct.

17 Q. The next page is a certification issued by
18 the American College of Surgeons, the Committee on
19 Trauma, for successfully completing the Stop the Bleed
20 Course dated May 20, 2021, correct?

21 A. Correct.

22 Q. The next page is a certification from the
23 Office of the State Fire Commissioner, the Pennsylvania
24 State Fire Academy for Traffic Incident Management
25 Personnel issued February 16, 2022, correct?

1 A. Correct.

2 Q. The next page of Exhibit J is your diploma
3 from the University of Maryland, is it not?

4 A. Correct.

5 Q. Now with respect to all the certifications
6 that I went through as part of Exhibit J, have you -- do
7 you include or have those courses that you've taken and
8 received certification from assisted you and benefited
9 you in your role in providing services to the public as
10 a constable?

11 A. Yes.

12 Q. Constable Knapp, are you involved with the
13 Pennsylvania State Constabulary?

14 A. Yes.

15 Q. And before we get into that, let me ask you
16 this. Generally, do you consider a constable, in your
17 role as constable, to be a peace officer?

18 A. Yes.

19 Q. Or a police officer?

20 A. Depending on the definition, yes.

21 Q. And what do you mean by that?

22 A. Under certain definitions in Pennsylvania
23 statutes, constables are peace officers, police
24 officers, law enforcement officers. It depends on what
25 definition, under which statute.

1 Q. Let's go back to my earlier question. You're
2 involved with the Pennsylvania State Constabulary, are
3 you not?

4 A. Yes, I am.

5 Q. And were you involved with the Pennsylvania
6 State Constabulary when it was formed?

7 A. Yes, I was.

8 Q. And can you describe how it was that the
9 Pennsylvania State Constabulary, how it came to be
10 formed and why it was formed?

11 A. Yes. The Pennsylvania State Constabulary was
12 initially formed and organized as a limited liability
13 company for nonprofit purposes, a beneficial LLC was the
14 intention. After a few months and reconsidering the
15 best, the structure under which the organization could
16 operate, we decided that the best form would be a
17 nonprofit corporation.

18 Q. And was the Pennsylvania State Constabulary
19 converted from a beneficial limited liability company to
20 a nonprofit corporation?

21 A. Yes, with the caveat that it was not formed
22 as a beneficial LLC. It was formed as a normal LLC or a
23 for-profit LLC with the intention of modifying the
24 organization -- the articles of organization for the
25 LLC. And instead of modifying the articles of

1 organization, we instead converted it to a nonprofit
2 corporation.

3 Q. And what was the reason for having it, again,
4 for converting it to a nonprofit corporation?

5 A. We believe that that was the best structure
6 for the intended purpose of the organization.

7 Q. And did the Pennsylvania State Constabulary
8 file papers with the Pennsylvania Department of State
9 Corporations to have that conversion occur?

10 A. Yes, we did.

11 MS. MURPHY: If I just may ask for
12 clarification when he uses the term we.

13 THE COURT: Okay. Mr. Leonard.

14 MR. LEONARD: Yes.

15 BY MR. LEONARD:

16 Q. What was your role as constable with the
17 Pennsylvania State Constabulary LLC?

18 A. I was the sole organizer.

19 Q. And you're a member of the LLC?

20 A. Correct.

21 Q. And as a sole -- sole member of the LLC?

22 A. Correct.

23 Q. And as a sole member of the LLC, the
24 Pennsylvania State Constabulary LLC, did you have sole
25 authority to convert the Pennsylvania State Constabulary

1 LLC to a nonprofit corporation?

2 A. Yes, I did.

3 Q. And did you, in fact, in your role as a
4 member, do that?

5 A. Yes, I did.

6 Q. And do you recall when that was?

7 A. We filed on December 3, 2021.

8 Q. And you filed, did you not, a statement of
9 conversion, you, I say on behalf of, actually the
10 Pennsylvania State Constabulary LLC, submitted a
11 statement of conversion with the Department of State to
12 convert it to a nonprofit corporation, correct?

13 A. Yes.

14 Q. I'm going to refer you to Exhibit B. And
15 does Exhibit B consist of those documents converting the
16 Pennsylvania State Constabulary LLC to the Pennsylvania
17 State Constabulary a nonprofit corporation?

18 A. Yes.

19 Q. And was the conversion that took place, did
20 the Pennsylvania State Constabulary then exist as a
21 nonprofit corporation on a nonstock basis?

22 A. Yes.

23 Q. And does the Pennsylvania State Constabulary
24 as a nonprofit corporation have members?

25 A. Yes.

1 Q. At the time that the statement of conversion
2 was filed with the Department of State, did the
3 Pennsylvania State Constabulary as a nonprofit
4 corporation also submit articles of incorporation?

5 A. Yes.

6 Q. And is that document included with Exhibit B?

7 A. Yes.

8 Q. And I'm going to refer you to it. Your
9 Honor, it's about three pages from the last page.
10 Constable Knapp, what is the address of the Pennsylvania
11 State Constabulary nonprofit corporation?

12 A. 320 Fort Duquesne Boulevard, Suite 235,
13 Pittsburgh, Pennsylvania 15222.

14 THE COURT: I have that, Mr. Leonard, as
15 the last page.

16 MR. LEONARD: I have as my last page,
17 Your Honor, the consent to incorporate name.

18 THE COURT: Okay.

19 MR. LEONARD: Two pages before that
20 you'll see the articles of incorporation.

21 THE COURT: Yes. Got it. Okay. I see
22 you were saying that's where that would've begun was
23 three pages prior. Okay. I was looking at the address.
24 Okay.

25 MR. LEONARD: And, Your Honor,

1 procedurally, I think given the number of exhibits that
2 I have, which run through A through R, I'm happy to have
3 them admitted after Constable Knapp testifies as to each
4 exhibit or I can move to have them admitted after I --

5 THE COURT: Let's get through it.

6 MS. MURPHY: Either way I object.

7 THE COURT: Okay. We'll get through
8 them. Okay. Ready when you are.

9 MR. LEONARD: Thank you, Your Honor.

10 BY MR. LEONARD:

11 Q. Constable Knapp, would you describe for Your
12 Honor why it was that the Pennsylvania State
13 Constabulary was converted to a nonprofit?

14 A. The basis for the existence of the nonprofit
15 corporation is to function as a law enforcement agency
16 to admit its members and to hire as employees eligible
17 constables and deputy constables.

18 Q. And was the Pennsylvania State Constabulary
19 formed or converted to a nonprofit corporation after you
20 were appointed as a constable for the City of Pittsburgh
21 Ward 2?

22 A. Yes.

23 Q. And does the Pennsylvania State Constabulary
24 as a nonprofit corporation have bylaws?

25 A. Yes.

1 Q. Constable Knapp, I'm going to refer you to
2 Exhibit P. Would you take a moment to review Exhibit P,
3 or are you familiar with Exhibit P?

4 A. I am.

5 Q. And is Exhibit P the amended and restated
6 bylaws of the Pennsylvania State Constabulary dated
7 January 1, 2022, in that being the nonprofit
8 corporation?

9 A. Yes, it is.

10 Q. And generally what is provided within the
11 bylaws for the Pennsylvania State Constabulary nonprofit
12 corporation?

13 A. The bylaws are one of the governing documents
14 of the nonprofit corporation.

15 Q. And on page one of the bylaws, there is a
16 mission statement, is there not?

17 A. Yes.

18 Q. And the mission statement states as follows:
19 To honorably serve the diverse stakeholders of this
20 Commonwealth as an independent, public law enforcement
21 agency charged with conserving the peace, enforcing
22 prescribed state and local laws, carrying out certain
23 judicial and county-related business, and performing
24 other contract law enforcement services, while promoting
25 the safety and general welfare, and upholding the rights

1 and dignity of all Pennsylvanians, through the efforts
2 of the agency's member of constables and deputies, with
3 the agency striving to ensure every member is supported,
4 trained, evaluated, equipped, compensated, and compliant
5 with, among other things, the standards and regulations
6 that are codified by the agency's board of commissioners
7 and administered by executive staff and supervisory
8 system.

9 Did I read that mission statement correctly?

10 A. Yes, you did.

11 Q. Does the -- do the bylaws provide for the
12 Pennsylvania State Constabulary as a nonprofit
13 corporation to have regions that it covers?

14 A. Yes.

15 Q. And how would you describe presently the
16 state of the Pennsylvania State Constabulary nonprofit
17 corporation? As a incubator type of entity, a start up,
18 or has it been more mature, given the date it was formed
19 as a nonprofit corporation?

20 A. It is effectively in an incubation phase.

21 Q. And what do you mean by that?

22 A. I mean that there is one member, which is me.
23 There are prospective members and prospective employees
24 that we plan to hire and employ at the appropriate time.
25 We have one other director or commissioner, as it were,

1 who covers and fills the regional director position for
2 the southwest region, Matthew Verghies.

3 Q. You mentioned that he is a commissioner for
4 the Pennsylvania State Constabulary?

5 A. Correct.

6 Q. And, in fact, the bylaws provide for
7 commissioners, does it not?

8 A. Yes, they do.

9 Q. And do the board of -- and commissioners make
10 up the board, correct?

11 A. Correct.

12 Q. Does the Board of Commissioners have certain
13 responsibilities and duties to the Pennsylvania State
14 Constabulary?

15 A. Yes.

16 Q. For example, what do the commissioners do?
17 What's their role?

18 A. They are the governing body of the nonprofit
19 corporation.

20 Q. And in their capacity as the governing body
21 of the nonprofit corporation, what type of things do
22 those commissioners do?

23 A. They oversee and they regulate the business
24 and affairs as well as set the standards, policies,
25 procedures and other such, give other such binding

1 effect on the affairs of the organization.

2 Q. And the Pennsylvania State Constabulary as a
3 nonprofit corporation has members, does it not?

4 A. Yes.

5 Q. And is that provided in the bylaws as well?

6 A. Yes.

7 Q. Is there both a voting class of members and
8 nonvoting class of members?

9 A. Yes.

10 Q. And what has to happen for you, a person to
11 be a voting class member of the nonprofit corporation?

12 A. Voting class members are elected constables,
13 and nonvoting class members are deputies.

14 Q. And are members employed by the nonprofit
15 corporation?

16 A. Yes.

17 Q. And does the nonprofit corporation have a
18 employment agreement that it provides to those members
19 who become employed by the nonprofit corporation?

20 A. Yes.

21 Q. And is such a Membership and Employment
22 Agreement described in Exhibit Q?

23 A. Yes.

24 Q. Do you recognize it?

25 A. I do.

1 Q. Is, in fact, Exhibit Q a Membership
2 Employment Agreement for the Pennsylvania State
3 Constabulary nonprofit corporation?
4 A. Yes, it is.
5 Q. And does it recite, at least the first
6 paragraph of the recitals on page 1 of the Membership
7 Employment Agreement, that the Pennsylvania State
8 Constabulary is a law enforcement agency organized for
9 the purpose of employing constables and their deputies
10 subject to and in accordance with the provisions of this
11 agreement?
12 A. Yes.
13 Q. And are the employees of the Pennsylvania
14 State Constabulary nonprofit corporation compensated for
15 work that those constables do?
16 A. Yes.
17 Q. And how does that occur?
18 A. Through payroll.
19 Q. And are they paid a salary, or are they paid
20 for work on a contract basis?
21 A. They are fee based employees.
22 Q. What does that mean?
23 A. That means that they are paid for the
24 services that they render, depending on what the
25 contract that they would be serving is.

1 Q. And those terms are provided, are they not,
2 in the Membership and Employment Agreement?

3 A. Yes, they are.

4 Q. And on the last page, 7 of 7 of the
5 Membership and Employment Agreement, did you sign this
6 on behalf as executive director of the Pennsylvania
7 State Constabulary?

8 A. Yes.

9 Q. You testified --

10 A. As a follow up, I also signed as an employee.

11 Q. I understand. And that signature also
12 appears on page 7 of 7 of Exhibit Q?

13 A. Correct.

14 Q. You testified that constables who are members
15 and provide services through the Pennsylvania State
16 Constabulary are issued W-2s, correct?

17 A. Correct. Me as a current employee and those
18 who are prospectively employed.

19 Q. Let me turn to Exhibit G. Are you familiar
20 with Exhibit G?

21 A. Yes, I am.

22 Q. And what is Exhibit G?

23 A. G is our IRS form W-2s that evidenced my
24 compensation as a direct employee of the Pennsylvania
25 State Constabulary.

1 Q. And Exhibit G consists of W-2 forms for both
2 2022 and 2023, do they not?
3 A. Yes, they did.
4 Q. Do you have any other role with the
5 Pennsylvania State Constabulary nonprofit corporation
6 other than as the member or employee?
7 A. Yes. I am a member and employee. I am also
8 the executive director and a -- by virtue of my status
9 as an executive director, also a commissioner. I also
10 am the founding member and the sole incorporator of the
11 entity.
12 Q. I believe you testified that members of the
13 Pennsylvania State Constabulary nonprofit corporation
14 consist of both constables and deputy constables; is
15 that correct?
16 A. Prospectively, yes.
17 Q. Prospectively. And do each of those
18 individuals in that capacity, whether as a constable or
19 a deputy constable, have voting rights?
20 A. So constables, in their elected capacity,
21 have voting rights as members. And deputies who are
22 appointed by their elected constables serve those
23 offices, they sign a joinder to the Membership and
24 Employment Agreement, and they have no voting rights.
25 Q. Why was that distinction made by the

1 Pennsylvania State Constabulary?

2 A. We thought it was appropriate and the best
3 form of governance with respect to the corporation that
4 it be controlled by elected officials.

5 Q. Would you describe to the Court the purpose
6 of the Pennsylvania State Constabulary nonprofit
7 corporation?

8 A. It serves several different functions. One
9 of which is to provide oversight and governance with
10 respect to the standards that constables have when
11 working both in a judicial and in a nonjudicial capacity
12 in the performance of their duties. It also exists to
13 pay and compensate employees for the services that they
14 do through a direct employer. And as a direct employer
15 has certain functions related to their employment, which
16 would also include providing benefits like workers'
17 compensation to their employees in a performance of
18 their duties, especially if they were to be hurt in the
19 line of duty.

20 Q. And can you describe the type of services and
21 tell me whether they're public or private services that
22 the Pennsylvania State Constabulary nonprofit
23 corporation provides through its constables?

24 A. So with respect to the services that the
25 Constabulary performs, again, they are both judicial

1 services and nonjudicial services. They are all law
2 enforcement services. The judicial services would
3 relate to the work that constables perform in their
4 member and employee capacity with the Constabulary.

5 Related to the judicial districts, several
6 judicial districts of the Commonwealth, I primarily work
7 for the Fifth Judicial District, the minor courts, the
8 magisterial district courts here in Allegheny County.
9 But there are also functions that constables serve as an
10 executive agency outside of the work that they do for
11 the judiciary, which would include for instance serving
12 as the, essentially the exclusive peace officer at the
13 polls in their election districts on every election day
14 at every election. Other instances would include
15 serving civil process, performing other functions under
16 say various statutes. Serving protection from abuse
17 orders. Serving divorce papers. Conducting civil
18 standbys whenever inevitably the court of common pleas
19 issues some sort of order that requires somebody to move
20 out of their home and there's a dispute that the marital
21 property or jointly owned property, the constables are
22 there to serve in a capacity, in a peace keeping
23 capacity.

24 Q. Constable Knapp, I'm going to refer you to
25 Exhibit D and ask you if you recognize it?

1 A. Yes, I do.

2 Q. And what is Exhibit D?

3 A. This is all of the services that were
4 performed by the Constabulary for the years 2022 and
5 '23, as well as '24.

6 Q. And do those Exhibit D indicate that payment
7 was made for courtroom security?

8 A. Yes.

9 Q. And for election day security?

10 A. Yes.

11 Q. And for prison transport?

12 A. Yes.

13 Q. And for a warrant service?

14 A. Yes.

15 Q. And were these payments remitted to you as
16 constable for or member for or with the Pennsylvania
17 State Constabulary nonprofit corporation?

18 A. Not all of it was. Some of it I have elected
19 to keep with the agency, so not all of this compensation
20 has been paid through payroll. But it was earned by the
21 Constabulary.

22 Q. When you say payments were made through
23 payroll, what deductions, if any, were made by or made
24 to the payroll payments?

25 A. So as a constable, as an employee, I incur

1 certain expenses in the performance of my duties. So
2 for instance, fuel. Other maintenance of vehicles
3 insurance, the procurement of supplies, equipment, duty
4 belt, firearm, cuffs, so on and so forth. Those are all
5 assessed back to the employees, and they are deducted
6 from payroll, and so I would receive the net of those
7 expenses.

8 Q. And those deductions are reflected, are they
9 not, on the W-2?

10 A. More or less, yes. Those expenses are
11 reflected, again, not all the compensation was paid out.

12 Q. Correct. And do you recall what the total
13 was for payments made or anything you made for calendar
14 years 2022 through 2023 approximately?

15 A. Approximately \$25,000.00.

16 Q. Does the Pennsylvania State Constabulary
17 nonprofit corporation set certain training standards for
18 its member constables?

19 A. Yes, it does.

20 Q. Can you describe those standards?

21 A. Essentially we have decided to model the
22 training standards that we have as those that have been
23 set by the Monroe County District Attorney's Office in
24 conjunction with the Monroe County Constable's
25 Association, having developed a task force that

1 accredits those participants and those who have been
2 admitted to that task force to serve in various
3 capacities within that county, much of which are
4 reflected in the training certificates that we
5 previously went through.

6 Q. Constable Knapp, I'm going to refer you to
7 what's been marked as Exhibit H, which is titled Minutes
8 and Resolutions from Action by Written Consent of the
9 Board of Commissioners for the Pennsylvania State
10 Constabulary dated January 1, 2022. Are you familiar
11 with Exhibit H?

12 A. Yes, I am.

13 Q. And what is the purpose of the Minutes and
14 Resolution that make up Exhibit H?

15 A. Well, there are two functions that serve in
16 this corporate resolution. The first is to acknowledge
17 that at some point down the road there will be a
18 codification of a code of regulations that more fully
19 lays out the policies and procedures and more of the day
20 to day type operations of the agency, but that in their
21 current form are duly adopted through a corporate
22 resolution essentially as stand alone policies until
23 such time that the Code of Regulations can be formalized
24 and adopted. The other part of this resolution was to
25 adopt, in general, the standard that have been adopted

1 by the Monroe County Constables Task Force.

2 Q. Why was that done?

3 A. Because we believe that the training
4 standards that that task force has created substantially
5 follow the mission that the State Constabulary has put
6 together.

7 Q. And the first whereas clause of Exhibit H
8 provides, does it not, that the Pennsylvania State
9 Constabulary nonprofit corporation intends to codify the
10 rules and regulations and policies, procedures, and
11 standards in the managed and administered business
12 affairs of law enforcement operations of the
13 Constabulary through a Code of Regulations, does it not?

14 A. Yes it does.

15 MS. MURPHY: Your Honor, just for the
16 record, I am objecting. I know I asked for
17 clarification earlier for the term we. I'm objecting to
18 that use of the term we.

19 THE COURT: Okay.

20 MR. LEONARD: Well, let me -- to the
21 extent Constable Knapp refers to we, I think we've
22 already explained that it means the Pennsylvania State
23 Constabulary nonprofit corporation and him in his
24 capacity as executive director. But let me make sure
25 we've got that on the record, Your Honor.

1 THE COURT: Fair enough.

2 BY MR. LEONARD:

3 Q. Constable Knapp, when you are referring to we
4 and have referred to in earlier testimony, can you
5 describe for the Court what you intend to mean by using
6 the word we?

7 A. I intend to use with the word me or rather
8 we, myself, the corporation, and another corporate
9 officer, the secretary of corporation, Cassia M. Minich.

10 Q. And when you say you, is it in your capacity
11 as an executive director, commissioner, and member,
12 and/or member of the Pennsylvania State Constabulary?

13 A. Yes.

14 MS. MURPHY: And, Your Honor, just my
15 objection is renewed because he cannot testify to the
16 beliefs of others.

17 THE COURT: Okay. Overruled. Go ahead.

18 BY MR. LEONARD:

19 Q. Constable Knapp, do the Minutes and
20 Resolutions that make up Exhibit H also provide that
21 member employees must take steps to reasonably comply
22 and maintain standards in order to keep active status
23 with the Constabulary?

24 A. Yes.

25 Q. And do you recognize the signature of Cassia

1 Minich, Secretary for the Pennsylvania State
2 Constabulary?

3 A. I recognize Cassia Minich's signature.

4 Q. On the second page of Exhibit H?

5 A. Yes, I do.

6 Q. On the third page of Exhibit H, which is
7 titled Requirements of Constables to Attain Status as an
8 Accredited Constable, correct?

9 A. Yes.

10 Q. What's the purpose of these requirements for
11 the constables?

12 A. Just like with all law enforcement agencies
13 and law enforcement officers, the need to maintain the
14 proper certifications, trainings are crucial in order to
15 be effective in the duty and the performance of the
16 constable and deputy constable's role.

17 Q. And are these requirements and standards that
18 the Pennsylvania State Constabulary nonprofit
19 corporation has implemented similar to any type of
20 training or certification that police officers, state
21 patrol officers would receive in their individual or in
22 their capacities?

23 A. Yes.

24 Q. And how so?

25 A. Well, in the case of the state police and the

1 case of municipal police officers and the case of
2 sheriffs and deputy sheriffs outside of counties of the
3 first and second class, as well as constables, there is
4 a required certification that each class of law
5 enforcement officer needs to attain and to maintain in
6 order to be certified in that capacity. So for
7 instance, with municipal police officers, they're
8 required to be certified and to maintain their
9 certification under Act 120.

10 MS. MURPHY: I object, Your Honor.
11 There's been no foundation laid for this at all.

12 THE COURT: Mr. Leonard.

13 MR. LEONARD: If I could ask him to
14 explain what his knowledge is of Act 120.

15 THE COURT: Okay. Why don't you lay a
16 little more foundation. Sustained. Go ahead.

17 BY MR. LEONARD:

18 Q. Constable Knapp, are you familiar with Act
19 120?

20 A. Yes, I am.

21 Q. How is it you're familiar with Act 120?

22 A. Through my capacity as a law enforcement
23 officer.

24 Q. And what is your understanding of what Act
25 120 provides?

1 A. It provides the training and certification
2 through municipal police training academies around the
3 Commonwealth in order to be certified in the capacity of
4 a municipal police officer.

5 Q. And do constables and through the standards
6 that the Pennsylvania Constabulary is setting comply
7 with Act 120?

8 A. No.

9 Q. Why is that?

10 A. Because we are not certified under Act 120.
11 We are certified under Act 49.

12 Q. Which is what?

13 A. Which is the certification that constables
14 receive through the Pennsylvania Commission on Crime and
15 Delinquency that relate to the judicial work that
16 constables perform.

17 Q. Are the certifications and training that
18 constables receive similar to what is required under Act
19 120?

20 A. Similar, yes.

21 Q. In what way?

22 A. There are many of the same concepts that are
23 trained on. The 120 training program currently consists
24 of approximately 919 hours, whereas the training and
25 certification that constables receive under Act 49

1 training is about 120 hours, which is the reason why we
2 have set standards above and beyond what is required
3 under Act 49 because the Constabulary is of the belief
4 that in order to perform certain duties and to perform
5 certain functions that Act 49 training is not itself
6 adequate.

7 Q. So that Act 49 would be the floor not the
8 ceiling?

9 A. Very much so.

10 Q. And, again, stating generally what is it the
11 Pennsylvania State Constabulary nonprofit corporation is
12 attempting to do by having these standards in place as
13 it applies to its members? It's member constables.

14 A. So training and certification is commensurate
15 with the level of authority that one has under, as we
16 understand it, under common law. So as well as under
17 statutory law. But training standards, policies, and
18 procedures are an important function when regulating the
19 conduct of officers that are out there performing their
20 duties.

21 Q. What is the source of the revenue that the
22 Pennsylvania State Constabulary nonprofit corporation
23 draws? Where does it derive from? Private sources,
24 public sources, or some other source?

25 A. Public.

1 Q. And why is that?

2 A. Well, on the one hand, constables are, as are
3 members through the Constabulary, these officers are
4 performing judicial services and also executive services
5 for various counties and judicial districts around the
6 Commonwealth, either currently or on a prospective
7 basis. So the revenue is itself coming from the county
8 treasury in many cases, from the district court in other
9 cases, as well as from the agencies themselves in cases
10 where we're performing contract services for a state,
11 county, or local agency.

12 Q. And what is the significance of those public
13 funds as it relates to the Pennsylvania State
14 Constabulary nonprofit corporation being a governmental,
15 quasi-governmental, or subdivision?

16 A. Well, with respect to its revenue that the
17 revenue is coming from taxpayers, in many cases. In
18 other cases, when we contract directly with the party in
19 need of our services, again, many of which are under
20 orders of court that those services, while with private
21 parties, are still public in nature. So in terms of,
22 you know, the character of that revenue that it is still
23 public, and we feel that -- we believe the law supports
24 that in order for an entity to be public in government
25 more importantly in nature, that its revenue needs to be

1 from public sources and it needs to be public in nature.

2 Q. What other factors contribute or make up or
3 can reasonably be relied upon to conclude that the
4 classification of the Pennsylvania State Constabulary
5 nonprofit corporation is a subdivision or governmental
6 entity or a quasi-governmental entity?

7 A. So there are a number of different factors
8 that contribute to that classification.

9 Q. Can you describe what those are?

10 A. So one is, again, its revenue. Its function
11 is another. Does it function for a public purpose? Is
12 the revenue public in nature? Is it controlled by the
13 government? And having members who are elected
14 officials and they have control over the entity. The
15 exercise of control over the entity coming from
16 government officials, also it plays a part in whether
17 that entity is, in fact, a government entity. And so,
18 you know, for those reasons, among other public policy
19 reasons, which would include, you know, law enforcement
20 officers who are going out and under the color of the
21 law arresting people and transporting people, detaining
22 people, and performing other law enforcement functions,
23 it is necessary to identify those officers in legitimate
24 ways that show that they are acting in an official
25 capacity.

1 Q. Would you describe the Pennsylvania State
2 Constabulary nonprofit corporation as a body politic?

3 A. We would consider the Pennsylvania State
4 Constabulary to be a body corporate and politic.

5 Q. What does that mean? What do you mean by
6 that?

7 A. So as a corporation, it is a body corporate.
8 It exercises certain powers that are allowed under Title
9 15. So its status as a corporation is that it is a body
10 politic. It is a body politic by virtue of the
11 relationship that it has contractually with its elected
12 officials become members, who become employees of the
13 corporation, and through their powers and prerogatives
14 as both municipal officials who serve municipal
15 districts and election districts, through the law
16 enforcement powers that are granted to them under Title
17 44, among other statutes and other common law that they
18 are vested with the power to contractually employ
19 themselves as independent contractors that they have the
20 right to contract for employment. And by virtue of that
21 contractual relationship, that the Constabulary is
22 vested with those powers as an employer and as a law
23 enforcement agency.

24 Q. What, if any, other organizations or agency
25 would you equate that to?

1 A. In terms of?

2 Q. In terms of a quasi-governmental agency.
3 Like a trash collector for example, or some other
4 organization?

5 A. So --

6 Q. Not just an agency, but an independently
7 owned entity.

8 A. Correct. So if you look at the rules of
9 statutory construction and the various different
10 types --

11 MS. MURPHY: I object, Your Honor. He's
12 no legal scholar on statutory construction. He's not an
13 attorney.

14 THE COURT: I'm not sure this line of
15 questioning like what else would you equate this with is
16 really material to my consideration.

17 MR. LEONARD: It actually is, Your Honor,
18 because our position is that the Pennsylvania State
19 Constabulary is a political subdivision as the
20 Department of Revenue found in its initial
21 determination, or alternatively a quasi-governmental
22 agency. And I just wanted Constable Knapp to lay out
23 for the Court the similarities of other independent
24 entities that have that status that is nothing different
25 than what the Pennsylvania State Constabulary nonprofit

1 corporation is seeking.

2 THE COURT: And I think he's laid out all
3 the factors and reasons why you believe it is no
4 different. I don't know that we need outside examples
5 of what he thinks. Sustained on that.

6 BY MR. LEONARD;

7 Q. Constable Knapp, does the Pennsylvania State
8 Constabulary own a vehicle?

9 A. Yes, it does.

10 Q. And is that a 2018 Ford Interceptor?

11 A. Yes, it is.

12 Q. And how was it that the Pennsylvania State
13 Constabulary purchased the 2018 Ford Interceptor?

14 A. We purchased that vehicle through an online
15 auction website called municibid.com. And through
16 Municibid we located a vehicle that we felt was suitable
17 for our purposes through Fox Chapel Borough in Allegheny
18 County.

19 Q. And did the Pennsylvania State Constabulary
20 nonprofit corporation have a resolution that it could
21 authorize the purchase of such a vehicle?

22 A. Yes.

23 Q. And I'll refer you to Exhibit N titled
24 Minutes and Resolutions from Action by Written Consent
25 of the Board of Commissioners Pennsylvania State

1 Constabulary dated July 1, 2022. And is Exhibit N the
2 resolution that authorized that the Pennsylvania State
3 Constabulary to purchase and own the 2018 Ford Police
4 Interceptor?

5 A. Yes.

6 Q. And did that purchase occur?

7 A. Yes.

8 Q. And why was it that the Pennsylvania State
9 Constabulary was purchasing such a vehicle?

10 A. In order to provide one of its members and
11 employees the ability to perform services in connection
12 with his employment and the services that he was
13 performing on behalf of the entity.

14 Q. And what was the source of the funds that
15 were used to purchase the 2018 Ford Interceptor by the
16 Pennsylvania State Constabulary?

17 A. The funds used were the Pennsylvania State
18 Constabulary funds.

19 Q. I'm going to refer you to a few pages that
20 make up Exhibit L. And in particular, I'm going to turn
21 to a bill of sale that is included with Exhibit L. It's
22 actually identified at the bottom left hand side as
23 Number 3d, and ask you if you recognize that?

24 A. Yes, I do.

25 Q. And is that the bill of sale that was

1 prepared confirming the purchase of the 2018 Ford
2 Interceptor by the Pennsylvania State Constabulary from
3 Fox Chapel Borough?

4 A. Yes.

5 Q. And the \$14,800.00 that was paid, those are
6 funds that came from and owned by the Pennsylvania State
7 Constabulary?

8 A. Yes.

9 Q. And the seller is identified as Fox Chapel
10 Borough of Allegheny County, Pennsylvania, signed by the
11 borough manager, correct?

12 A. Yes.

13 Q. And the buyer is identified as the
14 Pennsylvania State Constabulary, signed by you as chief
15 constable?

16 A. Correct.

17 Q. For the Pennsylvania State Constabulary?

18 A. Correct.

19 Q. And the title to that vehicle was transferred
20 from Fox Chapel Borough to the Pennsylvania State
21 Constabulary, was it not?

22 A. Yes.

23 Q. And that title and assignment on the second
24 page is identified as Number 3f as part of Exhibit L?

25 A. Correct. That's Fox Chapel Borough's title

1 that transferred ownership to the Pennsylvania State
2 Constabulary.

3 Q. And the 2018 Ford Interceptor is insured by
4 the Pennsylvania State Constabulary, right?

5 A. Right.

6 Q. You personally do not own the 2018 Ford
7 Interceptor, do you?

8 A. I do not.

9 Q. And never have?

10 A. Never have.

11 Q. What happens if you as a member constable
12 with the Pennsylvania State Constabulary leave? What
13 happens to the vehicle owned by the Pennsylvania State
14 Constabulary?

15 A. It stays with the entity.

16 Q. Let's talk now about the registration and
17 plate for the 2018 Ford Interceptor owned by the
18 Pennsylvania State Constabulary. Before we get to the
19 plate, the registration plates themselves, did there
20 come a point in time when the Department of Revenue
21 determined that the Pennsylvania State Constabulary was
22 a political subdivision?

23 A. Yes, it did.

24 Q. And how did that come about?

25 A. We completed an application for sales and use

1 tax exception with the Pennsylvania Department of
2 Revenue.

3 Q. And why was that done?

4 A. Well, we needed to know what our tax status
5 is in Pennsylvania. We had recently applied for sales
6 or rather federal income tax exemption with the Internal
7 Revenue Service, and had been determined tax exempt by
8 the IRS. And based on the determination from the
9 Internal Revenue Service with respect to our tax exempt
10 status, that we used the determination from IRS to apply
11 for a sales and use tax exemption with the appropriate
12 form.

13 Q. Constable Knapp, I'm going to refer you to
14 what's been marked as Exhibit E, as a letter dated April
15 25, 2022, from the Pennsylvania Department of Revenue
16 addressed to the Pennsylvania State Constabulary, is it
17 not?

18 A. Yes.

19 Q. And in this letter of April 25, 2022, does
20 the Pennsylvania Department of Revenue offer the opinion
21 that the Pennsylvania State Constabulary qualifies as a
22 political subdivision?

23 A. Yes.

24 Q. And did the Pennsylvania State Constabulary
25 in any way request that classification from the

1 Department of Revenue?

2 A. No, we did not.

3 Q. And can you elaborate on that, how it came
4 about that the Department of Revenue reached this
5 opinion that the Pennsylvania State Constabulary was a
6 political subdivision of the Commonwealth?

7 A. They determined based on the application for
8 sales and use tax exemption that was completed. We
9 submitted that form to the Department of Revenue. The
10 Department of Revenue sent us a few questions, one round
11 of questions. In response, we answered those questions.
12 And a few weeks after that approximately, we received an
13 e-mail from the Pennsylvania Department of Revenue
14 through one of their employees, Charity Daniels, and she
15 e-mailed us this determination letter.

16 Q. Does this determination letter also provide
17 instruction that as a political subdivision the
18 Pennsylvania State Constabulary should submit a blanket
19 exception certificate known as REV-1220 when it's making
20 certain purchases?

21 A. She gave us some instruction to complete the
22 REV-1220 form as its structure is either on a general
23 blanket basis or on a transactional basis, depending on
24 what business you're doing with the vendor. But we were
25 instructed to use the form REV-1220, and to put in that

1 form political subdivision as our status as an entity.

2 Q. The Pennsylvania State Constabulary or you as
3 a member constable did not make that determination of a
4 classification independently, correct?

5 A. Correct.

6 Q. You did not make any representation that
7 prior to the Department of Revenue classifying the
8 Pennsylvania State Constabulary as a political
9 subdivision that Constabulary was, in fact, a political
10 subdivision?

11 A. No, we did not.

12 Q. Did the Pennsylvania State Constabulary
13 nonprofit corporation submit the REV-1220 form when it
14 purchased the 2018 Ford Interceptor?

15 A. Yes.

16 Q. And was that form 1220 submitted by the
17 Pennsylvania State Constabulary?

18 A. The Pennsylvania Department of Transportation
19 messenger service, I believe the name was Armstrong
20 Notary.

21 Q. And that's where the form 1220 went to?

22 A. Correct.

23 Q. Constable Knapp, I'm going to direct you to
24 Exhibit L, which is marked as part of Exhibit L, number
25 3e, document 3e, Your Honor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: 3e.

MR. LEONARD: It' titled --

THE COURT: I see that.

BY MR. LEONARD:

Q. It's titled Pennsylvania Exemption Certificate, do you see that, Constable Knapp?

A. Yes.

Q. And can you describe for the Court what information the Pennsylvania State Constabulary filled out and what information you said the Armstrong Notary and More LLC completed?

A. With respect to this form, we completed this form, meaning the Pennsylvania State Constabulary and I on its behalf completed the REV-1220 form and provided it to the messenger service.

Q. And based on the Department of Revenue's classification in April, classification marked as Exhibit E, political subdivision was included as, in paragraph 2 of the Pennsylvania Exemption Certificate, correct?

A. Correct.

Q. And did -- after the form 1220 was completed, did the Pennsylvania State Constabulary submit what is known as a vehicle sales and use tax return application for registration or MV4ST?

1 A. The PennDOT messenger service completed this
2 form.

3 Q. When you say completed this form, are you
4 saying that the messenger service wrote in all of the
5 information that's contained in the vehicle sales and
6 use tax return application for registration, other than
7 your signature on behalf of the Pennsylvania State
8 Constabulary?

9 A. Other than my signature and telephone number
10 listed down below, all other information that was
11 completed on this form was completed by the messenger
12 service.

13 Q. And you signed on behalf of the Pennsylvania
14 State Constabulary?

15 A. Correct.

16 Q. And when you say the messenger service put in
17 all of the information that's included on this form
18 MV-4ST, does that include the exemption information
19 number 18 that's listed in subparagraph 1A?

20 A. Yes.

21 Q. To whom was the MV-4ST document submitted?
22 Who received this?

23 A. PennDOT in Harrisburg, is my understanding.

24 Q. Does the messenger service take care of that?

25 A. Yes.

1 Q. You're familiar, are you not, with the
2 application for municipal government registration form?
3 A. The supplemental form?
4 Q. Yes.
5 A. Yes.
6 Q. It's identified as number MV-14MG, correct?
7 A. Yes.
8 Q. And what's the significance of this form as
9 it relates to the 2018 Ford Interceptor?
10 A. It's a necessary form for the application for
11 the registration plate that was also completed by the
12 messenger service.
13 Q. And did the Pennsylvania State Constabulary
14 request municipal government registration for the
15 vehicle?
16 A. I mean, to the extent that we signed the
17 paperwork that was prepared by the messenger service
18 using this form and the information that they included
19 on it and we signed, yes.
20 Q. Okay. So it was the Pennsylvania Department
21 of Transportation that, or it was the messenger service
22 that determined that for the 2018 Ford Interceptor this
23 was the plates that would be appropriate for the
24 vehicle?
25 A. Correct.

1 Q. And in paragraph B of the application for
2 municipal government registration plate, which is marked
3 by the way, Your Honor, as number 3g, there's a
4 paragraph B vehicle use and the box for political
5 subdivision is checked. Is that also a check that the
6 messenger service form -- and the Pennsylvania State
7 Constabulary did not check that box?

8 A. Correct. The messenger service checked that
9 box, not us.

10 Q. And this application for municipal government
11 registration plate is dated July 23, 2022?

12 A. July 23, 2022, yes.

13 Q. And do you know who received this
14 application?

15 A. We believe it was the Pennsylvania Department
16 of Transportation in Harrisburg.

17 Q. After this application from municipal
18 government registration plate was completed, what
19 happened next?

20 A. We were told by the messenger service that it
21 may be days or even a few weeks before the documents
22 were reviewed and the plates are issued and returned
23 back to the messenger service. We received those
24 municipal plates from the messenger service. They
25 weren't sent directly to us. We went to the messenger

1 service and retrieved them.

2 Q. And would it be correct to say that sometime
3 shortly after July 23, 2022, Pennsylvania State
4 Constabulary nonprofit corporation received those plates
5 and used those plates on the 2018 Ford Interceptor for
6 over a year, almost a year-and-a-half?

7 A. We -- approximately, yes. We received them
8 in August of '22, and we were notified in September of
9 '23 that the plates were being suspended.

10 Q. How was it that the Pennsylvania State
11 Constabulary was informed that the municipal government
12 registration plate was suspended?

13 A. We received an official notice of suspension
14 from PennDOT in September of 2023.

15 Q. And I'm going to refer you to Exhibit E.
16 It's a letter dated April 25, 2022, from the
17 Pennsylvania State -- addressed to the Pennsylvania
18 State Constabulary from PennDOT. I'm sorry, that's not
19 the exhibit I want. Before I refer you to the correct
20 exhibit I was referring to, after Pennsylvania State
21 Constabulary, the application was submitted and it
22 received its plates, did it receive a Pennsylvania
23 vehicle registration from the Pennsylvania Department of
24 Transportation?

25 A. Yes, we did.

1 Q. And is that vehicle registration document
2 identified on Exhibit F?

3 A. Yes.

4 Q. And does that indicate that that registration
5 is permanent?

6 A. Yes.

7 Q. Has no expiration date?

8 A. Correct.

9 Q. And valid as of August 11, 2022?

10 A. Correct.

11 Q. Now let's go back to the suspension letter,
12 official notice of suspension letter that you received
13 from the Pennsylvania Department of Transportation. Is
14 that letter identified as Exhibit I?

15 A. Yes.

16 Q. And does it indicate that, in fact, the
17 Municipal Government Registration plates that were
18 issued by PennDOT were being suspended?

19 A. Yes.

20 Q. And can you explain to the Court what
21 happened to those registration plates after this letter
22 of September 11, 2023, was received by the Pennsylvania
23 State Constabulary?

24 A. Could you repeat the question?

25 Q. Sure. There came a point in time, did there

1 not, that you were operating the 2018 Ford Interceptor
2 vehicle, and you were stopped by Castle Shannon Police
3 and you were, who ended up seizing the registration
4 plates?

5 A. So in October of 2023, we filed a petition to
6 appeal the suspension.

7 Q. Correct. Which is marked as Exhibit R in our
8 exhibit binder.

9 A. Correct. So on the 5th of March 2024, we
10 were, meaning I as the driver of the Constabulary's
11 vehicle, was detained in a traffic stop in Castle
12 Shannon Borough.

13 Q. Why were you detained?

14 A. The stated purpose for the traffic stop was
15 to seize a dead plate from the vehicle.

16 Q. And did you have conversations with the
17 police officers who stopped you regarding the plate?

18 A. I believe -- yeah, there were conversations.

19 Q. And any event, the plates were seized, were
20 they not, and the vehicle does not have the plates
21 currently, correct?

22 A. Correct.

23 Q. Did the Pennsylvania State Constabulary at
24 any time make any misrepresentation that it was a
25 political subdivision?

1 A. Not to our knowledge, no.

2 MR. LEONARD: One moment, Your Honor.

3 THE COURT: Of course. Take your time.

4 BY MR. LEONARD:

5 Q. Do you know, Constable Knapp, whether the
6 Pennsylvania Department of Revenue has reconsidered its
7 decision as to whether or not the Constabulary is a
8 political subdivision?

9 A. In February of 2024, we received a letter
10 from the Department of Revenue stating that it no longer
11 considered us to be a political subdivision.

12 Q. Do you know why that occurred?

13 A. We do not.

14 Q. Did you conduct any discovery to determine
15 why that occurred?

16 A. We conducted a Right-to-Know Law request and
17 attempted to gather additional responsive records
18 related to this suspension. So to be clear, the
19 redetermination letter had not yet happened. So the
20 Right-to-Know Law request came before the
21 redetermination. And we were conducting discovery as it
22 related to the official notice of suspension that we had
23 received, and the petition for appeal related to that
24 suspension. And then subsequently to that Right-to-Know
25 Law request is when we received the letter saying we had

1 been redetermined not to be a political subdivision.

2 Q. But no discovery was allowed to be entered in
3 this case to determine why that classification was
4 redetermined?

5 A. Correct.

6 MR. LEONARD: One moment, Your Honor.

7 THE COURT: Of course. Take your time.

8 MR. LEONARD: Your Honor, I believe
9 that's all the questions I have of Constable Knapp. I
10 move to admit the exhibits that he's testified to.

11 THE COURT: All right. Ms. Murphy, you
12 object?

13 MS. MURPHY: Yes. I object, Your Honor.
14 It has not been properly authenticated, so its veracity
15 cannot be ascertained.

16 THE COURT: Okay. I believe they have
17 been authenticated. The exhibits are admitted as
18 they're labeled within the binder.

19 MR. LEONARD: Yes, Your Honor. And to be
20 clear, I was very specific about having Constable Knapp
21 testify as to particular documents that are included
22 with Exhibit L. And for the Court's purposes, I can
23 remove those other exhibits that Constable Knapp did not
24 testify to and make admissible.

25 THE COURT: All right. Any cross?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. MURPHY: Yes, briefly.

* * *

CROSS-EXAMINATION

BY MS. MURPHY:

Q. Constable Knapp, I just want to briefly talk about the messenger service that you spoke of on direct. Is it your contention that the messenger service autopopulated the political subdivision section of both the REV-1220 form and the application for municipal government registration plate?

A. I'm not sure I understand what you mean by autopopulate.

Q. Can you just explain this messenger service again?

A. Sure. So with respect to the REV-1220 form, we completed that form based on the letter that we had received.

Q. By we, who do you mean specifically?

A. I mean the Pennsylvania State Constabulary, and my status as a corporate officer acting on its behalf.

Q. So who else physically signed the form?

A. I'm sorry?

Q. Who signed the form?

A. I signed the form as a corporate officer of

1 the Pennsylvania State Constabulary, the purchaser of
2 the vehicle, with respect to REV-1220, as the entity
3 that had received the determination of political
4 subdivision.

5 Q. So what is this messenger service that you
6 spoke of?

7 A. I'm not sure I understand your question.

8 Q. On direct, counsel asked you about a
9 messenger service that I guess autopopulated -- maybe
10 I'm not -- maybe I didn't understand correctly, but it
11 autopopulated the form for you?

12 A. In terms of autopopulate, I'm not sure I
13 understand the phrase. But what was, there was a person
14 who worked at the messenger service, to whom we gave the
15 REV-1220 form. And they used that REV-1220 form and the
16 other purchase documents, the bill of sale and the
17 transfer of title from Fox Chapel Borough and so forth,
18 to complete the documents that, or the two forms that we
19 had referred to, the two MV forms.

20 Q. Okay. And so you reviewed the form, correct,
21 and you signed it?

22 A. Correct.

23 Q. So you were aware that the PA State
24 Constabulary was being characterized as a political
25 subdivision?

1 A. We believed that it was being classified
2 based on the determination letter that we had used to
3 fill out the REV-1220. So we believed that the
4 paperwork, the two MV forms had been completed on the
5 basis of our tax classification, and we agreed to that.

6 Q. Correct. Okay. So you knew it was being
7 characterized as a political subdivision is my question?

8 A. Yes.

9 Q. Okay. What are your duties as constable?

10 A. I --

11 THE COURT: I think he testified to that
12 at length on direct.

13 MS. MURPHY: Just the specific duties. I
14 don't believe I heard that on direct.

15 THE COURT: Okay.

16 BY MS. MURPHY:

17 Q. Specifically.

18 A. Specific duties in what sense? My statutory
19 duties? My powers as a constable?

20 Q. Your physical duties as a constable, what do
21 you do?

22 A. I -- like I said, I perform judicial services
23 as a certified constable for the Fifth Judicial
24 District. I perform other services, including election
25 day services. I perform civil process. I serve

1 warrants. I do prisoner transports. I do court
2 security. I, again, related to my judicial functions
3 through my employment, as well as, you know, I am a
4 peace officer of the Commonwealth. And exercise both
5 statutory and common law arrest powers that allow me to
6 arrest for felonies and in presence breaches of peace.

7 Q. So for these felony arrests and the breaches
8 of peace, you use the Ford Interceptor SUV, correct?
9 The 2018 Ford Interceptor.

10 A. I could. I have not.

11 Q. You have not. What vehicle do you use?

12 A. That would be, as I stated, that would be the
13 vehicle that is used. As a matter of fact, I have not
14 arrested anyone for a felony. I have not arrested
15 anyone for an in presence breach of peace.

16 Q. Okay. You have not used the Ford Interceptor
17 at all?

18 A. I have used it extensively. I have not used
19 it for that purpose.

20 Q. What have you used it for?

21 A. I've used it for performing judicial services
22 as it relates to my --

23 Q. Can you be more specific please?

24 A. The duties that I just stated.

25 Q. The judicial services that you just

1 mentioned, can you be more specific?

2 A. The -- so for prisoner transport, for court
3 security, for warrant service, and for civil process,
4 and for any other nonjudicial services. And when I say
5 nonjudicial services, I mean the services that are not
6 specifically done through my certification as a
7 constable, but in my executive function in the duties
8 and authorities of my office.

9 Q. And who else uses the vehicle?

10 A. No one.

11 Q. No one, just you?

12 A. Correct.

13 Q. And you said the PA State Constabulary
14 consists of one sole member, which is you?

15 A. At the present time, yes.

16 Q. And you spoke of the PA State Constabulary
17 being first formed as an LLC, correct?

18 A. Correct.

19 Q. And it was named Pittsburgh Private Security
20 Company?

21 A. No.

22 Q. What's it named?

23 A. Pennsylvania State Constabulary LLC.

24 Q. Okay. If I show you a document from the
25 Department of State, would that refresh your

1 recollection?

2 A. Perhaps.

3 MR. LEONARD: Of what?

4 MS. MURPHY: Of the LLC.

5 A. This is a different entity.

6 BY MS. MURPHY:

7 Q. And what is that? Is that Pittsburgh Private
8 Security Company?

9 A. Correct.

10 Q. Oh. So you know nothing of that?

11 A. I know it was formed by me.

12 Q. When was it formed? You can refresh your
13 recollection.

14 A. To the extent that this printout is correct,
15 it was formed on January 3, 2018.

16 Q. Okay. And why was it formed and for what
17 purpose?

18 A. As its name indicates, as a private security
19 company.

20 Q. Okay.

21 A. So the reason why it never went any further
22 is that constables are prohibited from having a private
23 employer. That was not something that I was aware of at
24 that present time. So when I became -- so to be clear,
25 this entity was formed a few years prior to my becoming

1 a constable. And when I took the office, it was made
2 clear to me when we attempted to get a private detective
3 license for this entity that my position as a constable
4 is incompatible with that of holding a private detective
5 license. So I was told by the Allegheny County District
6 Attorney's Office that I was not allowed to have one,
7 and that's as far as it went. And this entity would no
8 longer exist.

9 Q. Sure. So you became a constable on, you said
10 April 27th of 2021?

11 A. It was actually March 23rd of 2021, which was
12 by order nisi.

13 Q. March 23rd of 2021. And this private
14 security company was formed January 2018?

15 A. Correct.

16 Q. Okay. So when you found that out, then you
17 went with the name PA State Constabulary?

18 A. No.

19 Q. So what happened afterwards when you found it
20 out that that --

21 A. So with respect to your question.

22 Q. Yes.

23 A. This entity no longer exists.

24 Q. Correct.

25 A. Its purpose, its formation, which was

1 separate and apart and didn't have anything to do with
2 the formation of the Pennsylvania State Constabulary,
3 other than we formed that after this entity.

4 Q. So I guess my question is when did you file
5 for the conversion? And you may refresh your
6 recollection if you'd like.

7 A. Thank you. So this entity, which again is a
8 separate entity from Pittsburgh Private Security
9 Company, was formed on July 22, 2021.

10 Q. And I understand it is a separate company. I
11 totally understand that. So my question is when was the
12 PA State Constabulary formed? When did you file?

13 A. July 22, 2021.

14 Q. Okay. And you filed, correct, the PA State
15 Constabulary?

16 MR. LEONARD: I object to the use of the
17 word you.

18 Q. Did you file for PA State Constabulary?

19 THE COURT: I think there is some dispute
20 about whether it's meant individually or as the entity.
21 If you could be more clear.

22 A. So I filed as the sole incorporator in my
23 official capacity as a constable.

24 BY MS. MURPHY:

25 Q. Okay. And to purchase the vehicle, the 2018

1 Ford Interceptor, you said it came from PA State
2 Constabulary funds?

3 A. Yes.

4 Q. Can you explain further what is the source of
5 those funds? Where did it come from?

6 A. So for the revenue that the entity earn in
7 connection with the services that I was performing as an
8 employee, those funds were then used to purchase the
9 vehicle.

10 Q. Okay. And you spoke of training standards on
11 direct. Who sets those training standards or who set
12 them?

13 A. The Board of Commissioners by resolution.

14 Q. As far as being paid for your services, I
15 believe you said you were fee based via contract?

16 A. Correct.

17 Q. How you're paid?

18 A. Correct. So Constabulary is a contracting
19 entity. And I have contracted for employment with the
20 Constabulary my services.

21 Q. So you're an independent contractor?

22 A. I am not an independent contractor. I am an
23 employee of the Pennsylvania State Constabulary.

24 Q. So you are not paid a salary, correct?

25 A. I am not paid a salary. I'm a fee based

1 employee.

2 MS. MURPHY: That's all I have.

3 THE COURT: Okay. Any redirect?

4 MS. MURPHY: At this time I have the
5 Commonwealth Exhibit 1 I would like to move for
6 admission.

7 THE COURT: You're objecting,
8 Mr. Leonard?

9 MR. LEONARD: Yes, Your Honor. Let me go
10 through the individual pages of Exhibit 1.

11 THE COURT: Some of these are like
12 repeats of what you've admitted, so I'm assuming you're
13 not objecting to all of them.

14 MR. LEONARD: Right. I do not object
15 because we made it admissible, the letter of September
16 11, 2023, from the Department of Transportation to the
17 Pennsylvania State Constabulary. I would object to any
18 document from the Pennsylvania State Police, which are
19 marked as number 2 for a series of pages. So I would
20 object to all of those pages from the Pennsylvania State
21 Police marked as Exhibit 2, number 2 as part of Exhibit
22 1. I have no objection to number 3, which is the
23 financial responsibility identification card for the
24 Pennsylvania State Constabulary, which we made
25 admissible. Or the driver's license for Constable

1 Knapp, which is number 3a. I don't have any objection
2 to 3b or 3c. The bill of sale we made admissible, Your
3 Honor, that's number 3d. And the same is true for 3e,
4 3f, 3g, which are duplicates we made admissible. I
5 would object to the admissibility of number 4, which is
6 a letter from Trooper Timothy Gordon of the Pennsylvania
7 State Police dated November 29, 2022. That has not been
8 made admissible.

9 THE COURT: Okay. So essentially
10 Exhibits or Documents 2 and 4 within the Respondent's
11 Exhibit 1.

12 MR. LEONARD: Correct, Your Honor.

13 THE COURT: Ms. Murphy, any response?

14 MS. MURPHY: Yes. It's all certified,
15 Your Honor, and provides an overview of how this whole
16 case generated, so I would ask that it be admitted.

17 MR. LEONARD: Certification of
18 authenticity is not admissibility, Your Honor, as you
19 know. So without testimony from Trooper Gordon, in
20 particular, these documents are not admissible, have not
21 been made admissible.

22 THE COURT: Okay. I will admit these
23 documents over objection, so overruled. Any -- we did
24 -- I'm sorry, we were now at Mr. Leonard, if you had
25 more questions; is that right?

1 MR. LEONARD: I'm sorry, Your Honor?

2 THE COURT: Do you have any redirect?

3 MR. LEONARD: I do not, Your Honor.

4 THE COURT: Okay. Thank you. The
5 witness can step down. Any other witnesses?

6 MR. LEONARD: No other witnesses on
7 behalf of the Pennsylvania State Constabulary, Your
8 Honor.

9 THE COURT: All right. Thank you.

10 Ms. Murphy, any witnesses?

11 MS. MURPHY: No witnesses.

12 THE COURT: All right. Ready for
13 argument when you are.

14 MR. LEONARD: Your Honor, let me also
15 make it clear that -- well, Exhibit M that's included in
16 our binder is also a document that PennDOT has and
17 you've allowed to have admitted to evidence. So
18 normally I would've excluded that from the binder, but
19 since you've made it admissible over my objection, I'll
20 not go through that process.

21 THE COURT: Okay.

22 MR. LEONARD: Your Honor, the
23 Pennsylvania State Constabulary has demonstrated through
24 the evidence, the documents that have been submitted to
25 this Court, the testimony of Constable Knapp, that the

1 Pennsylvania State Constabulary is a political
2 subdivision, as found by the Pennsylvania Department of
3 Revenue. Alternatively, it is a governmental entity or
4 a quasi-governmental entity, as Constable Knapp has
5 testified. We believe that the Department of
6 Transportation has failed to meet its burden to have and
7 continue to have the vehicle registration plates for the
8 2018 Ford Interceptor suspended. And that we believe
9 that the evidence is overwhelming that this Court should
10 reverse the decision of PennDOT that suspended those
11 vehicle registration plates.

12 THE COURT: All right.

13 MR. LEONARD: And, Your Honor, if I may,
14 and I don't want to interrupt Ms. Murphy having the
15 opportunity for her closing, but I do want to request
16 the Court, whether the Court would permit either at some
17 point the filing of a brief in support of the
18 Pennsylvania State Constabulary's position on these
19 issues.

20 THE COURT: All right.

21 MR. LEONARD: If you would provide us the
22 time for doing so.

23 THE COURT: Yes, of course.

24 Ms. Murphy.

25 MS. MURPHY: Yes, Your Honor. I think

1 the case law is clear that neither constables nor a
2 constabulary is a political subdivision because it is
3 not a governmental entity or a quasi-governmental
4 entity. The two cases that I gave you are on point,
5 Your Honor. And there is the public safety concern to
6 give constables that type of authority. So for them to
7 overreach their statutory granted authority presents a
8 huge public safety concern, and I think that's why the
9 case law gets the decision that it gets to.

10 As far as what we heard today, Jason
11 Knapp is the sole member, that's what he testified to,
12 for the PA State Constabulary. As of now, he is not
13 paid a salary. He is fee based via contract, which I
14 believe goes to the conclusion that he is an independent
15 contractor. But I think it's clear from the case law
16 that constables cannot be granted municipal government
17 plates because they are not a political subdivision.

18 MR. LEONARD: If I may, Your Honor.

19 THE COURT: Yes.

20 MR. LEONARD: This is we believe a case
21 of first impression. The case law that PennDOT has
22 referenced do not in any way apply to the facts in this
23 case. This is not a case where an individual constable,
24 such as Constable Knapp, owns the vehicle. And that was
25 the issues in the Ward case, the Rodriguez case, the

1 Metzger case. Those cases that were decided by the
2 Commonwealth Court all related to the individual
3 ownership of a vehicle by a constable. It did not
4 apply, those cases did not apply to an entity, such as
5 the Pennsylvania State Constabulary. So our position,
6 Your Honor, is that those cases do not apply, and that
7 the Pennsylvania State Constabulary is a governmental,
8 quasi-governmental entity, as I went through in my
9 opening and as the evidence has demonstrated, or a
10 political subdivision.

11 MS. MURPHY: If I may, Your Honor, it
12 does --

13 THE COURT: Well, I understand your
14 position. Let's just do a briefing schedule. How long
15 will you need?

16 MS. MURPHY: Two weeks.

17 MR. LEONARD: Two weeks is fine, Your
18 Honor.

19 THE COURT: Two weeks, then two weeks?

20 MS. MURPHY: Yes.

21 THE COURT: Fair enough. All right. And
22 then I will review those, get an answer out to you, and
23 we'll go from there.

24 MR. LEONARD: Do you want those briefs in
25 the form of a brief, Your Honor, or proposed findings of

1 fact and conclusions of law?

2 THE COURT: That's fine too. Whatever
3 format is fine by me.

4 MR. LEONARD: Because if we're going to
5 do proposed findings of fact, we'll probably need a
6 transcript.

7 THE COURT: Yeah, that's probably --

8 MR. LEONARD: So maybe we need more time
9 than two weeks is what I'm saying, if we have to have
10 the transcript --

11 THE COURT: Right.

12 MR. LEONARD: -- prepared.

13 THE COURT: Maybe two weeks. Two, two,
14 and two?

15 MR. LEONARD: Two weeks for the
16 transcript and two weeks after that?

17 THE COURT: Do you like that?

18 MR. LEONARD: I like that.

19 THE COURT: Great. Okay. We've got a
20 plan. Thank you.

21 MR. LEONARD: Thank you, Your Honor.

22 (PROCEEDINGS ADJOURNED -- 11:48 A.M.)

23

24

25

COMMONWEALTH OF PENNSYLVANIA))
COUNTY OF ALLEGHENY)

CERTIFICATE OF REPORTER

I, Victoria Villalpando, RPR, an Official Court Reporter, do hereby certify that the evidence and proceedings are contained fully and accurately in the machine shorthand notes taken by me at the hearing of the within cause, and that the same were transcribed under my supervision and direction, and that this is a correct transcript of the same.

Victoria Villalpando, RPR
Official Court Reporter