

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. 00-00054
DEPARTMENT OF TRANSPORTATION:
vs. :
: :
STEVEN KAISER & KAISER :
BROTHERS, :
Defendants :

COMMONWEALTH OF PENNSYLVANIA : No. 00-00053
DEPARTMENT OF TRANSPORTATION :
vs. :
: :
DAVID B. ALBERTSON :
Defendant :

ORDER

AND NOW, this ____ day of May 2000, upon consideration of the defendants' inspection suspension appeals, it is ORDERED and DIRECTED as follows:

1. With respect to the defendants' four (4) month suspension for unnecessary repairs, the Court GRANTS the defendants' appeals and OVERTURNS the suspensions. The Court finds that the condition of the tires and brakes were such that a reasonable person could find that the vehicle failed inspection as unsafe despite meeting the minimum measurements.¹

2. With respect to the defendants' two month suspension for failing to fill out an MV-431 form indicating Mr. Cheethan's vehicle failed inspection and the reasons therefor, the Court finds that this failure was due to negligence or carelessness. Therefore, the Court

¹The Court notes there is nothing in writing which indicates struts were necessary for the car to pass inspection. However, in the future, to avoid any misunderstanding perhaps the defendants should not put repairs for customer complaints on the same document as the repairs necessary for inspection.

GRANTS the defendants' appeals in part, OVERTURNS this two month Suspension and DIRECTS that the Department issue the defendants' a warning.

3, With respect to the defendants' two month suspension relating to work orders, the Court finds there was incorrect information contained in the work orders and UPHOLDS this two month suspension. The work order was supposed to contain the lowest brake and tire readings. The work order indicates the lowest tire reading was 8 (or 8/32) when, in fact, the front tires were 2/32 according to the defendants and the trooper.

By The Court,

Kenneth D. Brown, J.

cc: Francis Bach, Esq.
Scott T. Williams, Esq.
Work File