

From: Paul Hergott  
To: Glenda Ouellette  
Subject: Violation Ticket Dispute  
Attachments: 13.08.13 – Glenda Ouellette Letter to Editor.pdf  
13.08.07 – 750a.pdf (August 7<sup>th</sup> Column)  
13.08.14 – Disputing a traffic violation ticket.pdf  
13.08.14 – ICBC FAQs – Tickets and penalties.pdf  
13.08.14 – ICBC – Impersonation FAQ.pdf

Sent: Wed/8/14/2013 8:32 PM

Glenda Ouellette  
Vice-President  
Broker Distribution and Driver Licensing  
ICBC

Ms. Ouellette,

Thank you for taking me up on my invitation to provide a solution to those of ICBC's customers, like Cathy and her sons, who are struggling to find a solution to the problem of finding tickets on their driving abstracts that do not pertain to them. I had extended the invitation in my last column, published August 8, 2013. I do not yet have a copy of the actual newspaper page, but I am attaching my e-mail to the editor that contains the text of my column (13.08.07 – 750a.pdf).

Your response, by way of a letter to the editor published yesterday, is also attached (13.08.13 – Glenda Ouellette Letter to Editor.pdf).

For ease of reference, the solution you provided was as follows:

**However, we are well aware that identity theft or impersonation is a growing global problem so we therefore created a driver impersonation package that a customer can complete via ICBC.**

**The package includes the ticket(s) and, if the customer knows who impersonated them, information on the suspect. Customers can provide as much information as possible to assist with their case.**

**Once the package is completed, we will send it to the issuing officer who wrote the ticket and ask for their review.**

**Again, the final decision on what to do with the ticket rests with the issuing officer but we have hundreds of cases a year in which this process is a success.**

Rather than simply providing the solution ICBC has come up with (which quite frankly is devoid of due process because the final decision rests with the issuing officer), you chose to include a "jab" against me, personally, expressing your surprise that I was not aware of the solution you provided. The clear implication of that expression of surprise was that I ought to have already known about that solution and that there for I was deficient:

We were surprised to read that Mr. Hergott doesn't already know ICBC has a process in place to assist customers who have received a traffic violation ticket that was never issued to them.

and

We hope we've helped to deepen Mr. Hergott's knowledge of ICBC and that he'll perhaps refrain from "attacking" us in future before doing his own research. A simple phone call or email would have given him his answer.

A quick look at my web site ([www.HergottLaw.ca](http://www.HergottLaw.ca)) reveals that my legal practice is exclusively one that prosecutes claims pursued by injured victims who are seeking fair financial compensation for their losses. My clients, the innocent victims, are not the ones who are issued the tickets. I am not a criminal nor quazi-criminal defence lawyer and therefore the nature of my practice has not led me to have expertise in disputing violation tickets beyond the very basis dispute process.

The attack against ICBC, contained within my column, had to do with your customers' lack of apparent recourse. I specifically referred to the deficiency of ICBC's web site:

The ICBC web site is completely deficient. The Ministry of Justice site at least provides the procedure for disputing a violation ticket if you missed the 30 day deadline, but includes the requirement: "You must bring a copy of the violation ticket...".

I would agree, by the way, if you were to allege that my advance education and research skills would put me in a better position than the vast majority of your customers to find pertinent information on the ICBC web site. I put considerable time into reviewing the ICBC web site, looking for a solution to Cathy's problem, and I came up empty. I suggest that my empty-handedness had to do with the deficiency of the ICBC web site, not any deficiency on my part.

To assist you with appreciating the extent of the deficiency, I am attaching the following:

1. The page on ICBC's web page pertaining to disputing a traffic violation ticket (13.08.14 – Disputing a traffic violation ticket.pdf). This is where, I suggest, your customers would look first for a solution. As you can see, the page is void of guidance on this issue; and
2. The FAQs found when one clicks on the "Tickets and penalties" topic within the FAQ section of ICBC's web page, which is the only FAQ topic where a customer might reasonably be expected to look to find your solution (13.08.14 – ICBC FAQs – Tickets and penalties.pdf);

I did manage to find mention of the impersonation package you referred to in your letter to the editor, but only on using "impersonation" as a search term on the ICBC site, a term that I suggest would not necessarily occur to your customers and had not occurred to me. When using "impersonation" as a search term, a FAQ comes up with a very brief description of your solution. That FAQ is attached as well (13.08.14 – ICBC – Impersonation FAQ.pdf).

I then scratched my head in wonderment of where the “impersonation” FAQ would be located on ICBC’s web site, if not within the “Tickets and penalties” section. After much searching, I found it within the 2<sup>nd</sup> page of FAQ questions under the topic of “Buying/Selling a vehicle”.

For a problem that affects, in your own estimation, hundreds of your customers per year:

*ticket rests with the issuing officer but we have hundreds of cases a year in which this process is a success.*

I suspect that you would agree that the precise attack I directed at ICBC “The ICBC web site is completely deficient” was a fair one.

Incidentally, the deficiency of ICBC’s web site is not something new. I refer you to one of my previous columns, published June 13, 2013: <http://www.kelownacapnews.com/opinion/211302091.html>, in that regard.

Please take this as my friendly invitation to publish a retraction to the “jab” against me and an acknowledgement that my “attack” against ICBC was bang-on appropriate. I invite you, again on a friendly basis, to seek legal advice in this regard. I would appreciate a response within seven days.



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