

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

No. SA-23-552

vs.

PENNSYLVANIA STATE CONSTABULARY

MEMORANDUM OF LAW

Filed on behalf:

COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION

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By Official Notice dated September 11, 2023, the Department notified the Pennsylvania State Constabulary that registration plate MG3590N was issued in error, and accordingly, will be suspended indefinitely pursuant to Section 1373 (b)(2) of the Vehicle Code. 75 Pa.C.S. § 1373(b)(2). The PA State Constabulary filed an appeal on October 6, 2023, and a hearing on the matter was held on July 11, 2024. The Department of Transportation avers that the PA State Constabulary's sole member, constable Jason Knapp, is not entitled to a municipal government plate. The Department of Transportation further avers that the PA State Constabulary, to the extent a distinction can be made, is also not entitled to a municipal government plate.

Jason Knapp, as Sole Member of the PA State Constabulary, is Not Entitled to a Municipal Government Plate Because He is Not a Governmental or Quasi-Governmental Entity.

The case law makes it clear that a constable is not a governmental or quasi-governmental entity. *Ward v. Commonwealth*, 65 A.3d 1078, 1081 (Pa. Cmwlth. 2013). Further, a constable has no authority to act on behalf of the government unit it serves outside of specific statutory grants of power. *See The Office of Constable v. Department of Transportation*, 112 A.3d 678 (Pa. Cmwlth. 2015). *See also* 44 Pa.C.S. 7101-7178. The circumscribed authority a constable has does not include acquiring or titling vehicles for a municipal government. *See Id* at 683. Furthermore, a constable is not paid a salary but rather is an independent contractor who is not acting for or under the control of the Commonwealth. *See Ward v. Commonwealth* at 1082-1083. The testimony in this case made clear that Jason Knapp is the sole member of the PA State Constabulary and is not paid a salary, but rather works on a fee-basis via contract. Hence, the Department of Transportations avers that Jason Knapp is an independent contractor and is not authorized to work on behalf of the government.

The PA State Constabulary is Not Entitled to a Municipal Government Plate Because it is Not a Governmental or Quasi-Governmental Entity and it Because it is Indistinguishable From Constable Jason Knapp.

The PA State Constabulary seeks to make a distinction between the PA State Constabulary and its sole member, constable Jason Knapp. This attempt to distinguish the two, however, must fail for the following reasons: (1) Per testimony, Jason Knapp is the sole member of the PA State Constabulary; (2) Per testimony, Jason Knapp exclusively controls the vehicle in question – the 2018 Ford Interceptor Police SUV; and (3) Per testimony, Jason Knapp originally filed for an LLC under the fictitious name Pittsburgh Private Security Company, which no longer exists. Accordingly, Jason Knapp is undeniably attempting to cloak himself as the “PA State Constabulary.” However, in actuality, Jason Knapp is the sole member of the PA State Constabulary who has exclusive control over the vehicle; and who had previously created the Pittsburgh Private Security Company to discharge his constable services. It is clear that Jason Knapp is acting in his own capacity as constable under the color of the PA State Constabulary in order to obtain a municipal government plate. Hence, there is no distinction between the PA State Constabulary and Jason Knapp. *See The Office of the Constable v. Department of Transportation* at 683 (The premise that the Office of the Constable is a separate government entity apart from constable Metzgar as office-holder is faulty).

Still, regardless of whether or not Jason Knapp is actually acting as an individual constable rather than a member of the PA State Constabulary, the case law is clear and makes no such distinction as it pertains to eligibility of municipal government plates. Neither constables and nor constabularies are eligible for municipal government plates. *See The Office of the Constable v. Department of Transportation* at 683 (constables have circumscribed authority and offices of the constable are not governmental entities under the Vehicle Code). The concern as outlined in the case law is the public safety issue - which remains an issue whether or not a constable is acting in an individual capacity or as part of entity. Pennsylvania courts have recognized significant public safety issues where a constable has attempted to overreach his statutorily granted authority and take actions akin to those reserved for highly trained police officers. *See Ward v. Commonwealth* at 1083. To that end, in order to protect the safety of the citizens of the Commonwealth, government municipal plates are not granted to constables nor constabularies.

Respectfully submitted,



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Counsel for the Commonwealth of Pennsylvania
Department of Transportation

Date: 8/8/24