

★ **Roll Call Number**

Agenda Item Number

46

Date January 25, 2010

APPEAL FROM TAXICAB LICENSE DENIAL

WHEREAS, Zakaria Mahad, 8465 Clark Street, Apt. 7, filed an application for a taxicab driver's license from the City of Des Moines; and

WHEREAS, Gary Fox, the City Traffic Engineer, denied this application; and

WHEREAS, Mr. Mahad requested an opportunity to address the City Council on the denial of his application; and

WHEREAS, Mr. Mahad now has the opportunity to address the City Council; and NOW, THEREFORE,

BE IT RESOLVED (Choose one of the two alternatives):

_____ Alternative One: To uphold the decision of the City Traffic Engineer and deny Mr. Mahad's taxicab license application.

MOVED BY _____ TO DENY APPLICATION.

_____ Alternative Two: To reverse the decision of the City Traffic Engineer and grant Mr. Mahad's taxicab license application.

MOVED BY _____ TO GRANT APPLICATION.

FORM APPROVED:

K. Massier
Katharine Massier
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

January 6, 2010



Zakaria Mahad
8465 Clark Street, Apt. 7
Des Moines, IA 50325

Re: Taxicab License Appeal of Application Denial

The purpose of this letter is to acknowledge receipt of timely appeal of the decision to deny issuance of a taxicab license, as presented to you in a December 21, 2009 letter from the City Traffic Engineer.

Accordingly, I have set this matter for hearing on January 25, 2010 at 5:00 p.m. in the City Council Chambers, City Hall, 400 Robert D. Ray Drive. A copy of the portion of the City Code pertaining to the appeal process is enclosed for your information. **Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.**

Please call if you have questions or concerns in this regard.

Sincerely,

Diane Rauh
City Clerk

DR:kh
Enc.

cc: J. Brewer – Engineering
K. Massier-Legal
M. West – Police
G. Fox – T & T

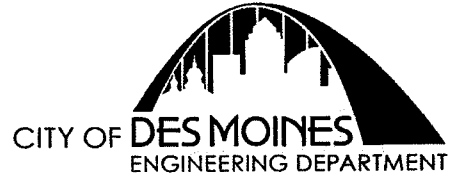
Diane Rauh
City Clerk
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309

I request a hearing before the City Council to appeal the decision of the City Traffic Engineer to deny my Taxicab License application, as outlined in Section 126-218 of the Municipal Code. I understand I must provide a letter from the Taxicab Company stating that they will allow me to drive for them and will provide dispatch service to me.

FILED
JUN 15 PM 1:49
CITY CLERK
DES MOINES, IOWA

Name Zakaria Mahad
Address 8465 Clark St Apt. 7
Phone (515) 779-0044
Date 12-31-09

Zakaria Mahad
Signature



December 21, 2009

Mr. Zakaria Mahad
8465 Clark Street, Apt 7
Des Moines, IA 50325

RE: 2010 Taxi Driver's License

Dear Mr. Mahad:

Please be advised that based upon a recommendation of the Des Moines Police Department, I have denied your application for a Taxi Driver's License. This denial is based on your driving record, which does not meet the requirements for obtaining a Taxi Driver's License.

According to the Iowa Department of Transportation records, the following activity occurred:

Driving Record – Convictions:

- 10/19/2005 Fail to Yield Right of Way
- 05/25/2006 No Insurance Card, No Drivers License
- 06/27/2006 No Insurance Card, No Drivers License
- 05/02/2007 Fail to Obey Traffic Sign/Signal

Driving Record - Sanctions:

- 02/09/2006 to 10/18/2006 Suspended for Fail to Post Security for an Accident
- 08/17/2007 to 11/14/2007 Suspended for Habitual Violator

These records do not meet the requirements for good driving record as required by the City of Des Moines Municipal Code. Therefore, your application for a Taxi Driver's License is denied under Municipal Code Section 126-218 (a-1, i, ii) (b-3). A copy of these code sections are enclosed for your information.

If you desire to appeal this matter, you may request a hearing before the Des Moines City Council by filing a written appeal with the City Clerk within ten (10) days of receiving this letter. If you do appeal this matter, your background information will be provided to the City Council and you must appear at the designated hearing for your appeal to be considered. You must also provide a letter from the Taxi Company that they will allow you to drive for them.

Sincerely,

Gary L. Fox
City Traffic Engineer

GLF/jag

Enclosure

- cc: Jeb Brewer, City Engineer
- Katharine Massier, Legal Dept.
- Michael West, Police Dept.
- Diane Rauh, City Clerk ✓ *also via email*

**City of Des Moines, Iowa
Des Moines Police Department
Office of Traffic Unit**

To: Gary Fox
Traffic and Transportation

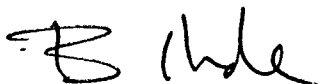
Date: 12/16/09

From: Ben Ihde
Senior Police Officer
Traffic Unit

Subject: Taxicab License
Zakaria Mahad

Per Des Moines City Ordinance, Sec. 126-218 (a) (1) (ii) The applicant's operators or chauffeurs license cannot be suspended or revoked for any single moving traffic violation or combination of moving traffic violations within the preceding five years. From 8/17/07 to 11/14/07, Mr. Mahad's license was suspended for being a "Habitual Violator".

On behalf of the Des Moines Police Department, Traffic section, I recommend that this application be denied under Sec. 126-218 (a) (1) (ii). By this qualification, Mr. Mahad would be eligible for a taxicab license on 11/14/12.



Ben Ihde



New 2010 44
12/11/09

CITY OF DES MOINES

APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMO/SINE

Name Mahad Zakaria Sheikh
(Last) (First) (Middle)

Address 8465 CLARK STREET APT* 7
CLIVE IA 50325 515-779-0044
(City, State & Zip Code) (Phone Number)

Birth Date: 01-01-1984 DL # [REDACTED] SS# [REDACTED] Class: D3 Exp. Date: 01-01-201

Weight: 200lbs Height: 6'2" Color of Hair: Black Color of Eyes: Brown

Have you ever been licensed as a City of Des Moines Taxi/Limo Driver? No When? —

Years of experience driving an automobile. 10 years Taxi/Limo: —

Have you ever had your driver's license suspended/revoked? yes If so, when? —

Give reason(s) for suspension/revocation. see report

List all convictions for traffic violations for which your license was suspended/revoked during the last five (5) years.

List all convictions for criminal offenses other than traffic offenses during the last ten (10) years.

EMPLOYMENT RECORD:

EMPLOYMENT RECORD:			EDUCATION RECORD:	
From	To	Employer's Name and Address	School	Circle Highest Grade Completed
			Elementary	1 2 3 4 5 6 7 8
			High School	9 10 11 12
			College	1 2 3 4 5 6
			Trade School	1 2 3 4
			Other	

HEALTH RECORD:

List any physical impairments or disability that would affect your ability to drive.

List any current medications or medical conditions for the past five (5) years which might affect your ability to drive:

City of Des Moines
Traffic and Transportation

APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMOUSINE IN THE CITY OF DES MOINES

Page 2

REFERENCES (persons known by you for at least one year):

1. Name Osman OSMAN Phone No. 515-559-8213
Address 1075 33rd APT 1
2. Name Saadia Mahad Phone No. 515 326 4788
Address 1200 11SE APT 8 WDM IA
3. Name NOSSEER ALY Phone No. 515-988-2838
Address 1235 11SE WDM IA 50265

hereby agree that if a license to drive a Taxicab/Limousine is issued to me that I will conform with all ordinances, rules and regulations governing Taxicab/Limousines and their drivers of the City of Des Moines.

hereby swear that I am the individual making the foregoing application for a Taxicab/Limousine License and that the answers to the foregoing questions and other statements contained herein are true to the best of my knowledge and belief.

12-11-2009 Zakaria
(Date) (Applicant's Signature)

Having been duly designated by the Chief of Police of the City of Des Moines for the purpose, I hereby certify that I have examined the applicant's arrest and traffic records. After careful examination, I hereby recommend that the applicant's request for a license to drive a Taxicab/Limousine be:

APPROVED REJECTED

12-16-09 B. Hilde 5018
(Date) (Authorized Representative, Chief of Police)

Receipt Number: #926025

Date: 12/11/09

Amount: \$4000

Badge Number: _____

Company: Trans Iowa

Owner: _____

REJECTED

Application for License APPROVED

12/18/09 Amy L. Fox
(Date) (City Traffic Engineer)

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Iowa Department of Transportation

Office of Driver Services
PO Box 9204, Des Moines, IA 50306-9204

(Toll Free) 800-532-1121
515-244-9124
FAX: 515-239-1837

Certified Abstract of Driving Record

Inquiry Date:	12/8/2009	DL/ID #:	[REDACTED] (IA)	Customer #:	4112653
Name:	Mahad, Zakaria Sheikh	Class:	D	ID Status:	None
Address:	8465 Clark Street Apt 7	Audit #:	3660459	DL Status:	VAL
City/State:	Clive, IA 50325	Issue Date:	09/01/2009	CDL Status:	None
Mailing Address:	8465 Clark Street Apt 7	Expiration Date:	01/01/2011	Restriction Supplement:	None
Mailing City/State:	Clive, IA 50325	Endorsements:	3		
		Restrictions:	NONE		
		Date of Birth:	1/1/1984		
		Sex:	M		

History Information

Convictions

Citation Date	Conviction Date	ACD	Explanation	County	JUR
10/19/2005	11/30/2005	N01	Fail to Yield Right of Way	77	IA
05/25/2006	07/05/2006		No Insurance Card	77	IA
05/25/2006	07/05/2006	B51	No Driver's License	77	IA
06/27/2006	08/15/2006		No Insurance Card	77	IA
06/27/2006	12/13/2006	B51	No Driver's License	77	IA
05/02/2007	06/18/2007	M14	Fail to Obey Traffic Sign/Signal	77	IA

Sanctions

Type	Effective	End	ACD	Explanation	JUR
Suspended	02/09/2006	10/18/2006	D38	Fail to Post Security for an Accident	IA
Suspended	08/17/2007	11/14/2007	W01	Habitual Violator	IA

Name: Mahad, Zakaria Sheikh **DL/ID:** [REDACTED]

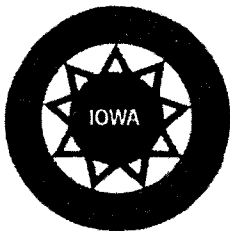
Pursuant to Iowa Code §321.10, I, Kim Snook, Director of Office of Driver Services, Iowa Department of Transportation, do hereby certify that I am the custodian of the records held by the Office of Driver Services, that this is a true and accurate copy of an official record currently in the custody of said office, and that I have been authorized by the Director of the Iowa Department of Transportation to so certify.

In witness whereof, I have caused my signature and the seal of the Department to be set upon this document, at Ankeny, Iowa this date:

12/8/2009

Office of Driver Services
Iowa Department of Transportation

Name: Mahad, Zakaria Sheikh **DL/ID:** 115BB4994



State of Iowa
 Division of Criminal Investigation
 215 E 7th St
 Des Moines IA 50319
 Ph. 515-725-6066 Fax 515-725-6080



Iowa Criminal History Record Check
 Walk-In Request

Your name	Zakaria SHEIKH Mahad
Address	8465 CLARK STREET APT*7
City/State/Zip	CLIVE IA 50325
Phone#	515-779-0044

Fill in all shaded areas.

Requesting an Iowa criminal history record check on:

Last Name <i>Apellido</i> (mandatory)	First Name <i>Primer Nombre</i> (mandatory)	Middle Name <i>Segundo Nombre</i> (recommended)
Mahad	Zakaria	SHEIKH
Date of Birth <i>Fecha Nacimiento</i> (mandatory)	Gender <i>Genero</i> (mandatory)	Social Security Number (recommended)
01-01-1984	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	[REDACTED]
Waiver Signature <i>Firma</i> (If the request is on yourself, please sign. If the request is on someone else, write N/A.)		
Zakaria Mahad		

Results

As of 12-11-09, a name and date of birth check revealed:

No record found

Record attached, DCI # _____

DCI initials CD

DCI USE ONLY

630 031 1000 0000

Receipt

Number of requests 1 x \$10.00 per last name = Total amount \$ 10.00

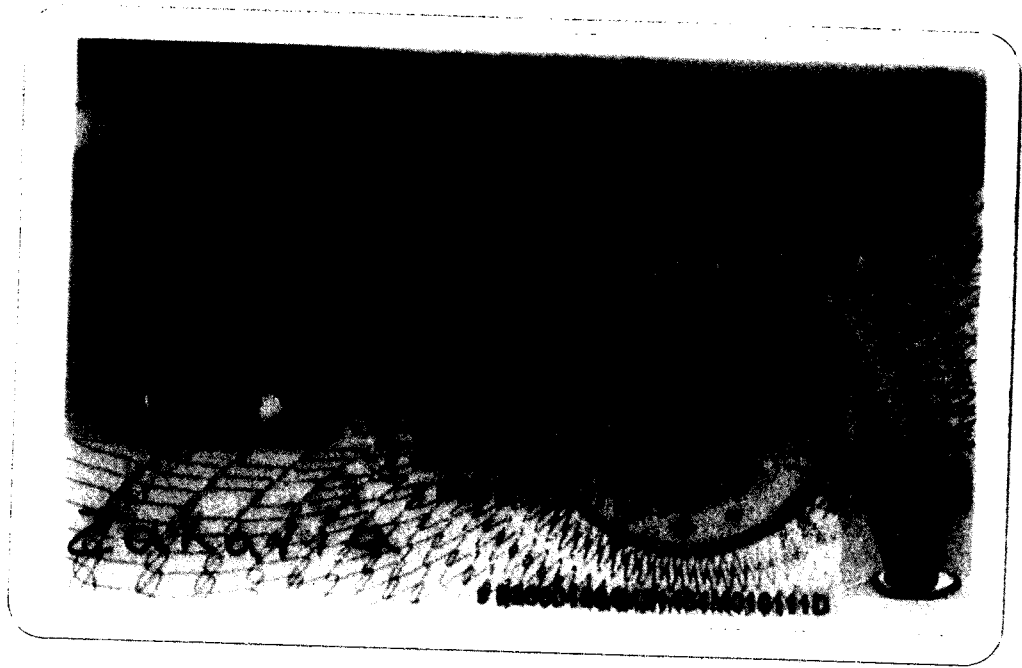
Method of payment: cash money order check # _____ MasterCard or Visa

Cardholder's name Zakaria S. Mahad Last 4 digits of MC or Visa 8928

DCI initials GR

Credit Card Number # _____ Exp. Date _____

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Sec. 126-218. Qualifications of applicant.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Good driving record* means both of the following:

(i) The applicant has not, within the preceding five years been convicted of any moving traffic violation which resulted in automatic suspension or revocation of an operators or chauffeurs license under I.C. ch. 321, 321A or 321J.

(ii) The applicant's operators or chauffeurs license has not been suspended or revoked for any single moving traffic violation or combination of moving traffic violations within the preceding five years.

(iii) The applicant has not, within the preceding one year, been convicted of three or more moving traffic violations.

(iv) The applicant has not, within the preceding one year, been involved in more than one traffic accident in which applicant was at fault.

(2) *Person of good moral character* means any person who:

(i) Has such good reputation as will satisfy the licensing authority that he or she will comply with this article and all other laws, ordinances and regulations applicable to the performance of his or her duties as a taxicab driver.

(ii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving moral turpitude or sexual abuse within the preceding ten years.

(iii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense which is a simple misdemeanor, other than those listed in paragraph (2)(iv), below, with in the preceding five years.

(iv) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving theft, assault, drugs, public exposure, harassment or fraud within the preceding ten years, whether the offense is

a misdemeanor or a felony.

(v) Has not been convicted of, pled guilty to or stipulated to the facts of an offense which is a felony within the preceding ten years.

(b) Each applicant for a taxicab driver's license must meet the requirements of this subsection before a license may be issued. The applicant shall:

- (1) Possess a current valid motor vehicle chauffeurs license, with the proper endorsement, issued by the state department of transportation.
- (2) Be a person of good moral character.
- (3) Have a good driving record.
- (4) Be at least 18 years of age.

(C42, § 23-31; C54, C62, § 56-76; O.7959; C62, § 56-12; C75, C79, § 19-135; O.10,060; C91, § 19-135; O.13,699; C00, §126-217; O.13,886)

Sec. 126-219. Investigation of arrest and traffic record.

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the traffic engineer.

(C62, § 56-13; O.7959; C75, C79, § 19-136; O.10,060; C91, § 19-136; O.13,699)

Sec. 126-220. Approval of original application.

- (a) If the traffic engineer determines the applicant meets the requirements, he or she shall issue a license.
- (b) If the traffic engineer determines the applicant does not meet the requirements, he or she shall deny the license, however, the traffic engineer may issue a license if: any conviction resulting in suspension of an operator's license under I.C. ch. 321, 321A or 321J or any other suspension of an operator's or chauffeur's license did not involve driving behavior which is indicative of a disregard for public safety. Any license issued under this subsection shall be subject to a quarterly review to assure there have been no further convictions of traffic violations or criminal offenses entered against the applicant during such quarter.

(c) Any applicant who is denied a license by the traffic engineer may request a hearing before the city council by filing a written appeal with the city clerk within ten days of the final action. Such appeal shall be heard by the city council within 25 days of the date the notice of appeal is filed with the city clerk. The sole issue before the city council on such appeal shall be whether the traffic engineer has abused his or her discretion in denying the license. No additional evidence may be presented in the appeal.

(C62, § 56-14; O.7959; C75, C79, § 19-137; O.10,060; C85, § 19-137; O.10,868; C91, § 19-137; O.13,699)

Sec. 126-221. Issuance.

Upon approval of an application for a taxicab driver's license, the traffic engineer shall issue a license to the applicant in the form of a metal taxicab badge of such form and style as the traffic engineer shall prescribe, with the license number thereon. This badge must be constantly and conspicuously displayed on the outside of the driver's hat, coat or outer garment while he or she is engaged in this employment. Any driver loaning his or her badge or permitting another person to use the same, shall be guilty of a misdemeanor and his or her license shall be revoked.

(C42, § 23-32; O.5086; C54, §§ 56-78, 56-79, 56-80; O.6017; C62, §§ 56-78, 56-79, 56-80; O.7959; C62, § 56-15; O.8482; C75, C79, § 19-138; O.10,060; C91, § 19-138; O.13,699)

Sec. 126-222. Duration.

A license (taxicab badge) issued under this division shall be in effect only for the calendar year in which issued or renewed.

(C42, § 23-32; O.5086; C54, §§ 56-78, 56-79, 56-80, O.6017; C62, §§ 56-78, 56-79, 56-80; O.7959; C62, § 56-15; O.8482; C75, C79, C91, § 19-139; O.13,699)

Sec. 126-223. Fee.

The appropriate fee for a license (taxicab badge) shall be in the amount set forth in the schedule of fees adopted by the city council by resolution.

(C42, § 23-32; O.5086; C54, §§ 56-78, 56-79, 56-80; O.6017; C62, §§ 56-78, 56-79, 56-80; O.7959; C62, § 56-15; O.8482; C75, C79, § 19-140; O.10,060; C85, § 19-140; O.11,548; C91, § 19-140; O.13,699; C00, § 126-223; O.14,175)