

**Date** .....  
March 10, 2008

**APPEAL FROM LIMOUSINE AND TAXICAB LICENSE DENIAL**

WHEREAS, Ricky Mart, 5404 SE 14<sup>th</sup> Street, filed applications for both a limousine and taxicab drivers license from the City of Des Moines; and

WHEREAS, Gary Fox, the City Traffic Engineer, denied these applications; and

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

WHEREAS, Mr. Mart now has the opportunity to address the City Council; and

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

\_\_\_\_\_ Alternative One: To uphold the decision of the City Traffic Engineer and deny Mr. Mart's limousine and taxicab license applications.

MOVED BY \_\_\_\_\_ TO DENY APPLICATION.

\_\_\_\_\_ Alternative Two: To reverse the decision of the City Traffic Engineer and grant Mr. Mart's limousine and taxicab license applications.

MOVED BY \_\_\_\_\_ TO GRANT APPLICATION.

FORM APPROVED:

K. Massier  
Katharine Massier  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

\_\_\_\_\_  
City Clerk

February 28, 2008

lel

**CERTIFIED MAIL**

Ricky Mart  
5404 SE 14<sup>th</sup> Street, Lot 1  
Des Moines, IA 50320

RE: Taxi and Limousine Driver's Licenses

Dear Mr. Mart:

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

According to the Police Department records, the following activity occurred:

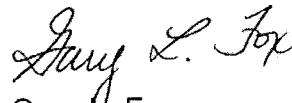
**Criminal Record:**

09/09/2005 Arrested for Failure to Appear on a Child Support Issue  
01/22/2007 Arrested and Pled Guilty to Assault in Marion County

This record does not meet the requirements as required by the City of Des Moines Municipal Code. Therefore, your application for a Limousine Driver's License is denied under Municipal Code Section 126-70.2 (a-2) (b-2, i, iii, iv) and your Taxi Driver's License is being denied under Municipal Code Section 126-218 (a-2, i, iii, iv) (b-2). A copy of these sections of the code is 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 and/or Limousine Company that they will allow you to drive for them.

Sincerely,

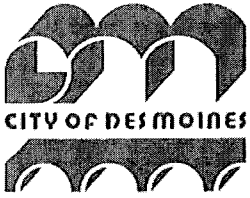


Gary L. Fox  
City Traffic Engineer

GLF/ms

Enclosure

cc: Jeb Brewer, City Engineer  
Katharine Massier, Legal Department  
Steven Silver, Police Department  
Diane Rauh, City Clerk



ENGINEERING DEPARTMENT

TRAFFIC & TRANSPORTATION  
DIVISION--ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309-1891

(515) 283-4973  
FAX (515) 237-1640

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

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.

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_

Signature

Sec. 126-70.2. Qualifications for limousine driver's license.

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(a) *Requirements.* Each applicant must meet the following requirements before a license may be issued:

- (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.

(b) *Definitions.*

(1) *Good driving record* means all 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 meets the following requirements:

(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 limousine 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, within the preceding five years.

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(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.

(O.13,720; C00, § 126-70.2, O.13,885)

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)



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**City of Des Moines, Iowa**  
**Office of**  
**Des Moines Police Department**  
**Community Outreach and Protective Services Section**  
**Traffic Unit**

**To:** Gary Fox  
Traffic and Transportation

**Date:** 20 February 2008

**From:** Steven Silver  
Traffic Communications Officer  
Traffic Unit

**Subject:** Taxi/Limousine License  
Ricky Mart

Currently the applicant has a valid Iowa Class "D" driver's license, which does meet the requirements to operate a taxicab/limousine. A review of Mr. Mart's Iowa/Local criminal record reflects with in ten (10) years preceding this application the following activity occurred.

09/09/2005 Arrested on a Polk County warrant for Failure To Appear on a Child Support issue. Mr. Mart was sentenced to time served and the \$5000 bond was turned over to Collection Services Center for support obligations.

January 2007 Arrested in Marion County for assault. On January 22, 2007 Mr. Mart pled guilty to the charge and was fined \$100 plus cost.

This application is being denied under City of Des Moines ordinance 126-70.2 (a-2) (b-2, i, iii, iv) & 126-218 (a-2, i, iii, iv) (b-2).

  
Steven Silver

20  
9/06

CITY OF DES MOINES, IOWA  
Office of  
TRAFFIC AND TRANSPORTATION

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0 522 22  
JAN 14, 2008

TO: Officer Steve Silver  
DMPD Traffic Unit

DATE: JAN 14, 2008

FROM: Gary L. Fox,  
City Traffic Engineer

SUBJECT: Taxicab/Limousine  
Drivers License  
Records Check

NEW  RENEWAL

Please run a record check, both criminal and driving on:

NAME Ricky J. Mart  
S.S. [REDACTED]  
D.L. [REDACTED]  
B.D. 9-29-54  
ADD 718 S. Ankeny Blvd  
Ankeny 50021

(RETURN BY MAIL COURIER)

Gary L. Fox,  
City Traffic Engineer

GLF/jag

Attachment

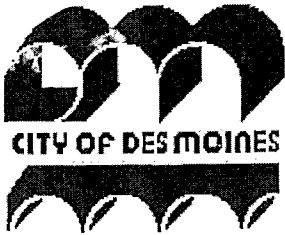
ID ISSUED DATE \_\_\_\_\_

RECEIPT NO. #12553

AMOUNT \$45.00 DATE 1-14-08

CAB COMPANY \_\_\_\_\_

CAB OWNER \_\_\_\_\_



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# CITY OF DES MOINES

## APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMOUSINE

Name MART RICHY JAMES  
(Last) (First) (Middle)

Address 5404 S.E 14th lot 1  
DM IA 50320 515-402-5919  
(City, State & Zip Code) (Phone Number)

Birth Date: 092854 DL # [REDACTED] SS# [REDACTED] Class: D Exp. Date: 09290

Weight: 260 Height: 6-3 Color of Hair: Brown Color of Eyes: Green

Have you ever been licensed as a City of Des Moines Taxi/Limo Driver?                      When?                     

Years of experience driving an automobile. 37 Taxi/Limo: 2 years

Have you ever had your driver's license suspended/revoked? YES If so, when? 001 1989  
WARREN CO, IA

Give reason(s) for suspension/revocation. NON PAYMENT child support 2004

List all convictions for traffic violations for which your license was suspended/revoked during the last five (5) years. NONE

List all convictions for criminal offenses other than traffic offenses during the last ten (10) years. ver bal  
assault JAN 2007 MARION CO.

**EMPLOYMENT RECORD:**

EMPLOYMENT RECORD:		EDUCATION RECORD:	
From	To	Employer's Name and Address	Circle Highest Grade Completed
04/00	01/09	yellow cab	School Melcher, IA
		SELF EMPLOYED	Elementary Melcher, IA
		Roofing & Painting	High School Melcher, IA
			College
			Trade School Iowa
			Other Law Enforcement Academy 1981

**HEALTH RECORD:**

List any physical impairments or disability that would affect your ability to drive. NONE

List any current medications or medical conditions for the past five (5) years which might affect your ability to drive: NONE

bl

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

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

1. Name DICK BORT LOTT Phone No. 515-480-1701  
Address DES MOINES, IA
2. Name SANDY ANETTE Phone No. 515-822-2140  
Address ANKENY, IA
3. Name EDNA CHADWICK Phone No. 515-891-6341  
Address MELCHER DALLAS, IA

I 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.

I 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.

01-14-08 Richard Mart  
(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

2/21/08 M. S. #4593  
(Date) (Authorized Representative, Chief of Police)

Receipt Number: \_\_\_\_\_  
Date \_\_\_\_\_  
Amount: \_\_\_\_\_  
Badge Number: \_\_\_\_\_  
Company: \_\_\_\_\_  
Owner: \_\_\_\_\_

REJECTED  
Application for License  APPROVED

(Date)

(City Traffic Engineer)



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



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Iowa Criminal History Record Check  
 Walk-In Request

Your name	<i>Rick J Mart</i>
Address	<i>5919 S.E 14<sup>th</sup> Lot 1</i>
City/State/Zip	<i>D.M., IA 50320</i>
Phone#	<i>515-402-5919</i>

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)
<i>MART</i>	<i>RICKY</i>	<i>JAMES</i>
Date of Birth <i>Fecha Nacimiento</i> (mandatory)	Gender <i>Genero</i> (mandatory)	Social Security Number (recommended)
<i>09-29-54</i>	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	
Waiver Signature <i>Firma</i> (If the request is on yourself, please sign. If the request is on someone else, write N/A.)		
<i>Rick J. Mart</i>		

Results

As of 1-14-08, a name and date of birth check revealed:

No record found

Record attached, DCI # 337036

DCI initials *JM*

DCI USE ONLY

STATE OF IOWA  
 D.P.S.  
 DIV. OF CRIMINAL  
 INVESTIGATION  
 2008 JAN 14 PM 12:16

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 # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Cardholder's name \_\_\_\_\_

DCI initials *JM*

IOWA CRIMINAL HISTORY  
MISDEMEANOR CONVICTIONS ONLY

DCI 00337036  
PAGE 1 OF 1  
DATE PRINTED-  
2008/01/14

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DCI:00337036

NAME: MART, RICK  
MART, RICK J  
MART, RICKY JAMES

DOB	SEX	RAC	HGT	WGT	EYE	HAIR	SKN	POB
19540929	M	W	603	245	GRY	BLK	FAR	IA

ADDITIONAL IDENTIFIERS

SC LF ARM  
TAT LF ARM  
TAT R WRS

CCH RECORD \*\*\*

01 ARRESTED 19890904  
AGENCY: IA0910000 WARREN CO SO  
CHARGE NO- 01 IA STATUTE IA321J-2  
OWI  
TRK#: L28809001

COURT DISPOSITION

AGENCY: IA091015J WARREN CO DIST COURT  
COUNT NO- 01 IA STATUTE IA321J.2  
OPER VEH WH INT OWI  
COURT CASE ID: FECR005702  
CHARGE CLASS: MISDEMEANOR CONVICTION  
TRK#: L28809001

SENTENCE	DISP EFF DAT
PLEAD GUILTY	19900330
COURT COSTS	19900330
PROBATION 18M	19900330
COMMUNITY SERVICE 60H	19900330
DEFERRED SENTENCE	19900330

AN ARREST WITHOUT DISPOSITION IS NOT AN INDICATION OF GUILT. THIS RECORD MAINTAINED BY THE IOWA DIVISION OF CRIMINAL INVESTIGATION, BUREAU OF IDENTIFICATION IS A PUBLIC RECORD BUT CAN ONLY BE RELEASED TO NON-LAW ENFORCEMENT AGENCIES BY THE DCI.

IN THE ABSENCE OF FINGERPRINTS FOR POSITIVE IDENTIFICATION THIS RECORD IS BASED ON INFORMATION FURNISHED. WE CANNOT CONFIRM OR DENY THAT THE RECORD COVERS THE SUBJECT OF YOUR INQUIRY.  
DIVISION OF CRIMINAL INVESTIGATION

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IN THE IOWA DISTRICT COURT FOR POLK COUNTY

ANDREW MART, by his next Friend,  
STATE OF IOWA,  
Petitioner,

vs.

RICK J. MART,  
Respondent.

No. US 12086  
CSC No. 111161

**ORDER CONTINUING  
HEARING**

FILED  
POLK COUNTY, IA  
05 SEP 14 PM 1:42  
CLERK DISTRICT COURT

NOW on this 14th day of September, 2005, this matter came on for hearing to review the Respondent's compliance with the Purge of Contempt Order entered herein on the 28th day of December, 2005. The Court, upon the record herein and being fully advised in the premises **FINDS** that this matter should be continued for further review because the Respondent has failed to comply substantially or in whole with the purge order.

**IT IS THEREFORE ORDERED** that this matter shall be continued and the Respondent shall appear on the 13 day of December, 2005, at 2:45 am to further review his compliance with the Purge of Contempt Order. Until that time, the Respondent shall continue making payments of \$285.00 per month. **If the Respondent fails to appear at said hearing, a bench warrant may issue for his arrest.**

**IT IS FURTHER ORDERED** that the \$5,000.00 cash bond previously posted by the Respondent or on his behalf shall be immediately paid over to the Collection Services Center to be applied towards payment of the support obligation in CSC # 111161. *Respondent is sentenced to time served on the failure to appear and the warrant recalled.*

*Carla T. Schermer*  
JUDGE OF THE 5<sup>th</sup> JUDICIAL  
DISTRICT OF THE STATE OF IOWA

Copies to John Hemminger, Attorney for Respondent  
State of Iowa

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FILED  
POLK COUNTY, IA  
05 SEP 12 AM 9:43  
CLERK DISTRICT COURT

### Clerk of District Court

Polk County **1135847**

**4**

### CASH TICKET

Date \_\_\_\_\_ Docket No. **US** Case No. **12086**

Acct. No.	Description	Amount
	Clerk's Fees TO Appear	
	J. & R. Polk Co Court House	
	Sept. 14th, 2005	
	1:20 PM PM 4/2/413	
	Plif. Atty.	
	Filing Pet.	
	Copy Pet.	
	Copy Fees	
	Orig. Notice	
	X Ret. Ser.	
	NON-SUPPORT	\$ 5,000
	For Matt, Ricky James	
	643 Quaker Dr.	
	Dallas, IA 50062	
	By Stewart Phytom for Marie	
	643 Quaker Dr.	
	IA Dallas, IA 50062	
	DE [REDACTED]	
	<b>Total</b>	\$ 5,000

07308

State of Iowa

vs. Matt, Ricky James



RAP Sheet

bl

Mart, Ricky James

Case	Arrest ID	Arrest Date	Charge	Disposition
05-047565	PCSO 05-002805	09/09/2005	NONSUPPORT	
JANUARY 2007 ASSAULT MARION COUNTY				(P/S)

