

Date..... March 23, 2009

PUBLIC HEARING ON TAXICAB  
LICENSE APPLICATION OF SCOTT PORADEK

WHEREAS, Scott Poradek, 105 North F Street, filed an application for a license to drive a taxicab in the City of Des Moines and the Department of Traffic and Transportation rejected said application; and

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

WHEREAS, Mr. Poradek has been provided with the opportunity to address the City Council on the matter of his application for a license to drive a taxicab; and

WHEREAS, Scott Poradek's conviction for theft disqualifies him under Des Moines Municipal Code § 126-218(a)(iv) regarding qualifications for taxicab license issuance; 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. Poradek's taxicab license application.

MOVED BY \_\_\_\_\_ TO DENY LICENSE.

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

MOVED BY \_\_\_\_\_ TO GRANT LICENSE.

FORM APPROVED:

*Katharine Massier by Mark Gielis*

Katharine Massier  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

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

Attn: Diane

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 Scott Prash  
Address 105 N. F.  
Phone (515) 402-6795  
Date 3-17-09

Scott Prash

Signature

February 27, 2009

Mr. Scott Poradek  
105 North F Street  
Indianola, IA 50125



RE: Taxi Driver's License

Dear Mr. Poradek:

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 criminal record, which does not meet the requirements for obtaining a Taxi Driver's License.

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

**Criminal Record:**

- 07/21/2007 Arrested for Theft 5<sup>th</sup>
- 07/22/2007 Court Disposition – Guilty, Time Served

This record does not meet the requirements for good moral character 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-2, iv). A copy of this section 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 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 ✓

**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:** 26February2009

**From:** Michael West  
Senior Police Officer  
Traffic Unit

**Subject:** Taxicab License  
Scott Poradek

Currently the applicant has a valid Iowa Class "D" driver's license which does meet the requirements to operate a taxicab. A review of Mr. Poradek's criminal history record reflects that within ten (10) years preceding this application the following activity occurred.

Arrested  
07/21/2007 Theft 5<sup>th</sup> Degree.

Court Disposition  
07/22/2007 Guilty Time Served

This applicant is being denied under City of Des Moines ordinance 126-218 (a-II, iv).

  
\_\_\_\_\_  
Michael West 4810

CITY OF DES MOINES, IOWA  
Office of  
TRAFFIC AND TRANSPORTATION

TO: Officer Michael West DATE: February 17, 2009  
DMPD Traffic Unit

FROM: Gary L. Fox, SUBJECT: Taxicab/Limousine  
City Traffic Engineer Drivers License  
Records Check

NEW X RENEWAL \_\_\_\_\_

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

NAME Scott J. Poradek  
S.S. [REDACTED]  
D.L. 738YY4871  
B.D. 4-23-79  
ADD 105 North F  
Indianola 50215

(RETURN BY MAIL COURIER)

Gary L. Fox,  
City Traffic Engineer

GLF/jag

Attachment

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

RECEIPT NO. # 829834

AMOUNT \$ 40.00 DATE 02-17-09

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

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

2-17-09



# CITY OF DES MOINES

## APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMOUSINE

Name Paradek (Last) Scott (First) Joseph (Middle)

Address 105 North F. Indiana 50215 (City, State & Zip Code) 991-4658 (Phone Number) *leave msg*

Birth Date: 4-23-79 DL # 738VV4871 SS# ~~XXXXXXXXXX~~ Class: 0 Exp. Date: 9-23-10

Weight: 240 Height: 5-10 Color of Hair: Blonde Color of Eyes: Blue

Have you ever been licensed as a City of Des Moines Taxi/Limo Driver? yes When? 2006

Years of experience driving an automobile. 13  Taxi  Limo: Taxi

Have you ever had your driver's license suspended/revoked? NO if so, when? \_\_\_\_\_

Give reason(s) for suspension/revocation. \_\_\_\_\_

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.

Theft in the 5<sup>th</sup> degree

### EMPLOYMENT RECORD:

From		To	Employer's Name and Address	EDUCATION RECORD:	
				School	Circle Highest Grade Completed
6 months			Elite Fuel		
4 months			Wal Mart	Elementary	1 2 3 4 <del>5 6 7 8</del>
3 months			Cubs Fine Food & Spirits	High School	9 10 11 12 <u>11</u>
				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 Robin Morse Phone No. 991-4658  
Address 10.5 North F.
- 2. Name Bob Morse Phone No. 210-0784  
Address \_\_\_\_\_
- 3. Name Linda Morse Phone No. Same  
Address \_\_\_\_\_

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.

2-17-09  
(Date)

*Scott Rowley*  
(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

2/26/09  
(Date)

*Matthew De...* 4810  
(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



Iowa Criminal History Record Check  
 Walk-In Request

Your name	Scott Joseph Poradek
Address	165 N. E.
City/State/Zip	Indianola IOWA 50125
Phone#	(515) 402-6795

Fill in all shaded areas.

Requesting an Iowa criminal history record check on:

<b>Last Name</b> <i>Apellido</i> (mandatory)	<b>First Name</b> <i>Primer Nombre</i> (mandatory)	<b>Middle Name</b> <i>Segundo Nombre</i> (recommended)
Poradek	Scott	Joseph
<b>Date of Birth</b> <i>Fecha Nacimiento</i> (mandatory)	<b>Gender</b> <i>Genero</i> (mandatory)	<b>Social Security Number</b> (recommended)
April 23, 1979	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<del>XXXXXXXXXX</del>
<b>Waiver Signature</b> <i>Firma</i> (If the request is on yourself, please sign. If the request is on someone else, write N/A.)		
Scott Poradek		

**Results**

As of 2-5-09, a name and date of birth check revealed:

No record found

Record attached, DCI # 811886

DCI initials JO

DCI USE ONLY  
 2009 FEB -5 AM 11:35  
 DIV. OF CRIMINAL INVESTIGATION  
 STATE OF IOWA D.P.S.

**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 \_\_\_\_\_ Last 4 digits of MC or Visa \_\_\_\_\_

DCI initials JP

Credit Card Number # \_\_\_\_\_ Exp. Date \_\_\_\_\_



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IOWA CRIMINAL HISTORY  
MISDEMEANOR CONVICTIONS ONLY

DCI 00811886  
PAGE 1 OF 1  
DATE PRINTED-  
2009/02/05

DCI:00811886

NAME: **PORADEK, SCOTT JOSEPH**

DOB	SEX	RAC	HGT	WGT	EYE	HAIR	SKN	POB
19790423	M	W	509	180	BLU	BRO		AZ

ADDITIONAL IDENTIFIERS

TAT RF ARM  
TAT UR ARM

CCH RECORD \*\*\*

**01 ARRESTED 20070721**

AGENCY: IA0770200 CLIVE PD  
CHARGE NO- 01 IA STATUTE IA714.2(5)  
**THEFT 5TH DEGREE - 1978**  
TRK#: 068136901

**COURT DISPOSITION**

AGENCY: IA077015J POLK CO DIST COURT  
COUNT NO- 01 IA STATUTE IA714.2(5)  
**THEFT 5TH DEGREE - 1978**  
COURT CASE ID: 05771 SMAC291042  
CHARGE CLASS: MISDEMEANOR CONVICTION  
TRK#: 068136901

SENTENCE		DISP EFF DAT
TIME SERVED	1D	20070722
JAIL	1D	20070722
FINE	\$100	20070722
	+ SC + CC	

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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# 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

<b>Inquiry Date:</b>	2/5/2009	<b>DL/ID #:</b>	738YY4871 (IA)	<b>Customer #:</b>	3639838
<b>Name:</b>	Poradek, Scott Joseph	<b>Class:</b>	D	<b>ID Status:</b>	None
<b>Address:</b>	105 North F St	<b>Audit #:</b>	1234894	<b>DL Status:</b>	VAL
<b>City/State:</b>	Indianola, IA 50125	<b>Issue Date:</b>	06/04/2007	<b>CDL Status:</b>	None
		<b>Expiration Date:</b>	04/23/2010	<b>Restriction Supplement:</b>	None
		<b>Endorsements:</b>	3		
<b>Mailing Address:</b>	105 North F St	<b>Restrictions:</b>	NONE		
		<b>Date of Birth:</b>	4/23/1979		
<b>Mailing City/State:</b>	Indianola, IA 50125	<b>Sex:</b>	M		

## History Information

### Convictions

Citation Date	Conviction Date	ACD	Explanation	County	JUR
02/19/2006	03/20/2006	S92	Speed	91	IA

### Accidents - Accident involvement indicated does NOT mean the individual was at fault or given a citation.

Accident Date	Case Number	JUR
01/11/2005	5203554	IA

**Name:** Poradek, Scott Joseph **DL/ID:** 738YY4871

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:

2/5/2009

Office of Driver Services  
Iowa Department of Transportation

**Name:** Poradek, Scott Joseph **DL/ID:** 738YY4871



1122452 693125143304100

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)