

Date..... April 6, 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:

K. Massier
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

F. U.
4-6-09

★ Roll Call Number
09-489

Agenda Item Number
3550

Date March 23, 2009

PUBLIC HEARING ON TAXICAB
LICENSE APPLICATION OF SCOTT PORADEK

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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):

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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 Geli

Katharine Massier
Assistant City Attorney

Moved by Hensley to continue to the April 6, 2009 meeting at 5:00 P.M.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER				✓
VLISSIS	✓			
TOTAL	5			2

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.

Diane Fauh City Clerk

MOTION CARRIED

APPROVED

Thomas Vlassis
MAYOR PRO TEM

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March 25, 2009

Scott Poradek
105 North F Street
Indianola, IA 50125

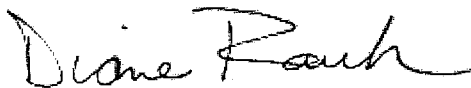
Re: Taxicab License Appeal of Application Denial

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 February 27, 2009 letter from the City Traffic Engineer.

Accordingly, this matter is being continued for hearing on April 6, 2009 at 5:00 p.m. in the City Council Chambers, City Hall, 400 East First Street. 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-2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4209
FAX (515) 237-1645
www.dmgov.org

PARKING TICKETS
PET LICENSES
BUSINESS LICENSES

ALL-AMERICAN CITY
1949, 1976, 1981,
2003

ATTN: Diane

09-489 ³⁵
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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 Pradth
Address 105 N. F.
Phone (515) 402-6795
Date 3-17-09

Scott Pradth

Signature

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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 5th
- 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 ✓

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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: 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 5th 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

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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 _____



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2-17/09 50

CITY OF DES MOINES

APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMOUSINE

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

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

Birth Date: 4-23-79 DL # 738V4871 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 5th degree

EMPLOYMENT RECORD:

EMPLOYMENT RECORD:			EDUCATION RECORD:	
From	To	Employer's Name and Address	School	Circle Highest Grade Completed
6 month		Elite Fuel		
4 month		Wal Mart	Elementary	1 2 3 4 5 <input checked="" type="radio"/> 6
3 month		Cubs Fine Food & Spirits	High School	9 10 11 12 11 <input checked="" type="radio"/> 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: _____

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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 105 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) Mark W. 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 7th 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	Scott Joseph Poradek
Address	105 U E
City/State/Zip	Indianola IOWA 50125
Phone#	(515) 402-6795

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)
Poradek	Scott	Joseph
Date of Birth <i>Fecha Nacimiento</i> (mandatory)	Gender <i>Genero</i> (mandatory)	Social Security Number (recommended)
April 23, 1979	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	XXXXXXXXXX
Waiver Signature <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 _____

IOWA CRIMINAL HISTORY
MISDEMEANOR CONVICTIONS ONLY

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

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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 ⁰⁹⁻⁴⁸⁹ 50

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

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11234894PS1255M2304100

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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, within 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

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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.

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(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)