

April 6, 2009

Date PUBLIC HEARING ON TAXICAB LICENSE APPLICATION OF SON NGUYEN

WHEREAS, Son Hoang Nguyen, 2751 Bennett Avenue, applied for a taxicab license from City of Des Moines, the Department of Traffic and Transportation rejected said application; and

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

WHEREAS, Mr. Nguyen 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, Son Nguyen's conviction for Assault Causing Injury disqualifies him under Des Moines Municipal Code §126-218 regarding qualifications for taxicab license issuance; NOW, THEREFORE,

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

Alternative One: That Mr. Son Nguyen's application for license to drive a taxicab in the City of Des Moines be and is hereby denied.

MOVED BY TO DENY LICENSE.

Alternative Two: That Mr. Son Nguyen's application for license to drive a taxicab in the City of Des Moines be and is hereby granted.

MOVED BY TO GRANT LICENSE.

FORM APPROVED:

K. Massier

Katharine Massier Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and 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

35
51

March 19, 2009

Son Hoang Nguyen
2751 Bennett Avenue
Des Moines, IA 50310

Re: Taxicab License Appeal of Application Denial



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

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 March 12, 2009 letter from the City Traffic Engineer.

Accordingly, I have set this matter for hearing on April 6, 2009 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,

A handwritten signature in cursive script that reads 'Diane Rauh'.

Diane Rauh
City Clerk

DR:kh
Enc.

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

38
51

March 12, 2009

Mr. Son Hoang Nguyen
2751 Bennett Avenue
Des Moines, IA 50310



RE: Taxi Driver's License

Dear Mr. Nguyen:

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:

07/30/2008 Arrested on charge of "Assault Causing Bodily Injury"
Received \$315.00 fine and 12 months probation

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, i, 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,

A handwritten signature in cursive script that reads "Gary L. Fox".

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 ✓

51

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

2009 MAR 18 PM 12:33

CITY CLERK
DES MOINES, IOWA

Name Son NGUYEN
Address 2751 BENNETT AVE
Phone (515) 991-6981
Date 3-16-09


Signature

38
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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: 09March2009

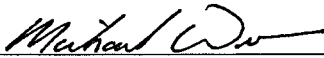
From: Michael West
Traffic Communications Officer
Traffic Unit

Subject: Taxicab License
Son Nguyen

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. Nguyen's Iowa/Local criminal record reflects that within ten years this application the following activity occurred.

07/30/2008 Arrested on a charge of Assault Causing Bodily Injury. Mr. Nguyen received a 315.00 fine and twelve months probation.

This application is being denied under City of Des Moines ordinance 126-218 (a-2, I, iv).



Michael West

38
51

CITY OF DES MOINES, IOWA
Office of
TRAFFIC AND TRANSPORTATION

TO: Officer Mike West DATE: March 3, 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 SON HOANG NGUYEN
S.S. [REDACTED]
D.L. 728YY6279
B.D. 04/19/1968
ADD 2751 BENNETT AVENUE
DES MOINES, IA 50310

(RETURN BY MAIL COURIER)

Gary L. Fox,
City Traffic Engineer

GLF/ms

Attachment

ID ISSUED DATE _____

RECEIPT NO. #829842

AMOUNT \$40.00 DATE 03/03/09

CAB COMPANY _____

CAB OWNER _____

#829842
3/3/09

25
51



CITY OF DES MOINES

APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMOUSINE

Name NGUYEN SON HOANG
(Last) (First) (Middle)

Address 2751 Bennett Ave
Des Moines IOWA 50310 (515) 991-6981
(City, State & Zip Code) (Phone Number)

Birth Date: 04-19-68 DL # 728YY6279 SS# [REDACTED] Class: D Exp. Date: 04-19-2011

Weight: 165 Height: 5'7 Color of Hair: BRN Color of Eyes: Brown

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

Years of experience driving an automobile. 12 years Taxi/Limo: _____

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.

None

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

An ARREST Not Convicted

EMPLOYMENT RECORD:

EMPLOYMENT RECORD:			EDUCATION RECORD:	
From	To	Employer's Name and Address	School	Circle Highest Grade Completed
10-97	10-2003	MAHLE Parr Filter 3001 McKinley		
11-03	3-08	Citi group 4775 Merdith Urban date	Elementary	1 2 3 4 5 6 7 8
		Viet Nam	High School	9 10 11 (12)
			College	1 2 3 4 5 6
			Trade School Other	1 2 3 4

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

25
51

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 Ty Nguyen Phone No. 7798723
Address 1969 Francis Ave
- 2. Name Minh Nguyen Phone No. 2555209
Address 3941 30 St DS M IOWA
- 3. Name Tu Huynh Phone No. 14085120339
Address 2307 E 37 St ~~1408512~~

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.

3-3-09
(Date)

[Signature]
(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

3/9/09
(Date)

[Signature] 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



851

Iowa Criminal History Record Check
 Walk-In Request

Your name	SON HOANG NGUYEN
Address	2751-BENNETT AVE
City/State/Zip	DES MOINES IA - 50310
Phone#	515-991-6981

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)
NGUYEN	SON	Hoang
Date of Birth <i>Fecha Nacimiento</i> (mandatory)	Gender <i>Genero</i> (mandatory)	Social Security Number (recommended)
04-19-1968	<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.)		
[Signature]		

STATE OF IOWA
 DIV. OF CRIMINAL INVESTIGATION
 2009 MAR -3 AM 11:01
 DCI USE ONLY

Results

As of 3-2-09, a name and date of birth check revealed:

No record found

Record attached, DCI # 841601

DCI initials Bde

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 JR

Credit Card Number # _____ Exp. Date _____

35
51

IOWA CRIMINAL HISTORY
COURT DISPOSITION PENDING
STATUS UNKNOWN

DCI 00841601
PAGE 1 OF 1
DATE PRINTED-
2009/03/02

DCI:00841601

NAME: NGUYEN, SON HOANG

DOB SEX RAC HGT WGT EYE HAIR SKN POB
19680419 M A 507 165 BRO BLK LBR YY

ADDITIONAL IDENTIFIERS PHOTO AVAILABLE: Y
CCH RECORD ***

01 ARRESTED 20080730
AGENCY: IA0770300 DES MOINES PD
CHARGE NO- 01 IA STATUTE IA708.2(2)
ASSAULT CAUSING BODILY INJURY
TRK#: 7B007S501

COURT DISPOSITION

AGENCY: IA077015J POLK CO DIST COURT
COUNT NO- 01 IA STATUTE IA708.2(2)
ASSAULT CAUSING BODILY INJURY
COURT CASE ID: SRCR221903
TRK#: 7B007S501
RESTITUTION

SENTENCE		DISP EFF DAT
DEFERRED JUDGEMENT		20081201
FINE	\$315	20081201
PROBATION	12M	20081201
NO CONTACT ORDER		20081201

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

bill



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

AS
SI

Certified Abstract of Driving Record

Inquiry Date:	3/3/2009	DL/ID #:	728YY6279 (IA)	Customer #:	441970
Name:	Nguyen, Son Hoang	Class:	D	ID Status:	None
Address:	2751 Bennett Avenue	Audit #:	2369538	DL Status:	VAL
City/State:	Des Moines, IA 50310	Issue Date:	07/25/2008	CDL Status:	None
Mailing Address:	2751 Bennett Avenue	Expiration Date:	04/19/2011	Restriction Supplement:	None
Mailing City/State:	Des Moines, IA 50310	Endorsements:	3		
		Restrictions:	NONE		
		Date of Birth:	4/19/1968		
		Sex:	M		

History Information

Convictions

Citation Date	Conviction Date	ACD	Explanation	County	JUR	Total Records: 2
09/27/2006	10/13/2006	S92	Speed	77	IA	
06/14/2007	06/26/2007	S92	Speed	20	IA	

Name: Nguyen, Son Hoang **DL/ID:** 728YY6279

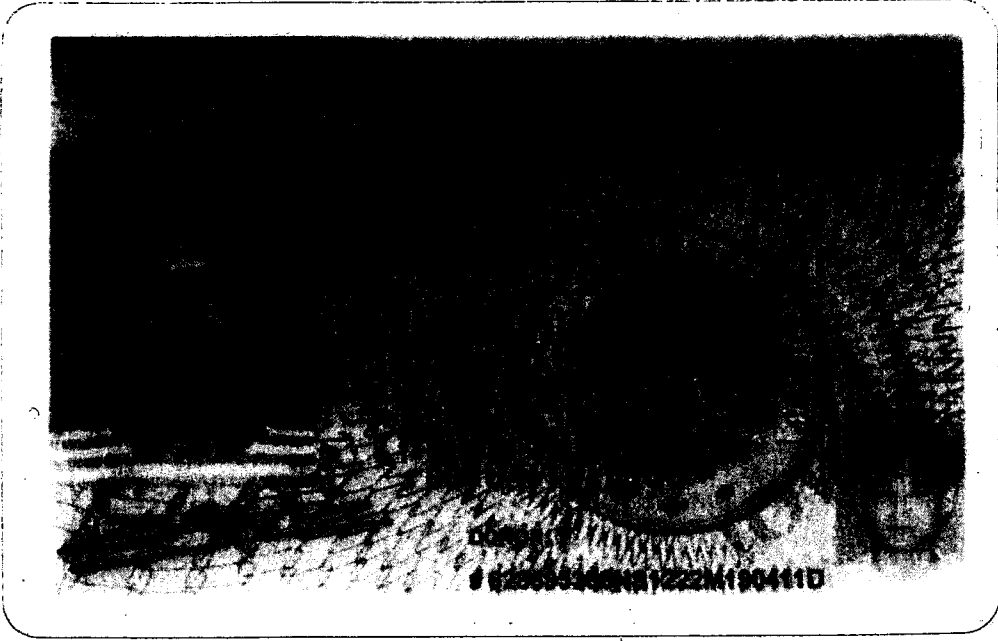
Pursuant to Iowa Code §321.10, I, Kim Snook, Director of Office of Driver Services, Iowa Department of Transportation, do hereby certify that I am the custodian of the records held by the Office of Driver Services, that this is a true and accurate copy of an official record currently in the custody of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

3/3/2009

Office of Driver Services
Iowa Department of Transportation

Name: Nguyen, Son Hoang **DL/ID:** 728YY6279



8 6200440001222M190411D

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

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)