

.....  
 April 26, 2010

**Date** ..... PUBLIC HEARING ON VEHICLE  
 IMPOUND OF JEFFREY TEDDER

WHEREAS, Jeffrey Tedder, 3921 East 14th Street, appealed his vehicle's impound for parking on a city street for more than 24 hours and the City Hearing Officer denied said appeal; and

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

WHEREAS, Mr. Tedder as been provided with the opportunity to address the City Council on the matter of his appeal; and

WHEREAS, Mr. Tedder's vehicle was found parked on a city street for more than 24 hours; NOW THEREFORE,

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

\_\_\_\_\_ Alternative One: That the order of the hearing officer be upheld.

MOVED BY \_\_\_\_\_ TO UPHOLD DECISION.

\_\_\_\_\_ Alternative Two: That the order of the hearing officer be reversed and a Certificate of No Probable Cause be issued to Mr. Tedder.

MOVED BY \_\_\_\_\_ TO REVERSE DECISION.

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		
_____ 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

## ADMINISTRATIVE HEARING TRANSCRIPT

February 8, 2010

City v. Tedder

Vehicle Impound

HEARING OFFICER CAMILLE VALLEY: It is February 8, 2010 and my name is Camille Valley and I'm the Administrative Hearing Officer. We're here to conduct an administrative hearing at the request of Jeffrey Tedder regarding the City's impoundment of his vehicle. Would the City representative please come to the microphone, clearly state your name and the title of your position with the City of Des Moines.

SENIOR POLICE OFFICER CHRIS HUFFMAN: Chris Huffman, Senior Police Office of Des Moines Police.

HEARING OFFICER CAMILLE VALLEY: Okay. Would you please raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

SENIOR POLICE OFFICER CHRIS HUFFMAN: I do.

HEARING OFFICER CAMILLE VALLEY: Okay you may proceed.

SENIOR POLICE OFFICER CHRIS HUFFMAN: Where would you like me to start?

HEARING OFFICER CAMILLE VALLEY: I know nothing about these cases so you have to delineate what the circumstances are.

SENIOR POLICE OFFICER CHRIS HUFFMAN: Okay. It's been a while since I've done one of these. Uhm, the 31<sup>st</sup> of December of 2009 the complainant called in complaining about a parked vehicle had been red-tagged and the snow around it hadn't been moved. I went out to that location at approximately 10:20 hours that morning, located the vehicle in question which is a blue '81 Chevy Monte Carlo, two-door bearing Iowa tag 092 "William," "Robert," "George." The vehicle had been tagged and it was apparent that the vehicle hadn't been moved in quite some time. When it had been impounded, Vehicle wrote a parking ticket for it for over 24 hours and took it.

HEARING OFFICER CAMILLE VALLEY: You mentioned red-tagged. I don't know what that is.

SENIOR POLICE OFFICER CHRIS HUFFMAN: Well, what red-tag is, is when a person calls up and complains about a vehicle being parked on a street we'll go out and put this red tag, it's a sticker. We fill it out with a date and time and the officer's name and location and that type of thing, an ident number. We stick it to the window of the vehicle. That notifies the person that the vehicle has been tagged and it tells them they need to move it within 24 hours. Get it moved.

HEARING OFFICER CAMILLE VALLEY: Okay.

SENIOR POLICE OFFICER CHRIS HUFFMAN: Uhm, we do that as a courtesy to folks. Generally the rule of thumb, if a vehicle belongs, say somebody calls in, we get this all the time, somebody calls in and says well this car has been parked out there for four weeks. You know, you get there and you look at it and you know that that's not the case. The vehicle has been moved. You run the plate and it comes back to the house it is sitting in front of and the plates are current. We generally don't tag those vehicles. If the vehicle comes back not registered to the neighborhood or it's apparent that it's broke down, uhm, or there is something mechanically wrong with it we will red-tag those vehicles and then go back and check them or you know when the neighbor or whoever calls in to complain, the complainant calls in and says hey that vehicle is still out here then the officer will go out and check it. And then if it's, at the time or if it is apparent that it has not been moved in some time then we'll go ahead and impound the vehicle.

HEARING OFFICER CAMILLE VALLEY: Okay. This time you said the reason it'd been apparent that it had not been moved that it was....

SENIOR POLICE OFFICER CHRIS HUFFMAN: It's the snow around the vehicle. Yes, there's lots of those like that. You know, we just, we got to get them cleaned up to get them off the streets so that they can get the streets properly plowed.

HEARING OFFICER CAMILLE VALLEY: Okay. Alright. Anything further that you'd like to add?

SENIOR POLICE OFFICER CHRIS HUFFMAN: Uhm, I don't think so.

HEARING OFFICER CAMILLE VALLEY: Are there any other, was there a fine, an outstanding fine that needs to be paid on this or anything that you know of?

SENIOR POLICE OFFICER CHRIS HUFFMAN: No, I, I don't believe so.

HEARING OFFICER CAMILLE VALLEY: Okay.

SENIOR POLICE OFFICER CHRIS HUFFMAN: No. I just issued a regular standard parking ticket.

HEARING OFFICER CAMILLE VALLEY: Okay. Alright. Thank you very much.

SENIOR POLICE OFFICER CHRIS HUFFMAN: Thank you.

HEARING OFFICER CAMILLE VALLEY: Mr. Tedder, would you like to come to the microphone and clearly state your name for the record? If you wait until you get up to the microphone because we record these I would appreciate it.

CHARLES HILL: My name is Charles Hill. I'm an attorney with Iowa Legal Aid. I'm here on behalf of Jeffrey Tedder. Uhm, if it would be alright with the Hearing Officer if I could just ask him questions, then probably just call Officer Huffman for just a couple of additional questions and if that format is alright with you that would be preferential to us.

51

HEARING OFFICER CAMILLE VALLEY: Okay. Let me swear him in and then you can proceed.

CHARLES HILL: Okay.

HEARING OFFICER CAMILLE VALLEY: Would you please state your name for the record.

JEFFREY TEDDER: My name is Jeffrey Tedder.

HEARING OFFICER CAMILLE VALLEY: Would you please raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

JEFFREY TEDDER: Yes I do.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed.

CHARLES HILL: Jeffrey, where did you park your vehicle on, on the East 1400<sup>th</sup> block of, in the 1400 block of East, East 14<sup>th</sup> Street?

JEFFREY TEDDER: I didn't.

CHARLES HILL: Well, where did you park it in question?

JEFFREY TEDDER: I parked my car Wednesday about 11:00 on Ovid just east of East 14<sup>th</sup>.

CHARLES HILL: Okay, about the 1400 block though?

JEFFREY TEDDER: It would be the 1400 block of Ovid, yes.

CHARLES HILL: Okay. And what time again was that?

JEFFREY TEDDER: 11:00 a.m.

CHARLES HILL: Okay. 11:00 a.m. on the 30<sup>th</sup>. Okay. Do you remember if it snowed on the 30<sup>th</sup>?

JEFFREY TEDDER: No it didn't.

CHARLES HILL: Okay. Well, later in the day, and I present this for the Hearing Officer, it actually did snow that day. Uhm, I took a weather almanac from weather underground. On the 30<sup>th</sup> of December it snowed an inch over the night between the 30<sup>th</sup> and the 31<sup>st</sup>. Uhm, and if you don't mind if I could just walk it up to you.

HEARING OFFICER CAMILLE VALLEY: Here, just bring it around here.

CHARLES HILL: Okay.

HEARING OFFICER CAMILLE VALLEY: Thank you.

CHARLES HILL: And the point of that exhibit is that it shows...

HEARING OFFICER CAMILLE VALLEY: If you want to wait until you get back to the microphone I'd appreciate it. Thank you.

CHARLES HILL: The point of that exhibit is simply to show that snow could have accumulated around that vehicle during that time and in that overnight to give Officer Huffman the appearance that perhaps it had been there for a longer period of time, uhm, because it did snow in Des Moines later that day. Do you remember what you did on the morning of the 30<sup>th</sup> that makes you so certain that you didn't have it parked there at 10:20 a.m. on the 30<sup>th</sup>?

JEFFREY TEDDER: I went out to my car right about 10:00 Wednesday morning and I went up to the library up on Euclid between Second and Sixth Avenue to get a book and they didn't have it there. It was available at the east side library and so I drove over there and got the issue of the book I wanted from the particular author and then I got a second book also at the east side library. And I know it was 10:45 when I was there at the library. When I left the library I went to QT and filled two one-gallon water jugs with water and I went by the parking lot where I usually parked back behind a medical clinic in Eastgate parking lot and it was full. And I don't like to, you know, take up space that they need and so I went over and parked by Shortstop gas station and took my stuff out of my car and walked home.

CHARLES HILL: Okay. And about what time did you leave your vehicle last?

JEFFREY TEDDER: It was after 11:00 a.m.

CHARLES HILL: Okay. Alright. No further questions of Mr. Tedder. I would just like to ask....

HEARING OFFICER CAMILLE VALLEY: I'd like to, may I interject and ask a question?

CHARLES HILL: I'm sorry, yes.

HEARING OFFICER CAMILLE VALLEY: The Officer had mentioned that he red-tagged your vehicle.

JEFFREY TEDDER: There was no tag on my car ma'am.

HEARING OFFICER CAMILLE VALLEY: Okay.

JEFFREY TEDDER: I had just parked it there. I would have to believe that there'd be, you know on the red tags that they fill out I would have to believe for the police officers, I could very well be wrong but I'd like to believe there must have been a copy, a, a, a carbon copy of something, documented proof that you know you have red-tagged the vehicle you know and there wasn't a red tag on it. I had just parked it there on

Wednesday. I went down Thursday morning to get my car. I was going to take a guy to the grocery store. He's a homeless man and my car was gone.

HEARING OFFICER CAMILLE VALLEY: What time was it you discovered your car gone?

JEFFREY TEDDER: It was sometime after 10:00 a.m.

HEARING OFFICER CAMILLE VALLEY: This was Thursday?

JEFFREY TEDDER: Yes it was ma'am.

HEARING OFFICER CAMILLE VALLEY: Okay. You can proceed.

CHARLES HILL: Okay. Thank you.

HEARING OFFICER CAMILLE VALLEY: Thank you.

CHARLES HILL: Officer Huffman, I just have a couple of questions for you. Uhm, Office Huffman, did you personally see the vehicle parked on the 1400 block of East 14<sup>th</sup> Street on the 30<sup>th</sup> of December?

SENIOR POLICE OFFICER CHRIS HUFFMAN: 1400 block of East Ovid, yes.

CHARLES HILL: East Ovid. On the 30<sup>th</sup>, not the 31<sup>st</sup>?

SENIOR POLICE OFFICER CHRIS HUFFMAN: No. I was not the Officer that red-tagged it.

CHARLES HILL: Okay. Okay. Do you have any records here today or any indication of when that vehicle was red-tagged?

SENIOR POLICE OFFICER CHRIS HUFFMAN: No. There was a red tag on the vehicle though.

CHARLES HILL: When you went there?

SENIOR POLICE OFFICER CHRIS HUFFMAN: When I went there there was a red tag on, on the driver's door window.

CHARLES HILL: Okay. And I'm not sure that would be in dispute, but I just would call in the question as to what time because we are under probable cause standard so as to what time that was there we don't have any personal knowledge? Is that correct?

SENIOR POLICE OFFICER CHRIS HUFFMAN: No. Just because the vehicle was snowed in and it was a little bit more than just regular snow.

CHARLES HILL: Okay.

SENIOR POLICE OFFICER CHRIS HUFFMAN: And it was apparent to me, generally I don't like to bother people's vehicles because it is costly to them, but we get complaints on them and at some point we've got to deal with those vehicles which I did.

CHARLES HILL: Okay. And I know you mentioned earlier in your earlier testimony that sometimes when vehicles appear to be from not that neighborhood or they are not in the best of condition maybe they've been abandoned, something like that, might rise your level of activity that you may take to solve the problem.

SENIOR POLICE OFFICER CHRIS HUFFMAN: Yes. We get them sometimes or full of garbage and we'll just take those right on the spot when we get those.

CHARLES HILL: Okay. Do you remember the condition of Mr. Tedder's vehicle?

SENIOR POLICE OFFICER CHRIS HUFFMAN: No sir.

CHARLES HILL: Okay. I do believe it's an older model '81.

HEARING OFFICER CAMILLE VALLEY: Can, can you stand closer to the microphone? I want to make sure we're picking up your....

CHARLES HILL: I'm sorry. I'm sorry.

HEARING OFFICER CAMILLE VALLEY: Thank you.

CHARLES HILL: Uhm, no, and so do you know when the call came in on the complaint for the red, to precipitate the red tag being issued on the 30<sup>th</sup>?

SENIOR POLICE OFFICER CHRIS HUFFMAN: No sir. I just got the trip and headed over there.

CHARLES HILL: Okay. I believe that's all the questions I have at this time Hearing Officer.

HEARING OFFICER CAMILLE VALLEY: Okay.

CHARLES HILL: And I thank you very much for your time Officer Huffman and I would just like to note that in this, in this particular case we have time, a short frame window of time of when this vehicle may or may not have been tagged over 24 hours. I think that's pretty clear and there's no testimony or evidence indicating when the vehicle was parked there other than Mr. Tedder's in which he states was after 11:00. The citation was issued and the tow order at 10:20 a.m. on the 31<sup>st</sup> and we would just ask that, that this matter be dismissed and that he be waived his bond that he had to pay up front to get his car back.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you.

CHARLES HILL: Thank you.

HEARING OFFICER CAMILLE VALLEY: Does the City have anything else they'd like to add in rebuttal to any of the comments that were just introduced?

SENIOR POLICE OFFICER CHRIS HUFFMAN: When we, when we do go out and look at these vehicles and look at these red tags, we ensure that that 24-hour period grace time because it is passed. Uhm, I can't tell you exactly when it was it was written on there. I don't know and that's my fault, but I do know that it was over the 24-hour limit. If it was under the 24-hour limit I would have advised dispatch of that being the case. That we'd have to come back later after the 24 hours was over and then impound the vehicle.

HEARING OFFICER CAMILLE VALLEY: Okay. You also mentioned you were not the officer who actually red-tagged it, but you did observe the red tag.

SENIOR POLICE OFFICER CHRIS HUFFMAN: Yes ma'am. It had a red tag on the driver's door window, yes.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you very much.

SENIOR POLICE OFFICER CHRIS HUFFMAN: Yes ma'am.

HEARING OFFICER CAMILLE VALLEY: Anything further from anyone?

CHARLES HILL: No. That is it.

HEARING OFFICER CAMILLE VALLEY: Okay. Uhm, I do not know anything about these cases until I hear them this morning so I will deliberate on the testimony and any evidence that I have received and develop a written ruling which I will submit to the City Clerk's Office and then she'll make sure you get a copy of that. So until that point in time this case is adjourned and I thank you for your time this morning.

CHARLES HILL: Okay. Thank you.

I, Renae Lampkin, certify that I transcribed the minutes of the February 8, 2010 Administrative Hearing pertaining to the vehicle impound of Jeffrey Tedder.

Renae Lampkin





March 22, 2010

Jeffrey A. Tedder  
P.O. Box 16166  
Des Moines, IA 50316

Re: Administrative Hearing -Vehicle Impound

This letter is to acknowledge receipt of your Attorney's fax of March 18, 2010 requesting an appeal before the City Council regarding the Hearing Officer's decision in reference to your vehicle impound.

Accordingly, I have set this matter for hearing on April 26, 2009 at 4:30 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.

A copy of the transcript will be sent under separate cover. If you have any questions regarding this matter, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Rauh". The signature is fluid and cursive, with a large initial "D" and "R".

Diane Rauh  
City Clerk

DR:kh

cc: Charles Hill  
Assistant City Attorney  
Chief Bradshaw

2-8-10  
51

**Herzberg, Karen M.**

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**From:** Rauh, Diane I.  
**Sent:** Thursday, March 18, 2010 9:32 AM  
**To:** Herzberg, Karen M.  
**Cc:** Lampkin, Renae D.  
**Subject:** FW: Appeal of Hearing

Please set this for hearing on April 26th. Renae, Karen will get the tape to you. Thanks

Diane Rauh  
City Clerk  
City of Des Moines  
515-283-4209  
515-237-1645 (fax)  
[dirauh@dmgov.org](mailto:dirauh@dmgov.org)

-----Original Message-----  
From: Charles Hill [mailto:[chill@iowalaw.org](mailto:chill@iowalaw.org)]  
Sent: Thursday, March 18, 2010 10:09 AM  
To: CityClerk  
Subject: Appeal of Hearing

Dear Clerk,

Please accept this as my notice to appeal my client's, Jeffery Tedders, decision from the administrative officer dated February 17th, 2010.

Sincerely,

Charles A. D. Hill

--  
Charles A. D. Hill  
Staff Attorney  
Iowa Legal Aid  
1111 9th St., Suite 230  
Des Moines, IA 50314  
phone: (515) 243-1193 ext. 1640  
fax: (515) 244-4618

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January 25, 2010

Jeffrey A. Tedder  
P. O. Box 16166  
Des Moines, IA 50316

Re: Administrative Hearing-Vehicle Impound

An administrative hearing has been set for **Monday, February 8, 2010**, in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive**, at **9:15 A.M.** at which time you will be provided an opportunity to present evidence.

Parking is available on the streets surrounding City Hall--you will need change to pay the parking meters. Please alert the City Clerk's Office when you arrive.

Pursuant to Section 114-485.16 of the Municipal Code, (copy enclosed), you will be given an opportunity to be heard at the hearing.

If you have questions in this regard, please call.

Sincerely,

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

Diane Rauh

**City Clerk**

DR/kh

Enclosure

cc: Hearing Officer  
Assistant City Attorney  
Staff Notification

CITY OF DES MOINES

Office of City Clerk

To: Officer Baker Police Traffic Date: January 25, 2010
From: City Clerk's Office RE: Vehicle Impound

Jeffrey Tedder, 3921 E. 14th, Des Moines, IA has requested an impound hearing which has been scheduled for Monday, February 8, 2010 in the Council Chambers, second floor of City Hall, 400 Robert D. Ray Drive at 9:15 A.M.

Please inform ID NO. ##4798( Officer C. Huffman) of the time, date and location of the hearing. I have attached a copy of the Vehicle Impound Recovery Reports for hearing preparation. If the Police Officer is not available, please contact Karen at X1389 to make other arrangements.

Thank you for your assistance.

Diane Rauh

Diane Rauh
City Clerk

# City of Des Moines Request for Administrative Hearing

(File in the City Clerk's Office within 10 days of mailing of the notice of impoundment)

Please print or type

I hereby request an administrative hearing pursuant to Chapter 114-485.15 of the Municipal Code of the City of Des Moines. This hearing process applies only to vehicles which have been impounded for illegal parking.

My vehicle was impounded on ~~12-30-09~~ 12-31-09, case number and/or tag number 09-41528

Reason for appeal: My car had been parked on that street less than 24 hours at the time of the impound.

RECEIVED  
CITY CLERK'S OFFICE  
DEPT. OF PUBLIC WORKS  
JAN 6 AM 9:13

I understand that my failure to attend my scheduled hearing will be deemed a waiver of my rights to such a hearing.

1-6-10  
Date

(515) 447-3375  
Daytime Telephone

Jeffery A. Tedder  
Signature

Jeffery A. Tedder  
Print Name

P.O. Box 16166  
Address

Des Moines, Iowa 50316  
City/State/Zip

Attach to this form a copy of the Customer's Invoice for the towing charge. You may also provide copies of maps, drawings, or photographs which support your case.

Caution: Any statement made on this form may constitute an admission on your part.

Return the white copy of this form to the City Clerk's Office, 400 Robert D. Ray Dr., Des Moines, IA 50309. Retain the yellow copy for your files. If you have any questions, call 283-4209.

Vehicle Applicant As Vallow Provided

2009 DEC 31 PM 6:06

VEHICLE IMPOUND / RECOVERY REPORT  
DES MOINES, IOWA POLICE DEPARTMENT

1. OWNER'S NAME (LAST, FIRST, MIDDLE) <b>Tedder, JEFFERY ALLEN</b>		2. CASE NUMBER <b>09-41528</b>	
15. BEAT <b>223</b>	17. PROPERTY SHEET <b>~14</b>	3. OWNERS ADDRESS <b>3921 E 14TH DSN</b>	4. RES. PHONE <b>UNK</b>
18. METHOD OF THEFT-JUMP WIRE, TOWED <b>~14</b>		19. KEYS LEFT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	5. IMP. TAG NO. <b>2816594</b>
20. RESULTING DAMAGE OR STRIPPING <b>~14</b>		6. WHERE FOUND? <b>1400 BLK S. OUID</b>	
21. GENERAL CONDITION <b>TOOL</b>		7. DATE / TIME FOUND <b>31 Dec 09 1020</b>	
22. MISSING ACCESSORIES? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> EXPLAIN IN NARRATIVE		8. WHY HELD? ILL. PARKING <input checked="" type="checkbox"/> ASSN DET. <input type="checkbox"/> ASSN TRAFFIC <input type="checkbox"/> STOLEN CAR <input type="checkbox"/>	
23. ARRESTS OR OFFENSES (1) <b>ILL Parking</b> (2)		9. VEH. COLOR YEAR <b>BLUE 81 CHEVY</b>	
24. IDENT NOTIFIED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		10. LICENSE NO. STATE / YR <b>092WRG IA 10</b>	
25. CID NOTIFIED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		11. VEHICLE IDENTIFICATION NUMBER <b>1G1AZ37KXBK463962</b>	
26. WITNESS		12. TOWED TO <b>45</b>	
		13. TOW DRIVER / OWNER SIGNATURE <b>X (DARTON)</b>	
		14. CRIME OR OFFENSE <b>ILL Parking over 24 Hrs</b>	
		15. CLASSIFICATION	
		RESIDENCE ADDRESS CITY RES. PHONE BUS.PHONE	

27. NARRATIVE: (1) CONTINUATION OF ABOVE ITEM NUMBERS INCLUDING ADDITIONAL INFORMATION AND WITNESSES.  
(2) BRIEF DESCRIPTION OF INCIDENT INCLUDING COMPLAINT IF AVAILABLE

*Cited And Impounded*


28. REPORTING OFFICER <i>[Signature]</i>	IDENT NO. <b>4798</b>	CONTINUE NARRATIVE ON BACK	
SECOND OFFICER	IDENT NO.	DISPATCH	
29. SUPERVISOR APPROVING <i>[Signature]</i>	REVIEWER <i>[Signature]</i>	32. RADIO BROADCAST BY DISPATCHER #	33. DATE
30. INVESTIGATION STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED <input checked="" type="checkbox"/> CLOSED		35. CANCEL <input type="checkbox"/>	34. TIME
31. CLEARANCE CLASSIFICATION <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPT CLEARED		OPERATOR	DATE / TIME
38. UNIT REFERRED TO: <b>01</b>		IOWA <input type="checkbox"/>	NCIC <input type="checkbox"/>

# CITATION INFORMATION

Printed By: Ismain

Print Date: 01/06/2010

### Citation Information

Number: 7083666	Issue Date: 12/31/2009	Issue Time: 10:20	
Decal:	Type:	Agency Code:	
Officer ID: 4798	Officer Name: HUFFMAN, CHRISTOPHER		
ID:	Meter:	Chalk Time:	Route:
Mark Block:	Street:	Suffix:	Direction:
Mark Block:	Street: 1400 BLK E 14TH	Suffix:	Direction:
Comment 1: IMP: 286594 CASE: 09-41528		Amount Due: \$15.00	
Comment 2:		Date Entered: 01/06/2010	
Comment 3:		Comment 4:	

### User Defined Flag

### Violation

33 - OVER 24 HOURS

### User Defined

DOT VIN:	<input type="text"/>
Aux2:	<input type="text"/>
MakeModelY:	<input type="text"/>
COUNTY:	<input type="text"/>
INSUR:	<input type="text"/>

### Vehicle Information

License Plate: 092WRG	State: IA	Type:	Lic. Year: 710	Major Color: BLU	Minor Color:
Body Sytle: 2D	Model Year:	VIN:	Make: CHEV	Model:	

### Finance Activity

Code	Debit	Paid	Action Date	Paid Type	Receipt#	Void
33	\$15.00		12/31/2009			

### Status Activity

Active	Date	Code	Description

### Related People

Name	TitleStart	TitleEnd

# History for Des Moines, IA

Wednesday, December 30, 2009

## Daily Summary

	Actual:	Average :	Record :
<b>Temperature:</b>			
Mean Temperature	26 °F	21 °F	
Max Temperature	34 °F	29 °F	63 °F (2004)
Min Temperature	18 °F	13 °F	-15 °F (1968)
<b>Degree Days:</b>			
Heating Degree Days	39	44	
Month to date heating degree days	1253	1183	
Since 1 July heating degree days	2364	2483	
Cooling Degree Days	0	0	
Month to date cooling degree days	0	0	
Year to date cooling degree days	894	1052	
<b>Moisture:</b>			
Dew Point	23 °F		
Average Humidity	81		
Maximum Humidity	88		
Minimum Humidity	73		
<b>Precipitation:</b>			
Precipitation	0.09 in	0.03 in	1.10 in (1931)
Month to date precipitation	2.83	1.30	
Year to date precipitation	38.80	34.69	
<b>Snow:</b>			
Snow	1.10 in	0.30 in	6.60 in (1998)
Month to date snowfall	28.1	7.4	
Since 1 July snowfall	29.2	12.3	
Snow Depth	10.00 in		
<b>Sea Level Pressure:</b>			
Sea Level Pressure	29.95 in		
<b>Wind:</b>			
Wind Speed	9 mph (South)		
Max Wind Speed	20 mph		
Max Gust Speed	23 mph		
Visibility	3 miles		
Events	Snow		

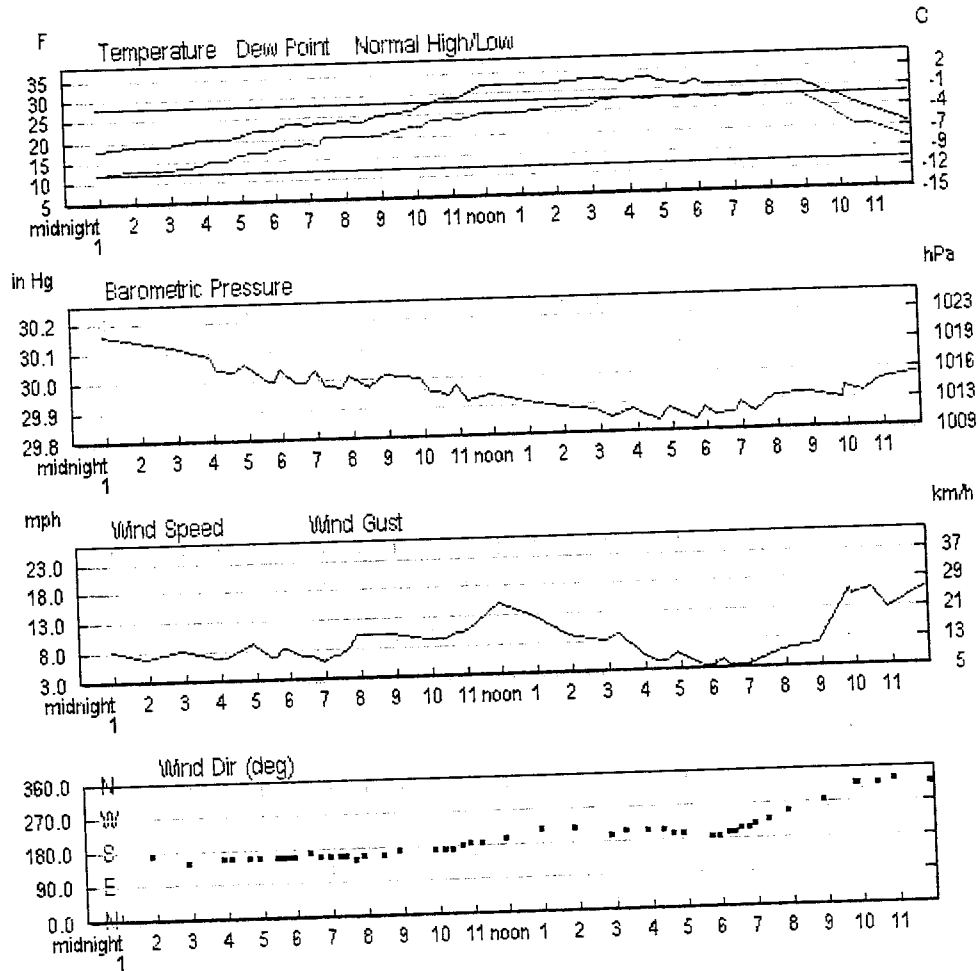
T = Trace of Precipitation, MM = Missing Value

Source: NWS Daily Summary





51



Hourly Observations

Time (CST):	Temp:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	Conditions:
12:54 AM	19.0 °F	12.9 °F	77%	30.16 in	8.0 miles	SSE	8.1 mph	-	N/A		Overcast
1:54 AM	19.9 °F	14.0 °F	78%	30.14 in	7.0 miles	South	6.9 mph	-	N/A		Overcast
2:54 AM	19.9 °F	14.0 °F	78%	30.12 in	7.0 miles	SSE	8.1 mph	-	N/A		Overcast
3:54 AM	21.0 °F	15.1 °F	78%	30.09 in	7.0 miles	SSE	6.9 mph	-	N/A		Overcast
4:07 AM	21.2 °F	15.8 °F	80%	30.04 in	7.0 miles	SSE	6.9 mph	-	N/A		Overcast
4:39 AM	21.2 °F	15.8 °F	80%	30.03 in	2.5 miles	SSE	8.1 mph	-	0.00 in	Snow	Light Snow
4:54 AM	21.9 °F	17.1 °F	82%	30.06 in	1.5 miles	SSE	9.2 mph	-	0.00 in	Snow	Light Snow
5:23 AM	23.0 °F	17.6 °F	80%	30.01 in	1.2 miles	SSE	6.9 mph	-	0.01 in	Snow	Light Snow
5:35 AM	23.0 °F	17.6 °F	80%	30.00 in	1.5 miles	SSE	6.9 mph	-	0.01 in	Snow	Light Snow
5:46 AM	23.0 °F	17.6 °F	80%	30.00 in	1.2 miles	SSE	8.1 mph	-	0.02 in	Snow	Light Snow

51

Time (CST):	Temp.:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	Conditions:
5:54 AM	23.0 °F	19.0 °F	85%	30.04 in	1.8 miles	SSE	8.1 mph	-	0.02 in	Snow	Light Snow
6:23 AM	24.8 °F	19.4 °F	80%	29.99 in	1.2 miles	South	6.9 mph	-	0.00 in	Snow	Light Snow
6:38 AM	24.8 °F	19.4 °F	80%	29.99 in	1.5 miles	SSE	6.9 mph	-	0.01 in	Snow	Light Snow
6:54 AM	24.1 °F	19.9 °F	84%	30.03 in	2.0 miles	SSE	5.8 mph	-	0.01 in	Snow	Light Snow
7:14 AM	24.8 °F	19.4 °F	80%	29.98 in	1.5 miles	SSE	6.9 mph	-	0.01 in	Snow	Light Snow
7:21 AM	24.8 °F	21.2 °F	86%	29.98 in	1.5 miles	SSE	6.9 mph	-	0.01 in	Snow	Light Snow
7:39 AM	24.8 °F	21.2 °F	86%	29.97 in	1.0 miles	SSE	8.1 mph	-	0.01 in	Snow	Light Snow
7:54 AM	25.0 °F	21.0 °F	85%	30.01 in	1.2 miles	SSE	10.4 mph	-	0.01 in	Snow	Light Snow
8:27 AM	24.8 °F	21.2 °F	86%	29.97 in	1.5 miles	SSE	10.4 mph	-	0.01 in	Snow	Light Snow
8:54 AM	26.1 °F	21.0 °F	81%	30.01 in	1.5 miles	South	10.4 mph	-	0.01 in	Snow	Light Snow
9:54 AM	27.0 °F	23.0 °F	85%	30.00 in	1.5 miles	South	9.2 mph	-	0.00 in	Snow	Light Snow
10:10 AM	28.4 °F	23.0 °F	80%	29.95 in	1.5 miles	South	9.2 mph	-	0.00 in	Snow	Light Snow
10:24 AM	28.4 °F	24.8 °F	86%	29.95 in	1.5 miles	South	9.2 mph	-	0.00 in	Snow	Light Snow
10:41 AM	30.2 °F	24.8 °F	80%	29.94 in	3.0 miles	South	10.4 mph	-	0.00 in	Snow	Light Snow
10:54 AM	30.0 °F	25.0 °F	82%	29.97 in	3.0 miles	South	10.4 mph	-	0.00 in	Snow	Light Snow
11:13 AM	30.2 °F	24.8 °F	80%	29.92 in	3.0 miles	South	11.5 mph	-	0.00 in	Snow	Light Snow
11:54 AM	33.1 °F	26.1 °F	75%	29.94 in	6.0 miles	SSW	15.0 mph	-	0.00 in	Snow	Light Snow
12:54 PM	33.1 °F	26.1 °F	75%	29.91 in	8.0 miles	SW	12.7 mph	-	0.00 in		Overcast
1:54 PM	33.1 °F	27.0 °F	78%	29.89 in	8.0 miles	SW	9.2 mph	-	N/A		Overcast
2:54 PM	34.0 °F	27.0 °F	75%	29.88 in	5.0 miles	SSW	8.1 mph	-	0.00 in	Snow	Light Snow
3:17 PM	33.8 °F	28.4 °F	81%	29.85 in	1.8 miles	SSW	9.2 mph	-	0.00 in	Snow	Light Snow
3:54 PM	33.1 °F	28.9 °F	85%	29.88 in	1.8 miles	SSW	5.8 mph	-	0.01 in	Snow	Light Snow
4:21 PM	33.8 °F	28.4 °F	81%	29.85 in	1.8 miles	SSW	4.6 mph	-	0.00 in	Snow	Light Snow
4:38 PM	33.8 °F	28.4 °F	81%	29.84 in	1.5 miles	SSW	4.6 mph	-	0.00 in	Snow	Light Snow

51

Time (CST):	Temp.:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	Conditions:
4:54 PM	33.1 °F	28.9 °F	85%	29.88 in	1.5 miles	SSW	5.8 mph	-	0.00 in	Snow	Light Snow
5:43 PM	32.0 °F	28.4 °F	87%	29.84 in	1.5 miles	South	3.5 mph	-	0.01 in	Snow	Light Snow
5:54 PM	33.1 °F	28.9 °F	85%	29.88 in	1.5 miles	South	3.5 mph	-	0.01 in	Snow	Light Snow
6:13 PM	32.0 °F	28.4 °F	87%	29.85 in	1.5 miles	SSW	4.6 mph	-	0.00 in	Snow	Light Snow
6:21 PM	32.0 °F	28.4 °F	87%	29.85 in	1.2 miles	SSW	3.5 mph	-	0.00 in	Snow	Light Snow
6:31 PM	32.0 °F	28.4 °F	87%	29.86 in	1.5 miles	SSW	3.5 mph	-	0.01 in	Snow	Light Snow
6:45 PM	32.0 °F	28.4 °F	87%	29.86 in	1.5 miles	SSW	3.5 mph	-	0.01 in	Snow	Light Snow
6:54 PM	32.0 °F	28.9 °F	88%	29.89 in	1.0 miles	SW	3.5 mph	-	0.01 in	Snow	Light Snow
7:20 PM	32.0 °F	28.4 °F	87%	29.86 in	1.0 miles	SW	4.6 mph	-	0.01 in	Snow	Light Snow
7:54 PM	32.0 °F	28.9 °F	88%	29.91 in	1.5 miles	WSW	5.8 mph	-	0.01 in	Snow	Light Snow
8:54 PM	32.0 °F	28.9 °F	88%	29.92 in	2.0 miles	West	6.9 mph	-	0.00 in	Snow	Light Snow
9:49 PM	28.4 °F	24.8 °F	86%	29.90 in	1.5 miles	NW	16.1 mph	-	0.00 in	Snow	Light Snow
9:54 PM	28.9 °F	24.1 °F	82%	29.94 in	1.8 miles	NW	15.0 mph	-	0.00 in	Snow	Light Snow
10:26 PM	26.6 °F	21.2 °F	80%	29.92 in	1.8 miles	NW	16.1 mph	-	0.00 in	Snow	Light Snow
10:54 PM	25.0 °F	21.0 °F	85%	29.96 in	2.0 miles	NNW	12.7 mph	-	0.00 in	Snow	Light Snow
11:54 PM	21.9 °F	18.0 °F	85%	29.98 in	2.0 miles	NW	16.1 mph	-	0.00 in		Overcast



**History for Des Moines, IA**

Tuesday, December 29, 2009

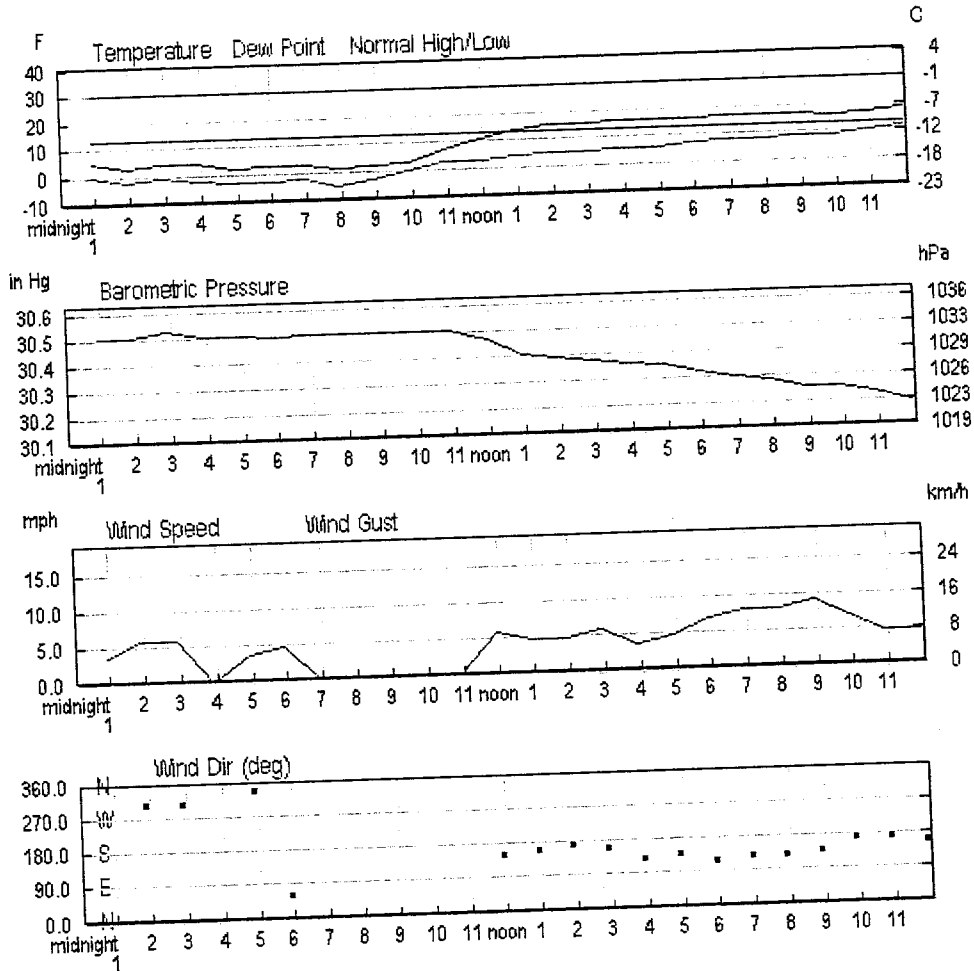
**Daily Summary**

	Actual:	Average :	Record :
<b>Temperature:</b>			
Mean Temperature	9 °F	21 °F	
Max Temperature	18 °F	30 °F	58 °F (2006)
Min Temperature	0 °F	13 °F	-17 °F (1917)
<b>Degree Days:</b>			
Heating Degree Days	56	43	
Month to date heating degree days	1214	1139	
Since 1 July heating degree days	2325	2439	
Cooling Degree Days	0	0	
Month to date cooling degree days	0	0	
Year to date cooling degree days	894	1052	
<b>Moisture:</b>			
Dew Point	3 °F		
Average Humidity	75		
Maximum Humidity	88		
Minimum Humidity	61		
<b>Precipitation:</b>			
Precipitation	0.00 in	0.03 in	0.78 in (1885)
Month to date precipitation	2.74	1.27	
Year to date precipitation	38.71	34.66	
<b>Snow:</b>			
Snow	0.00 in	0.30 in	2.00 in (1907)
Month to date snowfall	27.0	7.1	
Since 1 July snowfall	28.1	12.0	
Snow Depth	11.00 in		
<b>Sea Level Pressure:</b>			
Sea Level Pressure	30.41 in		
<b>Wind:</b>			
Wind Speed	4 mph (SSE)		
Max Wind Speed	10 mph		
Max Gust Speed	14 mph		
Visibility	10 miles		
Events			

T = Trace of Precipitation, MM = Missing Value

Source: NWS Daily Summary

5



Hourly Observations

Time (CST):	Temp.:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	Conditions:
12:54 AM	5.0 °F	-0.0 °F	80%	30.51 in	10.0 miles	WNW	3.5 mph	-	N/A		Clear
1:54 AM	3.0 °F	-2.0 °F	80%	30.51 in	10.0 miles	NW	5.8 mph	-	N/A		Clear
2:54 AM	3.9 °F	-0.9 °F	80%	30.53 in	10.0 miles	NW	5.8 mph	-	N/A		Clear
3:54 AM	3.9 °F	-2.0 °F	76%	30.51 in	10.0 miles	Calm	Calm	-	N/A		Clear
4:54 AM	1.9 °F	-2.9 °F	80%	30.51 in	10.0 miles	NNW	3.5 mph	-	N/A		Clear
5:54 AM	3.0 °F	-2.9 °F	76%	30.50 in	10.0 miles	ENE	4.6 mph	-	N/A		Clear
6:54 AM	3.0 °F	-2.0 °F	80%	30.51 in	10.0 miles	Calm	Calm	-	N/A		Scattered Clouds
7:54 AM	1.0 °F	-5.1 °F	75%	30.51 in	8.0 miles	Calm	Calm	-	N/A		Mostly Cloudy
8:54 AM	1.9 °F	-2.9 °F	80%	30.51 in	7.0 miles	Calm	Calm	-	N/A		Overcast
9:54 AM	3.0 °F	-0.0 °F	87%	30.51 in	8.0 miles	Calm	Calm	-	N/A		Overcast

51

Time (CST):	Temp.:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	Conditions:
10:54 AM	7.0 °F	3.0 °F	84%	30.51 in	10.0 miles	Calm	Calm	-	N/A		Overcast
11:54 AM	10.9 °F	3.0 °F	70%	30.47 in	10.0 miles	SSE	5.8 mph	-	N/A		Overcast
12:54 PM	14.0 °F	3.9 °F	64%	30.41 in	10.0 miles	SSE	4.6 mph	-	N/A		Overcast
1:54 PM	15.1 °F	5.0 °F	64%	30.39 in	10.0 miles	South	4.6 mph	-	N/A		Overcast
2:54 PM	15.1 °F	5.0 °F	64%	30.38 in	10.0 miles	SSE	5.8 mph	-	N/A		Overcast
3:54 PM	16.0 °F	6.1 °F	65%	30.36 in	10.0 miles	SE	3.5 mph	-	N/A		Overcast
4:54 PM	16.0 °F	6.1 °F	65%	30.35 in	10.0 miles	SE	4.6 mph	-	N/A		Overcast
5:54 PM	16.0 °F	7.0 °F	68%	30.32 in	10.0 miles	ESE	6.9 mph	-	N/A		Overcast
6:54 PM	17.1 °F	8.1 °F	68%	30.30 in	10.0 miles	SE	8.1 mph	-	N/A		Overcast
7:54 PM	17.1 °F	8.1 °F	68%	30.28 in	10.0 miles	SE	8.1 mph	-	N/A		Overcast
8:54 PM	17.1 °F	9.0 °F	71%	30.25 in	10.0 miles	SE	9.2 mph	-	N/A		Overcast
9:54 PM	16.0 °F	9.0 °F	74%	30.25 in	10.0 miles	South	6.9 mph	-	N/A		Overcast
10:54 PM	17.1 °F	10.0 °F	74%	30.23 in	10.0 miles	South	4.6 mph	-	N/A		Overcast
11:54 PM	18.0 °F	12.0 °F	78%	30.19 in	8.0 miles	SSE	4.6 mph	-	N/A		Overcast



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City of Des Moines, Iowa  
February 8, 2010 Administrative Hearing

In re: )  
 )  
 )  
 ) DECISION AND ORDER  
 ) AND  
 JEFFREY ALLEN TEDDER, )  
 Appellant ) NOTICE OF APPEAL RIGHTS  
 )  
 )

Jeffrey Allen Tedder, the Appellant, appeared on his own behalf and was represented by Charles Hill, an attorney with Iowa Legal Aid. Officer Christopher Huffman, with the City of Des Moines Police Department, appeared on behalf of the City of Des Moines (the "City").

**Procedural History**

At approximately 10:20 AM on Wednesday, December 31, 2009, the Des Moines Police Department responded to a complaint regarding a "red tagged" blue Chevy Monte Carlo (Iowa plate 092WRG) in the 1400 block of E. Ovid Avenue in Des Moines, Polk County, Iowa. The complainant questioned why the vehicle and the snow around it had not been removed. The owner of the vehicle in question was identified as Mr. Tedder and a citation (#7083666) was issued for "ILLEGAL PARKING OVER 24 HOURS," in violation of Section 114-361.13(a) of the City of Des Moines Municipal Code (the "Municipal Code"). The vehicle was seized and impounded. On January 6, 2010, Mr. Tedder filed a request for an administrative hearing. On January 25, 2010, the City Clerk sent a letter to the Appellant noting his requested administrative hearing was scheduled for February 8, 2010. The matter was so heard before the Administrative Hearing Officer.

**Decision**

The issue is whether there was probable cause to impound the vehicle in question for illegal parking on a City street for over 24 hours. Section 114-361.13(a) of the Municipal Code provides that "[n]o person shall park any vehicle and permit it to remain standing upon any public street or public metered lot in the city continuously and in one place for a period of more than 24 hours." Mr. Tedder argues there was no "red tag" on his vehicle; and 24-hours had not expired before the City impounded his vehicle because he had not parked in the 1400 block of E. Ovid until approximately 11:00 AM on December 30, 2009 and his vehicle was impounded at approximately 10:20 AM on December 31, 2009. However, Officer Huffman provided credible testimony, stating he personally observed Mr. Tedder's "red tagged" vehicle and that the red tag was securely affixed to its driver's window. He also testified that he had verified that at least 24-hours had passed since the "red tag" courtesy warning had been issued, which is standard protocol. Furthermore, Officer Huffman testified it was apparent the vehicle had not been moved for some time due to the amount of snow accumulation around the vehicle and the repeated complaints received about it.

Therefore, by a preponderance of all evidence in the record it is held that a person of ordinary care and prudence would believe probable cause did exist when the Des Moines Police Department caused Mr. Tedder's vehicle and its contents to be impounded. Mr. Tedder is therefore held liable and ordered to pay all charges, costs and fees attributable to the impound and storage of his vehicle, as well as the fifteen dollar (\$15) citation fine (#7083666).

### Right of Appeal

As provided under Section 114-485.18 of the Municipal Code, this decision may be appealed to the City Council by either the department causing the vehicle to be impounded or the registered owner or person having legal entitlement to possession of the impounded vehicle, provided a written notice of appeal is filed with the City Clerk's Office within seven days of this decision. Failure to file a written notice of appeal within such period shall be deemed a waiver of the right to appeal this decision to the City Council.

This written ruling is hereby submitted on this 17<sup>th</sup> day of February, 2010 in Des Moines, Polk County, Iowa. The City Clerk shall serve copies of this Decision and Order upon each of the parties.



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Camille A. Valley  
Administrative Hearing Officer



51



March 22, 2010

Jeffrey A. Tedder  
P.O. Box 16166  
Des Moines, IA 50316

Re: Administrative Hearing -Vehicle Impound

As stated in my March 22, 2010 letter, enclosed is a copy of the transcript from the February 8, 2010 administrative hearing regarding impoundment of your vehicle.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Rauh". The signature is fluid and cursive, with a long horizontal stroke at the top.

Diane Rauh  
City Clerk

DR:kh

cc: Charles Hill  
Assistant City Attorney  
Chief Bradshaw