

May 7, 2007

Date

APPEAL FROM LIMOUSINE LICENSE DENIAL

WHEREAS, Shawntell Rogers, 1602 Wilson Avenue, filed an application for a limousine driver's license from the City of Des Moines; and

WHEREAS, Gary Fox, the City Traffic Engineer, denied this application; and

WHEREAS, Mr. Rogers requested an opportunity to address the City Council on the denial of this application; and

WHEREAS, Mr. Rogers now has the opportunity to address the City Council; 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. Rogers' limousine license application.

MOVED BY _____ TO DENY APPLICATION.

_____ Alternative Two: To reverse the decision of the City Traffic Engineer and grant Mr. Rogers' limousine license application.

MOVED BY _____ TO GRANT APPLICATION.

FORM APPROVED:

K. Massier
Katharine Massier
Assistant City Attorney

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

Rauh, Diane I.

From: Fox, Gary L.
Sent: Friday, May 04, 2007 12:09 PM
To: Rauh, Diane I.
Cc: Massier, Kathy J.
Subject: Limousine License Denial - Shawntell Rogers

Diane-

I have reviewed the background information from Mr. Rogers' application, and offer the following additional information for the Council's consideration. As stated in my March 7, 2007 letter to Mr. Rogers, his application was denied based on his 12/09/05 conviction for 3rd degree harassment, which caused him to not meet the requirements for good moral character. Mr. Rogers Iowa Criminal History also showed an arrest on 12/18/1995 for possession of a Schedule 1 Controlled Substance, for which he received a deferred judgment. This event was not considered in the denial of Mr. Rogers' application because it occurred more than 10 years ago.

Mr. Rogers' driving record from the Iowa Department of Transportation shows two convictions for miscellaneous matters, but no safety related moving violations or license suspensions. Mr. Rogers' driving record does meet the requirements to obtain a limousine license.

I have attempted to contact Mr. Rogers regarding the need to produce a letter from the limousine company stating that they will hire him to drive a limousine, but have not received a response yet. I have also contacted the limousine company Mr. Rogers had indicated would hire him, and the owner of the company stated that he will not issue such a letter.

Gary L. Fox
City Traffic Engineer
602 Robert D. Ray Dr.
Des Moines, IA 50309
Phone: (515) 283-4973
E-Mail: glfox@dmgov.org

★ Roll Call Number

07-786

Date April 23, 2007

5-7
F.u.
Agenda Item Number

57 5A

APPEAL FROM LIMOUSINE LICENSE DENIAL

WHEREAS, Shawntell Rogers, 1602 Wilson Avenue, filed an application for a limousine drivers license from the City of Des Moines; and

WHEREAS, Gary Fox, the City Traffic Engineer, denied this application; and

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

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

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

Alternative One: To uphold the decision of the City Traffic Engineer and deny Mr. Rogers' limousine license application.

MOVED BY _____ TO DENY APPLICATION.

Alternative Two: To reverse the decision of the City Traffic Engineer and grant Mr. Rogers' limousine license application.

MOVED BY _____ TO GRANT APPLICATION.

FORM APPROVED:

K. Massier
Katharine Massier
Assistant City Attorney

MOVED BY Hensley to refer to Legal Department and Traffic and Transportation Division to provide additional background information; applicant is to provide a letter of employment for review at the May 7, 2007 Council Meeting.

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

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Fauh City Clerk

83
07-186

54

April 3, 2007

Shawntell Rogers
1602 Wilson Avenue
Des Moines, IA 50316

Re: Limousine License Appeal of Application Denial

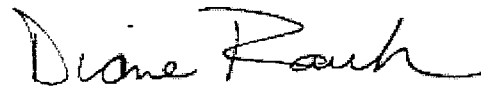
Dear Mr. Rogers:

The purpose of this letter is to acknowledge receipt of your timely appeal of the decision to deny issuance of a Limousine License, as presented to you in the March 7, 2007 letter from the City Traffic Engineer.

Accordingly, I have set this matter for hearing on **Monday, April 23, 2007** 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,



Diane Rauh
City Clerk

DR:kh
Enc.

cc: Jeb Brewer - Engineering
K. Ramsay-Massier - Legal
S. Silver - 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

March 7, 2007

83
07-186
54

Shawntell Rogers
1602 Wilson Avenue
Des Moines, IA 50316

RE: Limousine License

Dear Mr. Rogers:

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

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

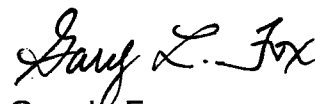
Criminal Record:

09/24/05 Arrested on charge of 2nd degree Harassment. On 12/09/05, convicted of 3rd degree Harassment and received 1-day jail confinement.

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 Limousine Driver's License is denied under Municipal Code Section 126-70.2 (a-2), (b-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 Limousine 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.
Steven Silver, Police Dept.
Diane Rauh, City Clerk ✓



ENGINEERING DEPARTMENT

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

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

ALL-AMERICA CITY
1949, 1976, 1981
2003

SB
07-786
SA

FILED

2007 MAR 29 AM 9: 21

CITY CLERK
DES MOINES, IOWA

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 Limousine License application, as outlined in Section 126-70.2 of the Municipal Code. I understand I must provide a letter from the Limousine Company stating that they will allow me to drive for them and will provide dispatch service to me.

Name Shauntell Rogers
Address 1602 Wilson
Phone 559-6052
Date 3/17/07

Shauntell Rogers
Signature

83
07-786
54

**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: 01 March, 2007

From: Steven Silver
Traffic Communications Officer
Traffic Unit

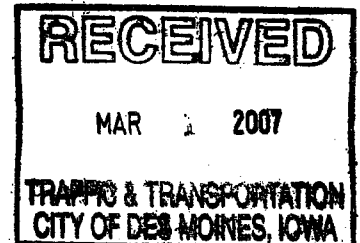
Subject: Limousine License
Shawntell Rogers

Currently the applicant has a valid Iowa Class "B" driver's license which does meet the requirements to operate a limousine. A review of Mr. Rogers's Iowa/Local criminal reflects that with in ten (10) years preceding this application the following activity took place.

09/24/2005 Arrested on a charge of 2nd degree Harassment. On 12/09/2005 Mr. Rogers was convicted of 3rd degree Harassment and received 1-day jail confinement, credited with 1-day time served, no contact order and assessed court fees.

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


Steven Silver



Denied.

CITY OF DES MOINES, IOWA
Office of
TRAFFIC AND TRANSPORTATION

DE 784
53
54
Feb 27, 2007

TO: Officer Steve Silver
DMPD Traffic Unit

DATE: Feb 27, 2007

FROM: Gary L. Fox,
City Traffic Engineer

SUBJECT: Taxicab/Limousine
Drivers License
Records Check

NEW



RENEWAL

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

NAME Shawntell L. Rogers
S.S. 485-90-2332
D.L. 746 Y40626
B.D. 5-16-71
ADD 1602 Wilson Ave
DSM 50316

(RETURN BY MAIL COURIER)

Gary L. Fox,
City Traffic Engineer

GLF/jag

Attachment

ID ISSUED DATE

RECEIPT NO.

00983

AMOUNT

\$ 40.00

DATE

2/27/07

CAB COMPANY

CAB OWNER



5A 83
07-786
2-27-07

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

Name Rogers Shawntell Leon
(Last) (First) (Middle)

Address 1602 Wilson Ave
Des Moines IA 50316 559-6054
(City, State & Zip Code) (Phone Number)

Birth Date: 5-16-71 DL # 74644026 SS# 485-902372 Class: B Exp. Date: 09
0626

Weight: 210 Height: 5'11 Color of Hair: Brown Color of Eyes: Hazel

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

Years of experience driving an automobile. 1992 Taxi/Limo: _____

Have you ever had your driver's license suspended/revoked? N 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.

EMPLOYMENT RECORD

From		To	Employer's Name and Address	EDUCATION RECORD:	
				School	Circle Highest Grade Completed
June 05	-		Toyota of Des Moines 4475 Merle Way Rd		
MAY 03	June 05		Des Moines Transportation School Bus 1918 Prospect Rd	Elementary	1 2 3 4 5 6 7 <u>8</u>
MAY 00	-		Skate South 1075 County Line Rd	High School	9 10 11 <u>12</u>
				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. N

List any current medications or medical conditions for the past five (5) years which might affect your ability to drive:
N

54-53
1.01-786

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 Stand Dean 719 19th Phone No. 288-7353
Address _____
- 2. Name Tim Murray Phone No. 288-3172
Address 1412 13th
- 3. Name Kolleen Hill Phone No. 313-3591
Address 4536 Douglas

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.

2/27/07 (Date) Shawnell Rogers (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 request for a license to drive a Taxicab/Limousine be:

APPROVED REJECTED

3/1/07 (Date) [Signature] #4593 (Authorized Representative, Chief of Police)

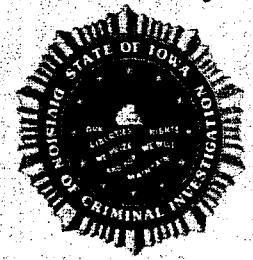
Receipt Number _____
 Date _____
 Amount _____
 Badge Number _____
 Company _____
 Owner _____

Application for License REJECTED APPROVED

3/2/07 (Date) [Signature] (City Training Engineer)



State of Iowa
 Division of Criminal Investigation
 Wallace State Office Building
 Des Moines IA 50319
 Ph. 515-281-4776 Fax 515-242-6876



530771
54

Iowa Criminal History Record Check
 Walk-In Request

Your name	Shawnkell L Rogers
Address	1602 Wilson
City/State/Zip	Des Moines IA 50316
Phone#	559-6052

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)
Rogers	Shawnkell	Leon
Date of Birth <i>Fecha Nacimiento</i> (mandatory)	Gender <i>Genero</i> (mandatory)	Social Security Number (recommended)
5-16-71	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	485-90-2332

Waiver Signature *Firma* (If the request is on yourself, please sign. If the request is on someone else, write N/A.)

Shawnkell Rogers

Results

As of FEBRUARY 21, 2007, a name and date of birth check revealed:

No record found

Record attached, DCI # 513788

DCI initials CPB

DCI USE ONLY

STATE OF IOWA
 D.P.S.
 DIV. OF CRIMINAL
 INVESTIGATION
 2007 FEB 21 AM 10:39

Receipt

Number of requests 1 x \$10.00 per last name = Total amount \$ 10.00

Method of payment: cash money order check # _____

MasterCard or Visa # _____ Exp. Date _____

Cardholder's name _____

DCI initials CPB

IOWA CRIMINAL HISTORY
MISDEMEANOR CONVICTIONS ONLY

DCI 00513788
PAGE 1 OF 2
DATE PRINTED-
2007/02/21

54 83
07-186

DCI:00513788

NAME: ROGERS, SHAWN
ROGERS, SHAWNTELL LEON SR

DOB	SEX	RAC	HGT	WGT	EYE	HAIR	SKN	POB
19700516	M	B	510	210	BRO	BLN	MED	IA
19710516								

ADDITIONAL IDENTIFIERS

PRCD L EAR
PRCD R EAR
SC L EAR
TAT UL ARM

CCH RECORD ***

01 ARRESTED 19951218
AGENCY: IA0770300 DES MOINES PD
CHARGE NO- 01 IA STATUTE IA124-401
POSS SCH I CONTROLLED SUBSTANCE
TRK#: 021438001

COURT DISPOSITION

AGENCY: IA077015J POLK CO DIST COURT
COUNT NO- 01 IA STATUTE IA124-401-3
POSSESSION CONTROLLED SUBSTANCE
TRK#: 021438001

SENTENCE		DISP EFF DAT
DEFERRED JUDGEMENT	DEFERRED 1YR	19960229
COURT COSTS		19960229
PROBATION	1Y	19960229
COMMUNITY SERVICE	50H	19960229

02 ARRESTED 20050924
AGENCY: IA0770500 WEST DES MOINES PD
CHARGE NO- 01 IA STATUTE IA708.7(3)
HARASSMENT-2ND
TRK#: 074015501

COURT DISPOSITION

AGENCY: IA077015J POLK CO DIST COURT
COUNT NO- 01 IA STATUTE IA708.7(4)
HARASSMENT / 3RD DEG. - 1989
COURT CASE ID: 05771 SRCR196821
CHARGE CLASS: MISDEMEANOR CONVICTION
TRK#: 074015501

SENTENCE		DISP EFF DAT
TIME SERVED	1D	20051209
JAIL	1D	20051209
NO CONTACT ORDER		20051209

5A53
07-786

- (2) A concise history of the applicant's employment for the past one year.
 - (3) A concise statement of the history of his or her health for the past one year and any present impairments or disabilities.
 - (4) A list of all convictions (convicted of, pled guilty to or stipulated to the facts) for criminal offenses, other than traffic offenses, during the past year. If the applicant has been convicted of, pled guilty to or stipulated to the facts of any criminal offense, the applicant will provide certified copies of any and all dispositions of the criminal offenses to the city police department.
 - (5) A statement that the contents of the completed application are true.
 - (6) The date the application is filed.
 - (7) Further information as the traffic engineer may require.
- (c) At the time an initial or renewal application is filed the applicant shall pay to the finance director the appropriate fee in the amount set in the schedule of fees adopted by the city council by resolution.

(0.13,720; C00, § 126-70.1; 0.14,175)

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

- (a) *Requirements.* Each applicant must meet the following requirements before a license may be issued:
 - (1) Possess a current valid motor vehicle chauffeurs license, with the proper endorsement, issued by the state department of transportation.
 - (2) Be a person of good moral character.
 - (3) Have a good driving record.
 - (4) Be at least 18 years of age.
- (b) *Definitions.*
 - (1) *Good driving record* means all of the following:

(i) The applicant has not, within the preceding five years been convicted of any moving traffic violation which resulted in automatic suspension or revocation of an operators or chauffeurs license under I.C. ch. 321, 321A or 321J.

(ii) The applicant's operators or chauffeurs license has not been suspended or revoked for any single moving traffic violation or combination of moving traffic violations within the preceding five years.

(iii) The applicant has not, within the preceding one year, been convicted of three or more moving traffic violations.

(iv) The applicant has not, within the preceding one year, been involved in more than one traffic accident in which applicant was at fault.

(2) *Person of good moral character* means any person who meets the following requirements:

(i) Has such good reputation as will satisfy the licensing authority that he or she will comply with this article and all other laws, ordinances and regulations applicable to the performance of his or her duties as a limousine driver.

(ii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving moral turpitude or sexual abuse within the preceding ten years.

(iii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense which is a simple misdemeanor, other than those listed in paragraph (2)(iv), below, within the preceding five years.

(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.

Sec. 126-70.3. Investigation of applicant; 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.

(O.13,720)

Sec. 126-70.4. Approval of 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.

(O.13,720)

Sec. 126-70.5. Issuance.

Upon approval of an application for a limousine driver's license, the traffic engineer shall issue a license to the applicant in the form of a laminated card containing a current picture of the driver and the license number, or such other form and style as the traffic engineer shall prescribe. This license shall be constantly and conspicuously displayed on the outside of the driver's hat, coat or outer garment while he or she is on any airport property, and at all other times while on duty, the driver shall keep the license in his or her possession. Any

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

efs



Iowa Department of Transportation

Park Fair Mall, 100 Euclid Ave., P.O. Box 9204, Des Moines, IA 50306-9204, 515-244-8725 or 1-800-532-1121

www.driverinquiry.state.ia.us

OFFICE OF DRIVER SERVICES CERTIFIED COPY OF DRIVING RECORD

Inquiry Date:	03/01/2007	LICENSE INFORMATION:	
Customer ID:	42LB	Class:	B COMMERCIAL
D.L. Number:	746YY0626	Audit No:	9177429
Name:	ROGERS, SHAWNTELL LEON	Issue Date:	02/06/2007
Address:	1602 WILSON AVENUE	Expiration Date:	05/16/2009
City/State:	DES MOINES, IA 50316	Non-Comm Status:	VALID
Birthdate:	05/16/1971	Commercial Status:	VALID
	Sex: M		

ENDORSEMENTS:
PASSENGER VEHICLE

HISTORY INFORMATION:

<i>Date1</i>	<i>Type</i>	<i>Date</i>	<i>JUR</i>	<i>ACD</i>	<i>Explanation</i>
04/24/2004	CON	05/07/2004	IA		MISCELLANEOUS
12/19/2005	CON	01/04/2006	IA		MISCELLANEOUS

In compliance with Iowa Code Section 321A.3, this document is a true and correct abstract of the operating record on file with the Department of Transportation as of the inquiry date.

IN COMPLIANCE WITH SECTION 321A.3, (IOWA CODE) IT IS HEREBY CERTIFIED THAT THIS IS A TRUE AND CORRECT ABSTRACT OF THE OPERATING RECORD ON FILE IN THE DEPARTMENT OF TRANSPORTATION, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID DEPARTMENT AT DES MOINES, IOWA, THIS DATE:

MAR 01 2007

Cery L. Dillinger
OFFICE OF DRIVER SERVICES