



Roll Call Number

Agenda Item Number

44

.....August 9, 2010.....

Date

**PUBLIC HEARING ON TAXICAB & LIMOUSINE
LICENSE APPLICATION OF CAROLYN KERR**

WHEREAS, Carolyn Kerr, 1414 Carpenter Avenue, filed an application for a license to drive a taxicab and limousine in the City of Des Moines and the Department of Traffic and Transportation rejected said application; and

WHEREAS, Ms. Kerr requested an opportunity to address the City Council on the matter of her application; and

WHEREAS, Ms. Kerr has been provided with the opportunity to address the City Council on the matter of her application for a license to drive a taxicab and a limousine; and

WHEREAS, Carolyn Kerr's conviction for Assault with Intent to Inflict Serious Injury disqualifies her under Des Moines Municipal Code §126-218(b)(2) and §126-70.2(a)(2) regarding qualifications for taxicab and limousine license issuance respectively; NOW, THEREFORE,

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

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

MOVED BY _____ TO DENY LICENSE.

_____ Alternative Two: That Mr. Carolyn Kerr's application for license to drive a taxicab and limousine 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

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



July 27, 2010

Ms. Carolyn Kerr
1414 Carpenter Avenue
Des Moines, IA 50314

Re: Taxi/Limousine License Appeal

The purpose of this letter is to acknowledge receipt of timely appeal of the decision to deny issuance of a Taxi/Limousine License, as presented to you in a July 22, 2010 letter from the City Traffic Engineer.

Accordingly, I have set this matter for hearing on August 9, 2010 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,

Diane Rauh
City Clerk

DR:kh
Enc.

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

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July 22, 2010

Ms. Carolyn Kerr
1414 Carpenter Avenue
Des Moines, IA 50314

RE: Taxi/Limo Driver's License

Dear Ms. Kerr:

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

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

Criminal Record:
03/05/2007 Arrested on charge of Assault with Intent to Inflict Serious Injury
Served 60 days and placed on 2 years 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/Limousine Driver's License is denied under Municipal Code Section 126-218 (a-2, i, ii, iv)(b-2) and 126-70.2 (b-2, iv). A copy of these code sections are 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 *MLB*

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

*Ms. Kerr came in
and picked up:*

Rec'd 7/23/10

Carolyn M. Kerr

Diane Rauh
City Clerk
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309

FILED
2010 JUL 23 PM 2:27
CITY CLERK
DES MOINES, IA

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 Carolyn Kerr
Address 1414 Carpenter Avenue Des Moines, Iowa 50307
Phone 515-729-7792
Date 07/23/2010

Carolyn M. Kerr

Signature

**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: 19July2010

From: Michael West
Senior Police Officer
Traffic Unit

Subject: Taxicab/Limousine
Carolyn Kerr

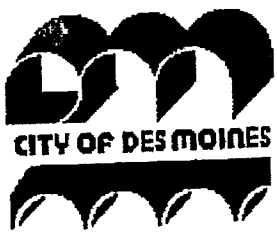
The applicant currently has an Iowa Class "D" driver's license, which meets the requirements to operate a taxicab/limousine. An examination of Ms Kerr's Iowa/Local criminal record reflects that following activity occurred.

03/05/2007 Arrested on a charge of Assault with Intent Inflict Serious Injury. Ms Kerr served 60 days and placed on 2 years probation.

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


Michael West 4810

7/15/10



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

BOTH

Name Kerr (Last) Carolyn (First) Marie (Middle)

Address 1414 Carpenter Avenue Des Moines, Iowa 50314 (City, State & Zip Code) 515-729-7792 (Phone Number)

Birth Date: 01/30/1957 DL# 787444173 SS# [redacted] Class: D Exp. Date: 04/30/2011 Weight: 5'6" Height: 220 lbs. Color of Hair: brown grey Color of Eyes: blue

Have you ever been licensed as a City of Des Moines Taxi/Limo Driver? No When? Years of experience driving an automobile. 38 Taxi/Limo: 0

Have you ever had your driver's license suspended/revoked? yes If so, when? 2010 1989

Give reason(s) for suspension/revocation. 2010 - failed license upgrade test - Temporarily issued

1989 01/1989 DUI 10 days jail, fine, class, SR-22 List all convictions for traffic violations for which your license was suspended/revoked during the last five (5) years. N/A

List all convictions for criminal offenses other than traffic offenses during the last ten (10) years. 03/2007 Misdemeanor 60 days jail, class, 2yr. probation

EMPLOYMENT RECORD:			EDUCATION RECORD:	
From	To	Employer's Name and Address	School	Circle Highest Grade Completed
03/2010		Centerplate 1 Line Drive, Des Moines, Iowa 50309		
01/2010	02/2010	Coach America Crew Transport 3302 E. Market Street, Des Moines, Iowa 50317	Elementary	1 2 3 4 5 6 7 (8)
06/2009	12/2009	Heartland Inc. 3829 71 st Street, Suite C, Urbandale, Iowa 50322	High School	9 10 11 12
09/2008	03/2009	Alcoholics Anonymous - F&B Meeting hall 315 East 5 th Street, Des Moines, Iowa 50309	College	(1) 3 4 5 6
08/2007	04/2008	Goodwill Industries 4900 Northeast 22 nd Street, Des Moines, Iowa 50313	Trade School Other	(1) 2 3 4

HEALTH RECORD: List any physical impairments or disability that would affect your ability to drive. Corrective lenses

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

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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

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REFERENCES (persons known by you for at least one year):

- 1. Name Jack Welch Phone No. 515-255-2562
Address 1414 Carpenter Avenue, Des Moines, Iowa 50314
- 2. Name Debra Hudson Phone No. 515-283-0414
Address 700 Watrous Avenue, Des Moines, Iowa 50315
- 3. Name Ron M^cFadden Phone No. 515-279-5072
Address 2519 Clarkson Avenue Apartment #310, Des Moines, Iowa 50310

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.

07/14/2010 Carolyn Marie Ken
(Date) (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
Representative, Chief of Police

7/19/10 [Signature]
(Date) (Authorized)

Receipt Number: 929941
Date: 7/15/10
Amount: 45.00
Badge Number: _____
Company: Trans Iowa
Owner: _____

REJECTED
Application for License APPROVED

(Date) (City Traffic Engineer)



Iowa Department of Transportation

Office of Driver Services
PO Box 9204, Des Moines, IA 50306-9204

(Toll Free) 800-532-1121
515-244-9124
FAX: 515-239-1837

Certified Abstract of Driving Record

Inquiry Date:	7/14/2010	DL/ID #:	787YY4173 (IA)	Customer #:	5046002
Name:	Kerr, Carolyn Marie	Class:	D	ID Status:	None
Address:	1414 Carpenter Avenue	Audit #:	4132019	DL Status:	VAL
City/State:	Des Moines, IA 50314	Issue Date:	02/25/2010	CDL Status:	None
Mailing Address:	1414 CARPENTER AVENUE	Expiration Date:	04/30/2014	Restriction Supplement:	None
Mailing City/State:	DES MOINES, IA 50314	Endorsements:	3		
		Restrictions:	Corrective Lenses		
		Date of Birth:	4/30/1957		
		Sex:	F		

History Information

CLEAR DRIVING RECORD

Name: Kerr, Carolyn Marie DL/ID: 787YY4173

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.

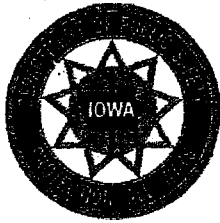
In witness whereof, I have caused my signature and the seal of the Department to be set upon this document, at Ankeny, Iowa this date:

7/14/2010

Office of Driver Services
Iowa Department of Transportation

Name: Kerr, Carolyn Marie DL/ID: 787YY4173

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State of Iowa
Division of Criminal Investigation
215 E 7th St
Des Moines IA 50319
Ph. 515-725-6066 Fax 515-725-6080



Iowa Criminal History Record Check Walk-In Request

Your name	Carolyn M Kerr
Address	1414 Carpenter Avenue
City/State/Zip	Des Moines / Iowa / 50314
Phone#	515 (729-7792)

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)
Kerr	Carolyn	Marie
Date of Birth <i>Fecha Nacimiento</i> (mandatory)	Gender <i>Genero</i> (mandatory)	Social Security Number (recommended)
04 / 30 / 1957	<input type="checkbox"/> Male <input checked="" 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.)		
Carolyn Marie Kerr		

DCI USE ONLY

STATE OF IOWA
DIV. OF CRIMINAL
INVESTIGATION
2010 JUL 14 AM 11:51

Results

As of 7-14-10, a name and date of birth check revealed:

No record found

Record attached, DCI # 798276

DCI initials JO

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 OR

Credit Card Number # _____ Exp. Date _____

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IOWA CRIMINAL HISTORY
MISDEMEANOR CONVICTIONS ONLY

DCI 00798276
PAGE 1 OF 1
DATE PRINTED-
2010/07/14

DCI:00798276

NAME: KERR, CAROLYN MARIE
LORAH, CAROLYN MARIE

DOB	SEX	RAC	HGT	WGT	EYE	HAIR	SKN	POB
19570430	F	W	506	170	BLU	GRY	FAR	WA

ADDITIONAL IDENTIFIERS SC ABDOM PHOTO AVAILABLE: Y

CCH RECORD ***

01 ARRESTED 20070305
AGENCY: IA0770300 DES MOINES PD
CHARGE NO- 02 IA STATUTE IA708-2(1)
ASSAULT INT INFLICT SERIOUS INJURY
TRK#: 7B001HY02

COURT DISPOSITION
AGENCY: IA077015J POLK CO DIST COURT
COUNT NO- 02 IA STATUTE IA708.2(1)
ASSAULT INTENT TO INFLICT SERIOUS INJURY-1978
COURT CASE ID: 05771 FECR210043
CHARGE CLASS: MISDEMEANOR CONVICTION
TRK#: 7B001HY02
RESTITUTION

SENTENCE		DISP EFF DAT
TIME SERVED	60D	20070504
SUSPENDED PRISON	680D	20070504
PROBATION	2Y	20070504
	FORMAL	
PRISON	2Y	20070504

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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USA

DEPARTMENT OF MOTOR VEHICLES

CLYDE R. KANE

1114 GARRETT AVENUE

DES MOINES, IA 50319

DL No. 78774175

EXPIRES 02/26/2010

ISSUED 04/30/2014

RESTRICTIONS B

DOB 04/30/1957

Clyde R. Kane

5 541320197KC1638F300414D