

Date September 8, 2008

PUBLIC HEARING ON VEHICLE  
IMPOUND OF MOSES MATHENGE

WHEREAS, Moses Mathenge, 1304 - 34<sup>th</sup> Street, filed an appeal of his vehicle's impound for illegal parking and the City Hearing Officer denied said appeal; and

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

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

WHEREAS, Mr. Mathenge's vehicle was found parked illegally in a No Parking Any Time zone and not within a proper space; 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. Mathenge.

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

FORM APPROVED:

*K. Massier*

Katharine Massier  
Assistant City Attorney

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

## **EXHIBITS FOR VEHICLE IMPOUND**

- |                         |   |
|-------------------------|---|
| <b><u>EXHIBIT 1</u></b> | <b>Mr. Mathenge's Appeal</b>                                      |
| <b><u>EXHIBIT 2</u></b> | <b>Hearing Officer's Decision</b>                                 |
| <b><u>EXHIBIT 3</u></b> | <b>Administrative Hearing Officer's Notes</b>                     |
| <b><u>EXHIBIT 4</u></b> | <b>Transcript</b>   |
| <b><u>EXHIBIT 5</u></b> | <b>Request for Hearing, Invoices, Police Report and Citations</b> |

EXHIBIT 1  
35

FILED

2008 AUG -8 PM 3:24

CITY OF DES MOINES

~~1304~~ 1100 ROBERT D. RAY D. CITY CLERK  
DES MOINES IA 50309 DES MOINES, IOWA

RE: APPEAL

I am writing to appeal a ruling dated 07/30/08 in regard to vehicle impound and the related tickets.

On 06/14/08 I was doing my work driving along the 30<sup>th</sup> street a dead end street off the center st:

It was raining heavily and the ~~rea~~ streets were flooded.

I hit a pot hole and my car developed complications leading that made it stall:

In accordance to the driving instructions, I manually pushed the heavy car all the way to the side.

I further made an extra effort to get it off the kerb but I wasn't strong enough to push the right rear wheel off the road:

I left the car with the right rear touching the curb while the front one was on the grass. The car was parked almost parallel to the road:

In the heavy rains, I left my blinkers on and walked several blocks upon which I called a Tow Truck.

→ The officer ended writing me up two tickets: one for parking in a no parking zone and the other for double parking:

The two tickets are for the same violation.

~~There is no way one can double park in a no parking zone.~~

In my opinion, the officer miss perceived my efforts to get the car away from the road to mean parking.

→ Going by the officers words, "Not in proper space" (Across markings)

\* There was no mark.

and not in proper space ~~is~~ simply ~~repre~~ covered by the No parking Ticket:

I did not park the car by will it stalled:

\* Had it not been for the pet here ~~the~~ ~~the~~ my car would not have stalled and I would not be dealing with the issue.

~~I may not that~~  
Yours hopefully  
Mothenge Moses:

August 21, 2008

Moses Mathenge  
1304 34<sup>th</sup> Street #402  
Des Moines, IA 50311

Re: Appeal of Vehicle Impound


Dear Mr. Mathenge:

This letter is to acknowledge receipt of your written request of August 8, 2008 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 September 8, 2008 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 is enclosed. If you have any questions regarding this matter, please contact this office.

Sincerely,



Diane Rauh  
City Clerk

DR:kh

cc: Hearing Officer  
Assistant City Attorney  
Chief Bradshaw



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

July 30, 2008

Moses Mathenge  
1304 34<sup>th</sup> Street #402  
Des Moines IA 50311

Re: Administrative Hearing – Vehicle Impound

Dear Mr. Mathenge:

In response to your written appeal, the City of Des Moines convened an Administrative Hearing on July 28, 2008, at 8:45 a.m. regarding a motor vehicle impound (Impound Tag Number 275966). Pursuant to Section 114-485.16 of the Municipal Code, you were given an opportunity to be heard at that time.

The issue before the Hearing Officer was the removal and impoundment of an illegally parked vehicle. Section 114-485.11 of the Municipal Code states, "...[that] the police department...may remove and impound vehicles or cause vehicles to be removed and impounded when the vehicles are stopped or parked in violation of this chapter or other city ordinances and, in so doing, may employ such means as are reasonably necessary.

Officer Jon Dallman stated that at approximately 1:45 p.m. on June 8, 2008, he found a vehicle on the west side of 30<sup>th</sup> Street. The vehicle was parked in a no parking anytime zone with the right front wheel over the curbing on the grass and parked at an angle. Officer Dallman said he impounded the vehicle because of traffic concerns.

Mathenge Moses said he was delivering the Sunday newspaper on June 8, 2008, when he hit a pothole that disabled his vehicle. Moses said he was running late with his delivery route due to heavy rains. Mr. Moses said he pulled to the side of the street and called a towing company for help. Mr. Moses said he turned the blinkers on his vehicle and was only gone about 20 minutes. Mr. Moses said that during that 20 minute period, Officer Dallman must have seen his car, called to have the car impounded and had the vehicle removed before his return. I asked Mr. Moses if he left a visible note stating the problem with his vehicle and he said he did not.

I find probable cause was proven for the impound. You have the right to appeal the ruling to the City Council by filing an appeal with the City Clerk's Office within seven (7) days of receipt of the ruling. Your appeal must include



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

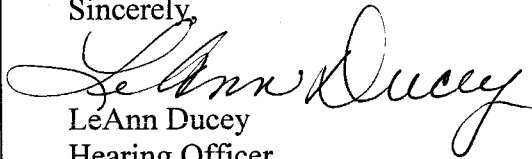
ALL-AMERICAN CITY  
1949, 1976, 1981,  
2003

Moses Mathenge  
July 30, 2008  
Page Two

the reason upon which you are basing your appeal. You are also responsible for payment of tickets #7048032 and 7048033.

If you have questions regarding an appeal, please call the City Clerk's Office at 283-4209.

Sincerely,



LeAnn Ducey  
Hearing Officer

Enclosures

Cc: Diane Rauh, City Clerk  
Major Rick Singleton, Police Department  
Linda Main, City Clerk's Office



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](http://www.dmgov.org)

PARKING TICKETS  
PET LICENSES  
BUSINESS LICENSES

ALL-AMERICAN CITY  
1949, 1976, 1981,  
2003



DATE: July 7, 2008  
TIME: ~~9:45~~ a.m.  
8:45

Moses Mathenge  
1304 34<sup>th</sup> Street #402  
Des Moines IA 50311

RE: VEHICLE IMPOUND  
IMPOUND # 275966  
TICKET # 7048032

OFFICER: Jon Dallman

NOTES: 13:45 pm fac. seen on West side 30<sup>th</sup> St  
45° angle w/ wheel over curb No pkg. signs.

Moses Mathenge - raining heavily. On newspaper  
route. Car hit pot hole - dented  
flooded & moved to side.

American Car - 779-7057

He said he called them to come & help w/ car. Said  
he was only gone from vehicle about 20 min

ADMINISTRATIVE HEARING TRANSCRIPT

July 28, 2008  
City v. Mathenge  
Vehicle Impound

HEARING OFFICER LEANN DUCEY: Good morning. My name is LeAnn Ducey and I am an Administrative Hearing Officer. It is 8:50 a.m. on July 28, 2008 and we are conducting an administration hearing on a vehicle impound. The appellant is Moses Mathenge. When I call you to give testimony today, please come up to the podium, speak into the microphone and state your full name and address for the record. You will then be sworn in. This is an informal hearing and to that matter the hearing is now open. Would the representative from the City please come forward, identify yourself and present any information you have pertaining to this hearing. Please state your name.

OFFICER JON DALLMAN: My name is Jon Michael Dallman.

HEARING OFFICER LEANN DUCEY: Please raise your right hand. Do you Officer Jon Michael Dallman, swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

OFFICER JON DALLMAN: I do.

HEARING OFFICER LEANN DUCEY: Go ahead.

OFFICER JON DALLMAN: And, a...

HEARING OFFICER LEANN DUCEY: Just tell why you're here today.

OFFICER JON DALLMAN: I am here today for an impound that I did. It was 13:45 in the afternoon on, I don't have the date with me.

HEARING OFFICER LEANN DUCEY: Okay.

OFFICER JON DALLMAN: It was a vehicle that was facing southbound on the west side of 30<sup>th</sup> Street and that side of the street had no parking signs all along it. The vehicle was parked at approximately 45° angle with the right wheel over the curb onto the park and I cited the vehicle for parking in a no parking zone and also being parked illegally and called for an impound to get the vehicle off the street as I felt it was, it was unsafe in the manner that it was parked.

HEARING OFFICER LEANN DUCEY: Okay. Thank you very much. Sir. Please state your name and address.

MOSES MATHENGE: My name is Moses and my address is....

HEARING OFFICER LEANN DUCEY: What's your last name?

MOSES MATHENGE: "Mathenge."

HEARING OFFICER LEANN DUCEY: Pronounce it please.

MOSES MATHENGE: Mathenge.

HEARING OFFICER LEANN DUCEY: Okay.

MOSES MATHENGE: And my address is 1304 24<sup>th</sup> Street.

HEARING OFFICER LEANN DUCEY: Please raise your right hand. Do you Moses Mathenge, swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

MOSES MATHENGE: Yes so. Yes please.

HEARING OFFICER LEANN DUCEY: Okay. Go ahead and tell me why you're here today.

MOSES MATHENGE: Uh, on the said date. It was very heavy. It was raining heavy. It was a Sunday morning. It was raining heavy. I was on my usual route distributing newspapers and I couldn't distribute the paper on time because of the heavy rains so I was doing it during the day. And, a, when I came across the address where the Officer impounded the car, that is actually one of the houses where I was supposed to be serving the newspaper. I reversed and hit a curb, hit a pothole which was full of water and I couldn't see it and I reversed to the house where I was supposed to distribute the newspaper. I pushed the car when it stalled and pushed it all the way off the road on the curb all by myself. Then, a, I left the car for like, uhm, 20 minutes and called for a tow truck because I needed help more than a punishment. But by the time I came back I didn't find the car. I didn't find no warning. I didn't find any notice. But the car was off the road. It was all the way parked onto the, it was clear over the park, curb on the grass.

HEARING OFFICER LEANN DUCEY: Okay.

MOSES MATHENGE: The Officer give me two tickets and, uhm, the Officer say that I had parked, I had double parked in an area where it was not supposed to be parked. I don't know what the Officer meant by double parking where it was not supposed be, it was supposed to be a no parking in the first place. And then, uh, he went ahead and gave me another ticket for parking on the wrong side and, uhm, I feel I needed help more than punishment.

HEARING OFFICER LEANN DUCEY: Did you leave any kind of a note with your vehicle that there was a problem and that you would be returning soon?

MOSES MATHENGE: Yes.

HEARING OFFICER LEANN DUCEY: You left a note on your vehicle?

MOSES MATHENGE: Yes. My hazard lights were on and I had to push the car all the way off the road. It was not on the road. It was on a Sunday and it's a dead end street. There are like, uhm, six houses on that street. It's a dead end. That is the very house that I had just served the newspaper when I hit a pothole on the road and my car stalled in the rains.

HEARING OFFICER LEANN DUCEY: Okay. What time, 1:45 in the afternoon seems awfully late to be delivering a Sunday newspaper.

MOSES MATHENGE: Yes, but it rained heavy and I could not do the paper because it was one of those weekends when you were having floods all over so I had to stop my newspaper route until that time.

HEARING OFFICER LEANN DUCEY: I never had my newspaper delivered late because of the rain.

MOSES MATHENGE: That time we were free to deliver newspapers late because of the rains. Even our pickup collection had to be changed from the downtown because it was flooded awful.

HEARING OFFICER LEANN DUCEY: Okay. Alright. Uhm, you say you had your hazard lights on, but did you, what, what time did you leave the car? You say you were only gone 20 minutes and in the 20-minute time are you saying an Officer was there. Had a tow truck come and the car was gone before you got back?

MOSES MATHENGE: Uh, I left the car for approximately 20 minutes because I had to walk and go get help. I called a tow truck myself. But by the time I got back there, there was no car.

HEARING OFFICER LEANN DUCEY: Okay. But you're saying you were only gone for 20 minutes?

MOSES MATHENGE: Uh, I walked for, it could have been a little longer than that because it was still, it had stopped raining but I had to walk a little, like 15 blocks to my house.

HEARING OFFICER LEANN DUCEY: Okay. Did you bring any proof with you today that you had contacted a tow truck to have them come?

MOSES MATHENGE: I have here, got a contact of the tow truck who came who ended up to be the person who towed the car now from the junk yard, what you call that place.

HEARING OFFICER LEANN DUCEY: From the impound.

MOSES MATHENGE: Yeah, from the impound where it was taken.

HEARING OFFICER LEANN DUCEY: Okay. This is the tow truck, uh, number that you called originally to come and help you.

MOSES MATHENGE: Yes, to come and help me from that position.

HEARING OFFICER LEANN DUCEY: Okay.

MOSES MATHENGE: Now he ended up, he ended up helping me get the car from Owen Crist or somewhere it was taken.

HEARING OFFICER LEANN DUCEY: Okay. What's the name of the tow truck place?

MOSES MATHENGE: It's American Car Wholesale.

HEARING OFFICER LEANN DUCEY: And the phone number there?

MOSES MATHENGE: The phone number is 515-779-7057.

HEARING OFFICER LEANN DUCEY: Okay. Okay.

MOSES MATHENGE: And the address is in question I have it in my office.

HEARING OFFICER LEANN DUCEY: Okay. I, I can, I think there is only one office of them. Okay. Do you have anything additional to present today?

MOSES MATHENGE: As in?

HEARING OFFICER LEANN DUCEY: Do you have anything else you want to tell me about today?

MOSES MATHENGE: The impound cost me a lot of suffering, money and time and cause I had to come for hearing the first time. I receive, I did not receive the mail on time. The one which was giving me the hearing date and I came running downtown after calling in.

HEARING OFFICER LEANN DUCEY: Okay. Right. And that's, you know, this, it was continued to today so that's no problem. Okay. So, uhm, Officer Dallman, do you have anything further to present today?

JON DALLMAN: No ma'am.

HEARING OFFICER LEANN DUCEY: Okay. I'm not going to make a ruling today. I'm going to review what the information that has presented to me and probably later this week you will receive my ruling through the, uh, mail. Upon receipt that will be my final administrative decision. Should you disagree you do have the right to file an appeal with the City Council. Thank you very much everyone for coming in.

I, Renae Lampkin, certify that I transcribed the minutes of the July 28, 2008 Administrative Hearing pertaining to City v. Mathenge regarding a vehicle impound.

---

Renae Lampkin

EXHIBIT 5

35

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 06/14/08, case number and/or tag number 08-20234.

Reason for appeal: \_\_\_\_\_

I WAS DOING MY REGULAR NEWSPAPER  
DELIVERY FOR THE DESMOINES REGISTER  
ON THAT RAINY SUNDAY:

THE ADDRESS ON RECORD WHERE THE  
IMPOUND OCCURED IS ONE OF THE  
HOUSES WHERE I DELIVER THE  
NEWS PAPER. AMONG OTHERS ON THE  
SAME STREET.

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

03/20/08  
Date

515 554 4621  
Daytime Telephone

MM14  
Signature

MATHENGE MOSES  
Print Name

1304 34<sup>th</sup> ST # 402  
Address

DESMOINES IA 50311  
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 East First Street, Des Moines, IA 50309.  
Retain the yellow copy for your files. If you have any questions, call 283-4209.

White - City

Yellow - Applicant

CITY OF DES MOINES  
DEPARTMENT OF POLICE  
ADMINISTRATIVE SERVICES DIVISION

RECEIPT NO.

DATE 6/13/08 TIME 2:35

RECEIVED FROM Moses Mathenge

CASH ☒  
CHECK ☐  
CREDIT ☐

DOLLARS \$ 20<sup>00</sup>

RECEIPT FOR A  
COPY OF:

- ☐ POLICE CASE REPORT; (\$5.00 ea.)
- ☐ LOSS VERIFICATION REPORT; (\$5.00 ea.)
- ☐ ARREST RECORD; (\$5.00 ea.)
- ☐ ACCIDENT REPORT; (\$5.00 ea.)
- ☐ PHOTO'S on CD; (\$15.00 ea.)
- ☐ BLANK VIDEO TAPE/CD FOR REQUESTED RECORDING; (\$5.00 ea.)
- ☐ TRIP LOG; (\$5.00 ea.)
- ☐ DISPATCH TAPE RECORDING; (\$15.00 ea.)
- ☐ JAIL VIDEO RECORDING; (\$15.00 ea.)
- ☐ IN-CAR VIDEO RECORDING; (\$15.00 ea.)
- ☒ IMPOUND FEE; (\$20.00 ea.)
- ☐ FINGERPRINT FEE; (\$10.00 per card)
- ☐ BOND PROCESSING FEE; (\$10.00 ea.)
- ☐ MISCELLANEOUS; (\$5.00)

08-20234 Tag 275966



City of Des Moines, Iowa Police Department  
**Notice of Impoundment**



Impound Tag Number: <b>275966</b>		Case Number / Control No. <b>08-20234</b>	
Fees:	How were fees paid?	Receipt Number:	
Impound Preservation Fee: \$20	Cash <input type="checkbox"/>		
Other Fees:	Check <input type="checkbox"/>		
Total:	Credit Card <input type="checkbox"/>		

If your vehicle and the personal property contained within, was impounded for being stopped or parked in violation of a City ordinance, you have a right, under City code 114-485.15 to an administrative hearing to determine whether there was probable cause to impound your vehicle.

To exercise this right, you must file a City of Des Moines Request for Administrative Hearing Form with the City Clerk's office, at east first and locust street, within ten days of the impoundment.

Should you request an administrative hearing, you may reclaim your motor vehicle by posting a bond in an amount sufficient to cover all charges attributable to the impoundment, preservation, and storage of the vehicle.

If, at the hearing, the hearing officer determines there was no probable cause to impound the vehicle, the bond shall be refunded upon presentation to the City Treasurer of a Certificate of No Probable Cause and the bond receipt.

Should you not request a hearing, you may claim your motor vehicle from the impoundment contractor upon payment of all charges attributable to the impoundment, preservation, and storage of the vehicle.

This is only a release, which entitles you to claim your vehicle and any personal property contained within from the Towing Contractor. The vehicle and any personal property contained within is not considered claimed until all towing and storage fees are paid to the Towing Contractor.

The issuance of this release does not automatically stop the accrual of storage fees.

**Impound Vehicle Release**  
**Des Moines, Iowa Police Department**



Owen Crist Auto Body Service  
1221 Keosauqua Way  
Des Moines, Iowa 50309  
Phone: (515) 244-2171



Crow Tow  
826 S.E. 21 Street  
Des Moines, Iowa 50317  
Phone: (515) 276-9869

Vehicles may be claimed from 6:00 AM to 10:00PM Monday through Friday and  
from 8:00 AM to 4:00 PM weekends and holidays.



## NOTICE THAT A VEHICLE HAS BEEN IMPOUNDED

Des Moines, Iowa Police Department

To: Last Registered Owner: MOSES MATHENGE

Address: 1304 34TH ST #402, DSM, IA 50311

Lienholder (if any) :

Address: ,

Notice: The following motor vehicle was impounded on 6/8

Make: NISS Model: 4DR Year: 1993

Licence no.: 547TWE Vin: JN1EB31P4PU233088

This motor vehicle is being held at: Owen Crist Auto body Services, 1221 Keosauqua Way, Des Moines, IA (515) 244-2171

The trunk/storage compartment of this vehicle may not have been opened. The following personal property has been removed from this vehicle and is in the custody of the Des Moines Police Department, Property Management Section, East First and Court, Des Moines, Iowa

\_\_\_\_ Clothing \_\_\_\_ Tools \_\_\_\_ Sporting Goods \_\_\_\_ Household Items \_\_\_\_ Trunk Items (if any)

Your vehicle and any personal property within it are declared abandoned. Pursuant to City Code 114-485.15 if your vehicle was impounded for illegal parking you have a right to an administrative hearing to determine whether there was probable cause to impound the vehicle and any personal property contained within the vehicle. To exercise this right, you must make a written demand for a hearing and provide this notice to the city clerk's office at 400 East First Street, Des Moines, IA 50309 within ten (10) days of the mailing of this notice.

Should you request an administrative hearing, you may reclaim the motor vehicle by posting a bond in an amount sufficient to cover all charges attributable to the impoundment and storage of the vehicle. If, at the hearing, the hearing officer determines there was no probable cause to impound the vehicle, the bond shall be refunded upon presentation to the city treasurer of a certificate of no probable cause and the bond receipt.

You also have the right to reclaim the vehicle and personal property within ten (10) days from the date of mailing this notice upon paying of all towing, preservation and storage charges, if any, resulting from placing this vehicle in custody and upon payment of the costs of this notice. Your failure to exercise your right to reclaim the motor vehicle, and any personal property, within the time provided shall be deemed a waiver of all your right, title, claim, and interest in this vehicle and any personal property, and failure to reclaim is deemed consent to the sale of this vehicle and any personal property at a public auction or disposal of the vehicle to a demolisher and the disposal of the personal property by sale or destruction.

Any person claiming rightful possession of the vehicle or personal property contained in the vehicle who disputes the planned disposition of the vehicle or property or who disputes the assessment of fees and charges has a right to an evidentiary hearing. To exercise this right, you must make a written demand for a hearing and provide this notice to the city clerk's office at 400 East First Street, Des Moines, IA 50309 within ten (10) days of the mailing of this notice.

6/11/2008

Date

Des Moines Police Department

Name of Police Authority

This notice should be brought to the Des Moines Police Department, East First and Court, Des Moines, Iowa 50309-4891, (515) 237-1575, in order to expedite the issuance of a release receipt, before attempting to obtain your vehicle. An impound fee of \$20.00 will be paid to the Des Moines Police Department upon obtaining the release. This fee may be paid in the form of cash, Mastercard, or Visa.

*Charles W. Russell*

By \_\_\_\_\_

Signature of officer and title  
Motor Vehicle Program Coordinator

When making inquiry or corresponding relative to the above vehicle, please refer to

Tag No. 275966

Case No. 08-20234

**VEHICLE IMPOUND / RECOVERY REPORT**  
**DES MOINES, IOWA POLICE DEPARTMENT**

1. OWNERS NAME (LAST, FIRST, MIDDLE) MATHENGE, MOSES, KINGORI		2. CASE NUMBER 08-20234	
16. BEAT 12	17. PROPERTY SHEET N/A	3. OWNERS ADDRESS 1304 34 <sup>TH</sup> ST. #402, DSM	4. RES. PHONE
18. METHOD OF THEFT-JUMP WIRE, TOWED N/A		19. KEYS LEFT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	5. IMP. TAG NO. 275966
20. RESULTING DAMAGE OR STRIPPING NONE		6. WHERE FOUND? 816 30 <sup>TH</sup> ST, DSM	7. DATE / TIME FOUND 08 JUN 08 / 1345
21. GENERAL CONDITION FAIR		8. WHY HELD? ILL. PARKING <input checked="" type="checkbox"/> ASSN DET. <input type="checkbox"/> ASSN TRAFFIC <input type="checkbox"/> STOLEN CAR <input type="checkbox"/>	
22. MISSING ACCESSORIES? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> EXPLAIN IN NARRATIVE		9. VEH. COLOR GRY	
23. ARRESTS OR OFFENSES (1) NO PARKING		10. LICENSE NO. STATE / YR 547 TWG IA / 09	
(2) NOT IN PARK SPACE		11. VEHICLE IDENTIFICATION NUMBER JN1EB31P4PU233088	
24. IDENT NOTIFIED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		12. TOWED TO O/C	
25. CID NOTIFIED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		13. TOW DRIVER / OWNER SIGNATURE X LOU	
26. WITNESS N/A		14. CRIME OR OFFENSE NO PARKING ANYTIME / NOT IN / Motorist	
27. NARRATIVE: (1) CONTINUATION OF ABOVE ITEM NUMBERS INCLUDING ADDITIONAL INFORMATION AND WITNESSES. (2) BRIEF DESCRIPTION OF INCIDENT INCLUDING COMPLAINT IF AVAILABLE		15. CLASSIFICATION	

ON 08 JUN 08 AT APPROXIMATELY 1345 VEHICLE WAS  
 FOUND PARKED IN A NO PARKING ANYTIME ZONE WITH THE  
 RIGHT FRONT WHEEL OVER THE CURBING ON THE GRASS AND  
 PARKED AT AN ANGLE.

THERE WAS NOTHING OF VALUE NOTED IN THE VEHICLE.

2008 JUN -8 PM 12:03

28. REPORTING OFFICER DAUMAN		IDENT NO. 5063		CONTINUE NARRATIVE ON BACK	
SECOND OFFICER		IDENT NO.		DISPATCH	
29. SUPERVISOR APPROVING CARON		REVIEWER 4225		32. RADIO BROADCAST BY DISPATCHER #	
30. INVESTIGATION STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED <input type="checkbox"/> CLOSED		33. DATE		34. TIME	
31. CLEARANCE CLASSIFICATION <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPT CLEARED		35. CANCEL <input type="checkbox"/>		OPERATOR	
36. UNIT REFERRED TO: CF		IOWA <input type="checkbox"/>		NCIC <input type="checkbox"/>	

Impound Tag # 275966 7048032 Case Number 08-20234

**CITY OF DES MOINES NON-MOVING TRAFFIC VIOLATION NOTICE OF FINE CITATION-COMPLAINT IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

Scheduled Violations Office Des Moines, Iowa; City of Des Moines, A Municipal Corporation,  
Plaintiff vs:

Defendant did violate the following section of the Municipal Code of the City of Des Moines, Iowa

Defendants Name MATHENGE MOSES KINGORI

Address 1304 34<sup>TH</sup> ST. #402

City DES MOINES State IA ZIP 50311

Vehicle License # <u>547 TWE IA 05 09</u>	<input type="checkbox"/> 2 Door
Color <u>GRY</u>	<input checked="" type="checkbox"/> 4 Door
Make <u>NISSAN</u>	<input type="checkbox"/> Truck
VIN # (if required) <u>JN1EB31P4P233088</u>	<input type="checkbox"/> Van

The undersigned states that on or about

08 / 08 / 08 At 3:15 ☐ AM ☒ PM

At or Near: 816 30<sup>TH</sup> ST. DSM

- ☒ In the City of Des Moines Polk County, Iowa.  
☐ In the City of Des Moines Warren County, Iowa.  
(Top copy Clerk's office, Copy #2 Officer, Copy #3&4 Defendant)

**OFFENSE**

**FINE**

☐ **OVERTIME PARKING**  
AFTER 30 DAYS REMIT ADDITIONAL \$5.00

☐ **\$10**

☒ **ILLEGAL PARKING**  
AFTER 30 DAYS REMIT ADDITIONAL \$5.00

☐ **\$15**

☐ **HANDICAPPED PARKING**  
SECTION 114-616  
FINE: \$100.00

☐ **\$20**

**ILLEGAL OFF-STREET PARKING:**

FINE: \$40.00  
AFTER 30 DAYS REMIT ADDITIONAL \$5.00

☐ **\$25**

☐ SECTION 114-361.02 (a) (Without permission)

☐ SECTION 114-361.02 (b) (Front yard parking)

☒ **\$30**

NO PARKING / 114-600  
Offense City Code Violation

☐ **\$35**

DAILMAN 5063  
Officer's Signature I.D. Number

☐ **\$40**

Impound Tag # 275966 **7048033** Case Number 08-10234

**CITY OF DES MOINES NON-MOVING TRAFFIC VIOLATION NOTICE OF FINE CITATION-COMPLAINT IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

Scheduled Violations Office Des Moines, Iowa; City of Des Moines, A Municipal Corporation, Plaintiff vs. Defendant did violate the following section of the Municipal Code of the City of Des Moines, Iowa

**OFFENSE**

☐ **OVERTIME PARKING**  
AFTER 30 DAYS REMIT ADDITIONAL \$5.00

☐ **\$10**

☒ **ILLEGAL PARKING**  
AFTER 30 DAYS REMIT ADDITIONAL \$5.00

☒ **\$15**

☐ **HANDICAPPED PARKING**  
SECTION 114-616  
FINE: \$100.00

☐ **\$20**

☐ **ILLEGAL OFF-STREET PARKING:**  
FINE: \$40.00  
AFTER 30 DAYS REMIT ADDITIONAL \$5.00

☐ **\$25**

☐ SECTION 114-361.02 (a) (Without permission)

☐ **\$30**

☐ SECTION 114-361.02 (b) (Front yard parking)

☐ **\$35**

☐ **\$40**

City DES MOINES State IA ZIP 50311  
Vehicle License # 547 TWE 1A 05 07 2 Door ☐ 4 Door ☒  
Color GRAY Make NISSAN Truck ☐ Van ☐  
VIN # (if required) JLICE31P1R0233088

The undersigned states that on or about 08/08/08 at 1:45 PM  
Mo. Day Year

At or Near 916 30th St Des Moines

☒ In the City of Des Moines Polk County, Iowa.  
☐ In the City of Des Moines Warren County, Iowa.  
(Top copy Clerk's office, Copy #2 Officer, Copy #3&4 Defendant)

Offense ILLEGAL PARKING City Code Violation 114-616

Officer's Signature DALE MAN I.D. Number 5063



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

June 30, 2008

Moses Mathenge  
1304 34<sup>th</sup> Street, #402  
Des Moines, IA 50311

Re: Administrative Hearing-Vehicle Impound

The City of Des Moines has received timely notice of your request for an administrative hearing. Accordingly, a hearing has been set for **Monday, July 7, 2008, in Meeting Room #3 at the Central Library, 1000 Grand Avenue, at 9:45 a.m.** at which time you will be provided an opportunity to present evidence.

Parking is available on the streets surrounding the Library--you will need change to pay the parking meters. Please alert the City Clerk's Office in **Meeting Room #2** 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,

Diane Rauh  
City Clerk

DR/kh

Enclosure

cc: Hearing Officer  
Assistant City Attorney  
Staff Notification  
File

July 18, 2008

Moses Mathenge  
1304 34<sup>th</sup> Street, #402  
Des Moines, IA 50311

Re: Administrative Hearing: Vehicle Impound

**The hearing of Monday, July 7, 2008 has been continued.**

Accordingly, a hearing has been set for Monday, July 28, 2008 in the City Council Chambers, south end of the second floor, City Hall, 400 Robert D. Ray Drive at **8:45 A.M.**

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 give an opportunity to be heard at the hearing. **Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.**

If you have any questions in this regard, please call 283-4209, Ext. 7.



Diane Rauh  
City Clerk

DR/kh  
Enclsoure

cc: Hearing Officer  
Legal Assistant  
Assistant City Attorney  
Staff Notification  
File



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](http://www.dmgov.org)

PARKING TICKETS  
PET LICENSES  
BUSINESS LICENSES

ALL-AMERICAN CITY  
1949, 1976, 1981,  
2003