

October 22, 2007

Date

**VEHICLE IMPOUND APPEAL  
OF SARAH AMBERSON**

WHEREAS, Sarah Amberson, 1816 Pleasant Street, owns a vehicle that was impounded by the City of Des Moines for being illegally parked; and

WHEREAS, Ms. Amberson requested and was granted an administrative hearing where she argued her case; and

WHEREAS, The Administrative Hearing Officer listened to all arguments and found that there was probable cause to impound Ms. Amberson's vehicle; and

WHEREAS, Ms. Amberson requested an opportunity to address the City Council on the denial of her appeal; and

WHEREAS, Ms. Amberson 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 Administrative Hearing Officer and deny Ms. Amberson's appeal.

MOVED BY \_\_\_\_\_ TO DENY APPLICATION.

\_\_\_\_\_ Alternative Two: To reverse the decision of the Administrative Hearing Officer and issue a Certificate of No Probable Cause.

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				
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

October 10, 2007

Sarah Amberson  
1816 Pleasant Street  
Des Moines, IA 50314

Dear Ms. Amberson:

This letter is to acknowledge receipt of your letter of October 9, 2007 requesting an appeal before the City Council of the Hearing Officer's decision regarding your vehicle impound.

Your hearing has been scheduled for the City Council agenda on **October 22, 2007** in the City Council Chambers, City Hall, 400 Robert D. Ray Drive. **Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.** The meeting starts at 4:30 p.m., and your appeal will be considered at 5:00 p.m. I will forward a copy of the Administrative Hearing transcript under separate cover.

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  
Major Rick Singleton



DIANE RAUH  
CITY CLERK  
CITY HALL-2ND FLOOR  
400 ROBERT D. RAY DRIVE  
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My Name is Sarah Noelle Amberson and I would like to go before the City Council's office regarding the Administrative officer's decision. Several facts in the decision letter were incorrect. 1.) The letter states that I was aware of the construction which is incorrect. No construction had been done weeks before I was towed. 2.) The administrative officer mentions in the letter, but not in court, that notification is sent in advance of construction projects. This is not the case. No notice was sent out for this project, or even the street reconstruction project during the summer. The signs at this site have been down (two out of three) since the morning I went to court (Oct. 4<sup>th</sup>). No effort is ever made to post the signs correctly by the city or otherwise, and people are continuing to be towed. I believe towing a vehicle when signage is posted improperly is unlawful. I live at 1816 Pleasant St., Des Moines IA 50314. I have ~~the~~ additional photos taken each day the signs have been down to show the negligence of the city/site of construction. I would like to see a better solution to this problem. Thank

you

Sarah Noelle Amberson

1816 Pleasant St.  
Des Moines, IA 50314

10-9-07  
190120060001

ADMINISTRATIVE HEARING TRANSCRIPT

October 1, 2007

City v. Sarah Amberson

Vehicle Impound

HEARING OFFICER LEANN DUCEY: Good morning. My name is LeAnn Ducey and I'm an Administrative Hearing Officer. It is 9:28 a.m. on October 1, 2007 and we are conducting an administration hearing on a vehicle impound. The appellant is Sarah Amberson. 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.

KIM ROBINSON: Kim Robinson. Uhm, I'm the one who impounded this vehicle on....

HEARING OFFICER LEANN DUCEY: Okay. I need to swear you in

KIM ROBINSON: I'm sorry. Sorry. Sorry. Sorry.

HEARING OFFICER LEANN DUCEY: That's okay. Please raise your right hand. Do you Kim Robinson swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

KIM ROBINSON: Yes ma'am.

HEARING OFFICER LEANN DUCEY: Go ahead.

KIM ROBINSON: I impounded this vehicle on, uhm, September 13<sup>th</sup> at, at 7:20 a.m. When I came, I was dispatched to this location. There were signs stapled to lathes of wood that were in the ground. And the sign said emergency no parking and then it was hand-written on there from September 12<sup>th</sup> of 07 effective 1300 hours to November 2<sup>nd</sup>, 1800 hours. Before impounding this vehicle I spoke to Mike Berry who is in Traffic and Transportation and he said they, the signs were posted one day prior to the 13<sup>th</sup> around 1200 hours. When I came to this, uhm, location, the signs were up. I impounded it based on the posting and the sign.

HEARING OFFICER LEANN DUCEY: Okay. In your, uhm, impound report, it says that the vehicle was impounded September 12, 2007 at 7:20 a.m. and in your report you say, uhm, let's see, uhm, Mike Berry states signs were posted, uh, September 12<sup>th</sup> around 1200 hours. So if, if

KIM ROBINSON: Can I stop you for a second.

HEARING OFFICER LEANN DUCEY: Uh, huh.

KIM ROBINSON: I incorrectly put at the date of my, uhm, on the top of my impound.

HEARING OFFICER LEANN DUCEY: Okay.



KIM ROBINSON: ...it should have been the 13<sup>th</sup> and I have proof that it was on the 13<sup>th</sup> because the....

HEARING OFFICER LEANN DUCEY: Okay.

KIM ROBINSON: ....citation was on the 13<sup>th</sup>.

HEARING OFFICER LEANN DUCEY: That's what, that's what just wasn't, I couldn't understand that.

KIM ROBINSON: I put the 12<sup>th</sup> on accident, by mistake. The ticket was issued the 13<sup>th</sup> at 7:21 a.m.

HEARING OFFICER LEANN DUCEY: Okay, that makes sense then.

KIM ROBINSON: I'm sorry for the mistake.

HEARING OFFICER LEANN DUCEY: That's okay. All right, thank you very much.

KIM ROBINSON: Uh, huh.

HEARING OFFICER LEANN DUCEY: Ms. Amberson. Please state your name and address.

SARAH AMBERSON: Sarah Amberson, 1816 Pleasant Street.

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

SARAH AMBERSON: Yes ma'am.

HEARING OFFICER LEANN DUCEY: Go ahead.

SARAH AMBERSON: Uhm, okay, the, on the 12<sup>th</sup> we had left town and we came back on the 13<sup>th</sup>. We arrived back at, uhm, 5:00 a.m.

HEARING OFFICER LEANN DUCEY: You, you live in this area?

SARAH AMBERSON: Yeah, we live immediately across the street.

HEARING OFFICER LEANN DUCEY: Okay.

SARAH AMBERSON: Uhm, we've seen the construction going on for months and this particular group of people who have the signs up have them, they'll leave the signs up retroactively for two days, three days after they expired and then they'll put them up the day of and clear out everything that's there, uhm, if somebody's parked there. We've seen this happen to multiple people. Uhm, we would warn other people don't park there because it's right in front of our house and we see that. Uhm, the signs hadn't been up. As I said we left on the 12<sup>th</sup> and

the signs were not up when we left and when we came home, I have some photos. This is actually a day later and these people are kinda notorious for their signs falling over and not being posted. The man who leads the site actually told me that one night they had found all of the signs in a bush. Somebody had removed all the signs. Uhm, I have some pictures here of some signs being down. This was not the day of, but, uhm, the signs were down this morning when we left. I have some photos in my camera as well.

HEARING OFFICER LEANN DUCEY: Okay.

SARAH AMBERSON: But it was just, as we were out the door the signs were down. So, uhm, (clearing throat) excuse me. The, we, we pulled in going south. It's on a hill and there was a large tractor, uh, right in front of where the middle sign would be posted and there was no sign laying there. When I came out in the morning to find my car, the sign was laying down and it was laying under this bush. I can give these to you if you'd like to see them.

HEARING OFFICER LEANN DUCEY: Okay, bring them up.

SARAH AMBERSON: The sign was laying down.

HEARING OFFICER LEANN DUCEY: Okay.

SARAH AMBERSON: Right here, this area here is where we parked. This sign had been (inaudible) the tractor was right here.

HEARING OFFICER LEANN DUCEY: Okay.

SARAH AMBERSON: So that's what we found when we came out in the morning, or when we parked there at 5:00 a.m. The sign was down and I even asked the guy, uh, on the construction site. The sign was down. And he said, well, it was down but it was here. And it was laying flat in the bushes. And then while, as I left to go find out where my car was he stabbed it back into the ground. Later that afternoon it had fallen down again. Uhm, like I said, countless people have been towed for this kind of thing. Incorrect signage and I don't feel like it was fair.

HEARING OFFICER LEANN DUCEY: I, I guess I understand where you're coming from because it's probably kids or somebody walking along there and they think it's fun to pull them up and that type of thing. Uh, the problem I have with this is the fact that you live right across the street from this. I'm sure, and you even said that you have told people.....

SARAH AMBERSON: Yes.

HEARING OFFICER LEANN DUCEY:....not to park there.

SARAH AMBERSON: There had not been any construction going on because of weather so for weeks, weeks and weeks, they have signs up that'll be expired, uhm, one person, our next door neighbor, I know this, this doesn't matter, but, his car, he parked there after the signs had been two days expired. When he came there in the morning they had posted new signs and his car was gone. But the signs that were posted while he parked there had been expired. This has happened, you know, everybody in our building. And we all know better to park there when there's no

signs, but there hadn't been any signs for a few weeks, maybe a month, because of weather and certain things like that. So when we parked there on the, I guess it was the 13<sup>th</sup>, but it was 5:00 a.m. We had been out of town. We were in Kansas City, so they hadn't had anything there and when we came down the hill there was no visible signage. That's the whole thing is there was no, no signage visible from that section because the sign that was parked there, or that was posted there was under the bush.

HEARING OFFICER LEANN DUCEY: But you also parked behind a big machine.

SARAH AMBERSON: The machine is out there regardless. The machines are always out there. We parked behind it and not in front of it because, uhm, there was another man who had parked in front of it. There were no tow, no parking signs. Uhm, this is coming from the head builder. He told me that somebody had parked in front of it and the, it was dangerous. And when they told him move your car the guy said there's no no parking signs here so he wouldn't move his car so they had to go get the no parking signs. Uhm,

HEARING OFFICER LEANN DUCEY: Just a second. Go ahead.

SARAH AMBERSON: And, uhm, so we parked behind it. It was, it was substantially behind it. It's on a hill. And so the tractor was here and we parked right behind it and the sign was not up. The sign was, when I saw it the next day the sign was laying flat against, like, face down under those bushes right behind, right next to the tractor. I'm not sure if they'd moved the tractor afterwards, but the sign was not visible when, when we pulled in.

HEARING OFFICER LEANN DUCEY: Okay. You can stay up there if want. Yes. You want to....

Background conversation (inaudible).

HEARING OFFICER LEANN DUCEY: Could, I need to get this from the recording so if you can, that's okay.

KIM ROBINSON: I impounded two vehicles. Uhm, probably a, was the other one that you were talking about a gold, like Buick?

SARAH AMBERSON: Uhm, I'm not sure. What I was talking about before was, was before they started, uhm, with the signs.

KIM ROBINSON: It was before the day I impounded your vehicle?

SARAH AMBERSON: Well, the, the one who was parked in front of the tractor was, was why they, the man told me they started putting the no parking signs up because the guy refused to move his car so they had to get the no parking signs there.

KIM ROBINSON: But you're not talking about that car was parked there when....

SARAH AMBERSON: No, it was a black, it was a black car.

KIM ROBINSON: I, I was gonna say because I impounded two vehicles that, the same day.

HEARING OFFICER LEANN DUCEY: I guess I'm going to have to think about this and, a, talk to some people, but my thought is you know this work's going on. You know the signs are up and down and you never know for sure when they're actually going to be working on a day-to-day, uh, situation so it isn't like you just happened to park there and.....

SARAH AMBERSON: No, the, the signs, they hadn't had any construction for, for weeks and weeks and, uhm, the thing is that if you're going to put the signage up that morning and tow everybody on the street or if you're gonna put the signage up that day saying from here out, then they leave the signage up for days, weeks afterwards.

HEARING OFFICER LEANN DUCEY: I don't know how they can leave it up if people come and pull it out.

SARAH AMBERSON: They, no, that's, that's, they've left the signs up. I've talked to two people that they, when the signs are expired or the signs have been expired two, three days and the people will park there. And then in the morning their cars are gone because they've replaced the signs. The people, they leave sweaters over the signs. We have another photo of people leaving sweaters over the signs. Uhm, the signs being knocked down. They don't seem to mind because I was, I was obviously taking pictures this morning as we were leaving.

HEARING OFFICER LEANN DUCEY: Uhm, huh.

SARAH AMBERSON: And they didn't do anything about it. They're, they, they yell at us. but, uhm, it's, ya know, it's directly in front of my house.

HEARING OFFICER LEANN DUCEY: Right.

SARAH AMBERSON: Uhm, and the guy, I actually have the phone number of the man whose the, the head of the whole, uhm, construction unit there. He told me that if there's anything, I don't know if there's anything you can do, but....

KIM ROBINSON: He's the one who called us.

SARAH AMBERSON: Well I know. I understand that, but when I, when I explained, I, I don't know if he would be trying to save his own self by giving me his phone number, but, uhm, they, ya know, I have photographs, signage that is....

HEARING OFFICER LEANN DUCEY: Oh I understand. This is happening in several places in Des Moines right now.

SARAH AMBERSON: Right, but improper signage. I don't, I don't believe, ya know, if anything comes out of today I would like to know if there's another place we can go to make sure that it's enforced because everyday something is different with the sign (tape changed)...the sign's under bushes and I don't think that that's fair to the people who parked there when the sign's been removed or ya know because it's not our fault that we don't see visible signage and the, the only reason we have parked there because, we don't normally, somebody was parked in



our driveway and, uhm, the, they hadn't been working for weeks and people had been parking there and not been towed. Uhm....

HEARING OFFICER LEANN DUCEY: Okay.

KIM ROBINSON: I think she's under the assumption, LeAnn, that the construction workers are responsible for the signage.

HEARING OFFICER LEANN DUCEY: Yes, and they're not.

KIM ROBINSON: It, it's not. Traffic and Transportation goes out...

SARAH AMBERSON: Well, yeah, but if a sign falls down, we've seen em pick the signs back up because when I went out that morning the sign was still laying on the ground and, uhm, I was still trying to figure out where my car was so I didn't have a camera, but he puts them back up. What I'm saying is that they, they'll knock them over while they're moving around things like that. They leave em down. They throw, the other day while it was raining the, a man had his sweater thrown, a gray sweater thrown over the sign and that's, it doesn't seem like they really care.

HEARING OFFICER LEANN DUCEY: Well, they, they probably care and they probably put them up and down themselves if they know they're gonna be needing, make sure that they're in that area of something, but did you....

SARAH AMBERSON: Right, but it seems like they don't maintain their site. If it's going, if they're going to, to have, ya know, their, that's their job site. They're responsible for making sure, I don't know....

HEARING OFFICER LEANN DUCEY: They are not. No, they're not responsible for it at all.

SARAH AMBERSON: But if they're not as far as them throwing their own things over the signs or knocking the signs down and then not replacing the signs. Uhm, it seems like....

KIM ROBINSON: When you went out to get your car was it down?

SARAH AMBERSON: The sign was down and I....

KIM ROBINSON: But you waited until the next day to take your picture?

SARAH AMBERSON: Yeah, the day was late, the picture was later and I, and I even have a picture from today. I didn't get a picture because I went out to find out where my car was and as I was talking to him I said look the sign is on the ground and he went like this and he stuck it back in. So I didn't have a chance. I mean...

HEARING OFFICER LEANN DUCEY: Right.

SARAH AMBERSON: I walked out of my house to go to work. I didn't think to bring my camera because my car was.....

HEARING OFFICER LEANN DUCEY: Right. I understand.

SARAH AMBERSON: ....not in front of my house. When I was there at 7:20 all signs were up. So I don't know what they did with them after that.

HEARING OFFICER LEANN DUCEY: Yeah. Okay. Like I said, I'm not going to make a, a ruling today. I want to look into this a little bit further. So later this week I will be sending you a written ruling.

SARAH AMBERSON: Okay.

HEARING OFFICER LEANN DUCEY: If I find in your favor then you will be reimbursed for the impound and the ticket. If I find in the City's favor then you will be responsible for paying those and if, uh, I do find in the City's favor and you disagree, you can file an appeal with the City Council and appear before them.

SARAH AMBERSON: Okay. Did you want me to print out the other pictures that I took this morning or?

HEARING OFFICER LEANN DUCEY: I, I don't know that that's necessary because, if you want to leave these pictures I'd be happy to enter them. I, I know what you're talking about so on, at any given time on any given day these signs will probably be up and down.

SARAH AMBERSON: Right.

HEARING OFFICER LEANN DUCEY: And I guess that, yes....

KIM ROBINSON: ....can't go out there every single day.....

SARAH AMBERSON: Right. That's why I understand. That's why I'm wondering if there's some way for the City to, because I see this happening to people, other people, neighbors, people I don't know and I, ya know, I still warn them and tell them that and so they park elsewhere. But when there are not signs there and people will park there and in the morning there's a sign, it, it just doesn't, it doesn't make sense to me and I'm wondering, ya know, if, if there's a way to actually have the City enforce, if they're going to enforce.....

HEARING OFFICER LEANN DUCEY: Without having somebody standing there 24 hours a day I don't know how they could enforce it.

SARAH AMBERSON: Okay. So the people, I mean....

HEARING OFFICER LEANN DUCEY: The construction people.

SARAH AMBERSON: Do you see what I'm saying though because...

HEARING OFFICER LEANN DUCEY: I thoroughly understand because I've had hearings, several of these hearings in the last couple of months because there is so much construction in

and around downtown and everything like that so. Like I said I want, I want to review this. I, I do not. I'll tell you right now I do not know which way I'm going to...

SARAH AMBERSON: Okay.

HEARING OFFICER LEANN DUCEY: ....to, uh, rule. But the thing that kinda bothers me is the fact that you do live in this area. You're aware of all these problems and you still parked there.

SARAH AMBERSON: And that's why, no, that's why I had let everybody know. But as far as the construction being on hiatus, I understand, but it had been weeks, maybe even a month before.....

HEARING OFFICER LEANN DUCEY: Well, that has nothing to do with it cause the construction is says is going, is from, uhm,

SARAH AMBERSON: They would, the sign now, the sign now is saying until November, but before it would be two days at a time, two weeks at a time. It was a lot different and it just, uhm, people do park there during those times. And we had looked. I mean there was no sign at....

HEARING OFFICER LEANN DUCEY: I, I believe you. I believe you.

SARAH AMBERSON: And, and I, I understand that, that, ya know, maybe I shouldn't have parked in it, but there was, there's literally nowhere else to park and in a spot where I do not see a sign, that's where I was going to park because that was the only spot left on the block.

HEARING OFFICER LEANN DUCEY: Okay.

SARAH AMBERSON: And as she said there was somebody else who had parked there too.

HEARING OFFICER LEANN DUCEY: Right.

SARAH AMBERSON: We all know in the neighborhood not to park there anymore, but if I obviously wasn't the only one who didn't see the signs. Ya know, ya know what I'm saying?

HEARING OFFICER LEANN DUCEY: Oh, I do. I do.

SARAH AMBERSON: If there, the people will park in our driveway because there's no parking.

HEARING OFFICER LEANN DUCEY: So if people are parked in your driveway that shouldn't be there you can call and those cars will be impounded.

SARAH AMBERSON: Okay.

HEARING OFFICER LEANN DUCEY: So anytime that that's happening....

SARAH AMBERSON: It is our expense or theirs?

HEARING OFFICER LEANN DUCEY: Pardon. It's their expense.

SARAH AMBERSON: Okay.

HEARING OFFICER LEANN DUCEY: So if someone's in your driveway that shouldn't be there or blocking your driveway or anything else.....

SARAH AMBERSON: Right.

HEARING OFFICER LEANN DUCEY: You call the police and they will come and have that vehicle impounded.

SARAH AMBERSON: Okay.

HEARING OFFICER LEANN DUCEY: So you can park in your driveway.

SARAH AMBERSON: Okay.

HEARING OFFICER LEANN DUCEY: Okay. All right. So like I said I am not ruling today but I will send you a written ruling later this week.

SARAH AMBERSON: Thank you ma'am.

HEARING OFFICER LEANN DUCEY: Thank you both.

I, Renae Lampkin, certify that I transcribed the minutes of the October 1, 2007 Administrative Hearing pertaining to the City v. Sarah Amberson regarding a vehicle impound.

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Renae Lampkin



October 4, 2007

Sarah Amberson  
1816 Pleasant Street  
Des Moines IA 50314

Re: Administrative Hearing – Vehicle Impound

Dear Ms. Amberson:

In response to your written appeal, the City of Des Moines convened an Administrative Hearing on October 4, 2007 at 9:30 a.m. regarding a motor vehicle impound (Impound Tag Number 270601). 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.

Meter Checker Kim Robinson stated she ticketed and impounded the vehicle in question for parking in a "No Parking (Emergency)" zone. Ms. Robinson said the signs stated that there was no parking in this area from September 12, 2007 to November 2, 2007.

Sarah Amberson stated that upon arriving home at 5:00 a.m., she parked behind a large caterpillar piece of machinery and that no signs were posted in that spot. Ms. Amberson said about 8:00 a.m. that same morning, her vehicle was gone and she noticed the no parking signs were laying on the ground. In Ms. Amberson's testimony, she stated that there had been construction work going on for quite awhile. Ms. Amberson said sometimes the signs were up and sometimes they were lying on the ground. Ms. Amberson said the people living in the area were aware of the construction and the signs and that she had even advised visitors that they might be ticketed if they parked in the area. Ms. Amberson submitted Appellant Exhibit 1 into evidence.

I find probable cause was proven for the impound because Ms. Amberson was aware of the construction in the area and problems with the signage. It is also



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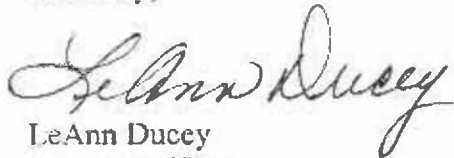
ALL-AMERICAN CITY  
1949, 1978, 1981,  
2002

Sarah Amberson  
October 4, 2007  
Page Two

my understanding that residents are sent notification in advance of construction projects such as this. 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 the reason upon which you are basing your appeal. You are also responsible for payment of ticket #360043601.

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  
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1949, 1978, 1981,  
2003









September 24, 2007

Sarah Amberson  
1816 Pleasant Street  
Des Moines, IA 50314

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, October 1, 2007**, in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive**, at 9:30 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,

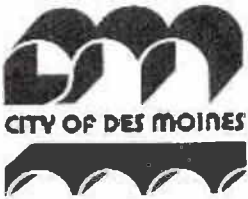


Diane Rauh  
City Clerk

DR/kh

Enclosure

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



DIANE RAUH  
CITY CLERK  
CITY HALL 2<sup>ND</sup> FLOOR  
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(515) 283-4209  
FAX (515) 237-1545  
[www.ci.desmoines.ia.us](http://www.ci.desmoines.ia.us)

PARKING TICKETS  
PET LICENSES  
BUSINESS LICENSES

ALL-AMERICAN CITY  
1948 1978 1981  
2004

# CITY OF DES MOINES

## Office of City Clerk

**To:** Sgt. Bearsley  
Police Traffic

**Date:** September 24, 2007

**From:** City Clerk's Office

**RE:** Vehicle Impound

Sarah Amberson, 1816 Pleasant, Des Moines, IA has requested an impound hearing which has been scheduled for **Monday, October 1, 2007** in the Council Chambers, second floor of City Hall, 400 Robert D. Ray Drive at **9:30 A.M.**

Please inform **ID NO. 7430 (K. Robinson)** of the time, date and location of the hearings. I have attached a copy of the Vehicle Impound Recovery Reports for hearing preparation. **If the Parking Meter Checker is not available, please contact Karen at X1389 to make other arrangements.**

Thank you for your assistance.



Diane Rauh  
City Clerk

City of Des Moines  
**Request for Administrative Hearing**  
( File in the City Clerk's Office within 10 days of the vehicle impoundment )

Rec'd 9-18-07

Please print or type

I hereby request an administrative hearing pursuant to Chapter 27-485.15 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 9-13-07, case number and/or tag number 07-35827

Reason for appeal: We arrived home at 5am & parked behind a large Caterpillar. No signs were posted when we arrived. The car was towed around 8, and when we asked the construction workers where my car was, there were signs laying face down in the grass. The worker reposted the sign and the next day the signs were down again. We have countless witnesses who saw that there were no signs, or signs face-down in the grass. Improper/retractive signage has been a reoccurring issue with this construction site. The foreman himself told us that signs have been removed overnight, placed in nearby bushes, and cars have

photos + contacts available

I understand that my failure to attend my scheduled hearing will be deemed a waiver of my rights to such a hearing. <sup>still been towed</sup>

9-18-07  
Date

951-264-5847  
Daytime Telephone

[Signature]  
Signature

Sarah Amberson  
Print Name

1810 Pleasant St.  
Address

Des Moines, Iowa 50314  
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 top two copies of this form to the City Clerk's Office, 400 East First Street, Des Moines, Ia 50309  
Retain the third copy for your files. If you have any questions, call 283-4209.

Owen Crist

233920

AUTO BODY SERVICE INC.

1221 KEO

515 744-2171

DES MOINES, IA. 50309

Towing

Collision Repair

Painting

Owen Crist Auto Body Srvc  
1221 KEO  
Des Moines, IA 50309  
515-281-2171

DATE: 09/13/07 TIME: 11:44 AM

ITEM: 905 IN SALE OF: 00  
RCR: \*\*\*\*\*001 EXP: 0000 S  
RES: NUT/RT 00026

TOTAL: \$65.72

I AGREE TO PAY ABOVE TOTAL AMOUNT  
ACCORDING TO CARD ISSUER AGREEMENT  
MERCHANT AGREEMENT OR CREDIT VOUCHER

SIGNATURE

CASE NO. 35827	TAG NO. 270601	DATE 9/13/07
CHARGED TO		
ADDRESS (CC)		
OWNER JARAH NOELLE ANDERSON		
ADDRESS CALI		
VIN # KNAD012515037682	LC# SM11093	
MAKE OF CAR KIA	YEAR 2005	MODEL RTO
COLOR BLC	MILEAGE	735 AM FM
IMPOUND	PROPERTY IN OFFICE	KEY ON BOARD
		NO KEY
P.D.		
PVT		
PRIVATE	Toa from 19TH & PLEASANT To South lot	
		\$ 45.00
	(unlocked P-BRAKE WAS ON)	
		\$ 8.00
	PAID STORAGE	
		9.00
	TAX	3.72
DRIVER Webb	TOTAL CHARGE	65.72

CUSTOMERS INVOICE



# 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.

**TICKET #330043601**

LIC: SM11093

CA

MO/YR:##/###

COUNTY #

VIN:

METR:

At or near:  
LOCATION: 1800 BLK PLEASANT NS

VEHICLE: BLK KIA 4D

In the City of Des Moines, Polk County,  
Iowa, DEFENDANT did violate the  
following section of the Municipal Code  
of the City of Des Moines, Iowa:

VIOLATION:  
NO PARKING (EMERGENCY)  
SEC 11+ 351.17  
\$15.00

FINE: \$15.00

COMMENTS:

Pay Online at: [www.dmgov.org](http://www.dmgov.org)

PLEASE ADD \$5.00  
AFTER 10-12-07

OFFICER: 7430

Date: 09/13/2007 Time: 9:31

This citation is due within 30 days of the  
issuance. Failure to pay or appeal this  
citation (see reverse side for  
payment/appeal instructions) will result in  
the citation becoming delinquent and  
subject the motor vehicle to tow.

Tag # \_\_\_\_\_ Case # \_\_\_\_\_  
SEE REVERSE FOR PAYMENT INSTRUCTIONS

VEHICLE IMPOUND / RECOVERY REPORT			1. OWNER'S NAME (LAST, FIRST, MIDDLE)		2. CASE NUMBER	
DES MOINES, IOWA POLICE DEPARTMENT			AMBERSON SHANNON		07 35827	
18. BEAT	17. PROPERTY SHEET	3. OWNER'S ADDRESS	4. REG. PHONE	5. IMP. TAG NO.		
215	NA	2749 AUGUST	NA	270601		
18. METHOD OF THEFT (JACK WIRE / TOWED)		19. KEYS/COPY?	8. WHERE FOUND?		7. DATE / TIME FOUND	
NA		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	1700 BLK PLEASANT NE		12 SEP 07 / 07:20	
20. RESULTING DAMAGE OR STRIPPING			9. WHY HELD? (ALL APPLICABLE)		ASGN TRAFFIC <input type="checkbox"/> STOLEN CAR <input type="checkbox"/>	
NA			DRIVER IN JAIL <input type="checkbox"/> ASSEMBLY <input type="checkbox"/> SAFETY/RECALL <input type="checkbox"/> OTHER <input type="checkbox"/>			
21. GENERAL CONDITION	22. MISPLACED ACCESSORIES?		10. VEH. COLOR	YEAR	MAKE	MODEL
FAIL	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		BLACK	2005	KIA	RIO
23. ARRESTS OR OFFENSES			10. LICENSE NO.	STATE / YR	11. VEHICLE IDENTIFICATION NUMBER	
(1) EMERGENCY W/ MANU 3300 12/01			SAL093	CA 108	KNADC125156376182	
(2)			12. TOWED TO		13. TOW DRIVER / OWNER SIGNATURE	
			OL		X MIKE W.	
24. IDEAL NOTIFIED?	25. DID NOTIFIED?	14. CRIME OR OFFENSE		16. CLASSIFICATION		
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	TOWING PARKING				
26. WITNESSES			RESIDENCE ADDRESS		CITY	REG. PHONE
17. NARRATIVE (1) CONTINUATION OF ABOVE ITEM NUMBERS INCLUDING ADDITIONAL INFORMATION AND WITNESSES (2) BRIEF DESCRIPTION OF INCIDENT INCLUDING COMPLAINT IF AVAILABLE						
21	PRIOR TO IMPOUND MISC SCRATCHES AND DENTS.					
27	DISPATCHED TO ABOVE LOCATION FOUND VEHICLE PARKED IN POSTED ZONE EMERGENCYLY NO PARKING FROM SEP. 12 2007 EFF. 1300 HRS. TO. NOV 2, 2007 1800 HRS. PER MIKE BERRY SIGNS WERE POSTED SEP. 12, 2007 AROUND 1200 HRS ISSUED ABOVE CITATION AND IMPOUNDED IT					
28. REPORTING OFFICER			IDENT NO		CONTINUE NARRATIVE ON BACK	
K ROBINSON			7430		DISPATCH	
29. SUPERVISOR APPROVING			REVIEWER		33. RADIO BROADCAST BY DISPATCHER #	
			MR		34. DATE	
30. INVESTIGATION STATUS			35. CANCEL <input type="checkbox"/>		OPERATOR	
<input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED <input type="checkbox"/> CLOSED					DATE / TIME	
31. CLEARANCE CLASSIFICATION			IOWA <input type="checkbox"/>		NCIC <input type="checkbox"/>	
<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> RECEIPT CLEARED						
32. UNIT REFERRED TO:						
CF						

2007 SEP 13 PM 6:38

**CITY OF DES MOINES  
DEPARTMENT OF POLICE  
ADMINISTRATIVE SERVICES DIVISION**

RECEIPT NO. 136330

DATE 9/13/2007 TIME 10:45:03 AM

RECEIVED FROM sarah amberson

CASH   
CHECK   
CREDIT

DOLLARS \$ 20.00

**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.)
- 1   IMPOUND FEE; (\$20.00 ea.)
- FINGERPRINT FEE; (\$10.00 per card)
- BOND PROCESSING FEE; (\$10.00 ea.)
- MISCELLANEOUS;(\$5.00)

CASE #07-25827 tag 270601 . . .

AS PROVIDED FOR IN #6253 SECTION 39-10.01 AMENDED

BY: Mary Anderson U02  
Ident No. \_\_\_\_\_



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



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

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