

Date December 8, 2008

PUBLIC HEARING ON VEHICLE  
IMPOUND OF SAM AND NANCY FAIRFIELD

WHEREAS, Sam Fairfield, 1115 - 8<sup>th</sup> Avenue, Grinnell, filed an appeal of his vehicle impound for parking in a posted emergency no parking zone and the City Hearing Officer denied said appeal; and

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

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

WHEREAS, Mr. Fairfield's vehicle was found parked illegally in an emergency no parking zone; 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. Fairfield.

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**

- |                  |                                     |
|------------------|-------------------------------------|
| <u>EXHIBIT 1</u> | Mr. Fairfield's Request for Hearing |
| <u>EXHIBIT 2</u> | Correspondence for Hearing          |
| <u>EXHIBIT 3</u> | Hearing Officer's Decision          |
| <u>EXHIBIT 4</u> | Appeal from Mr. Fairfield           |
| <u>EXHIBIT 5</u> | Transcript                          |

Date December 8, 2008

PUBLIC HEARING ON VEHICLE  
IMPOUND OF SAM AND NANCY FAIRFIELD

WHEREAS, Sam and Nancy Fairfield, 1115 - 8<sup>th</sup> Avenue, Grinnell, and 4411 SE 112<sup>th</sup> Street, Runnells, filed an appeal of Ms. Fairfield's vehicle impound for parking in a posted emergency no parking zone and the City Hearing Officer denied said appeal; and

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

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

WHEREAS, Mr. and Ms. Fairfield's vehicle was found parked illegally in an emergency no parking zone; NOW THEREFORE,

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

Alternative One: That the order of the hearing officer be uphold.

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. and Ms. Fairfield.

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

FORM APPROVED:

K. Massier  
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



City of Des Moines  
**Request for Administrative Hearing**

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

Please print or type

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

My vehicle was impounded on 10.19.08, case number and/or tag number tag # 278474 case # 08-38334

Reason for appeal: signs posted did not adequately cover the street, to inform me of no parking. The only sign I even had a chance to see, but still did not, was out of vision at night, when I parked. Parked on street approx. 12:30am Saturday the 18<sup>th</sup> after driving in from Chicago. I have not been in Des Moines for over a week, had no prior knowledge it was marathon weekend or race. As photo shows, the utility pole closest to vehicle had no sign, the logical place to post one as no one parks on a corner... only sign from my vantage point was too far to see at night + saw no other signs driving up to street by my route taken, as city only posted a few signs for only those driving the opposite direction of mine to see. City failed to inform me there was a "no-parking" zone for one day when + where I parked the vehicle.

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

10.21.08  
Date

515.537.9792  
Daytime Telephone

Samuel Fairfield  
Signature

Samuel Fairfield  
Print Name

4411 SE 12<sup>th</sup> St  
Address

Runnells, IA 50237  
City/State/Zip

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

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

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

White - City

Yellow - Applicant

Owen Crist

245658

AUTO BODY SERVICE INC.

1221 KEO

515-244-2171

DES MOINES, IA. 50309

Towing

Collision Repair

Painting

CASE NO. 38334 TAG NO. 278474 DATE 10/19/88

CHARGED TO

ADDRESS

OWNER SAMUEL FAIRFIELD

ADDRESS

VIN #

876 LMG

MAKE OF CAR

YEAR

MODEL

Cherry

97

Comint

COLOR

MILEAGE

5:40

IMPOUND

PROPERTY IN OFFICE

KEY ON BOARD

P.D.

PVT

PRIVATE

NO KEY

44th Pleasant

TO Sale Lot

42 25

Storage

9 45

TAX

3 40

DRIVER

Spike

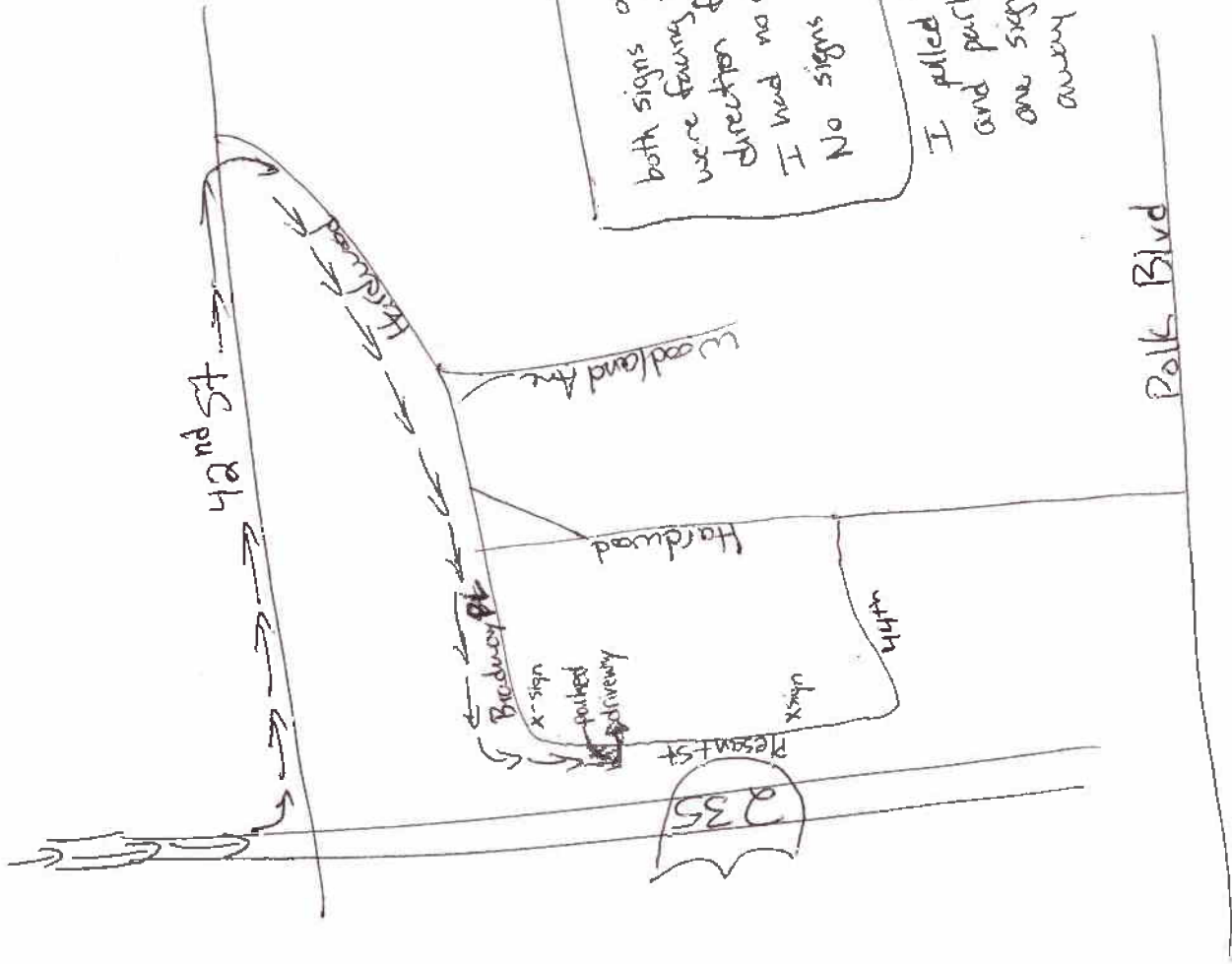
TOTAL CHARGE

60 10

CUSTOMERS INVOICE



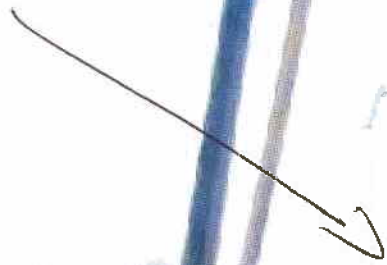
Indicate's my route  
→



both signs on Pleasant  
were facing the opposite  
direction from where I drove.  
I had no chance to see them.  
No signs were placed on Hardwood.

I pulled into the drive to turn around.  
The correct direction. The  
and part the correct point was to far  
one sign at that point was to see  
away for me to see at night.

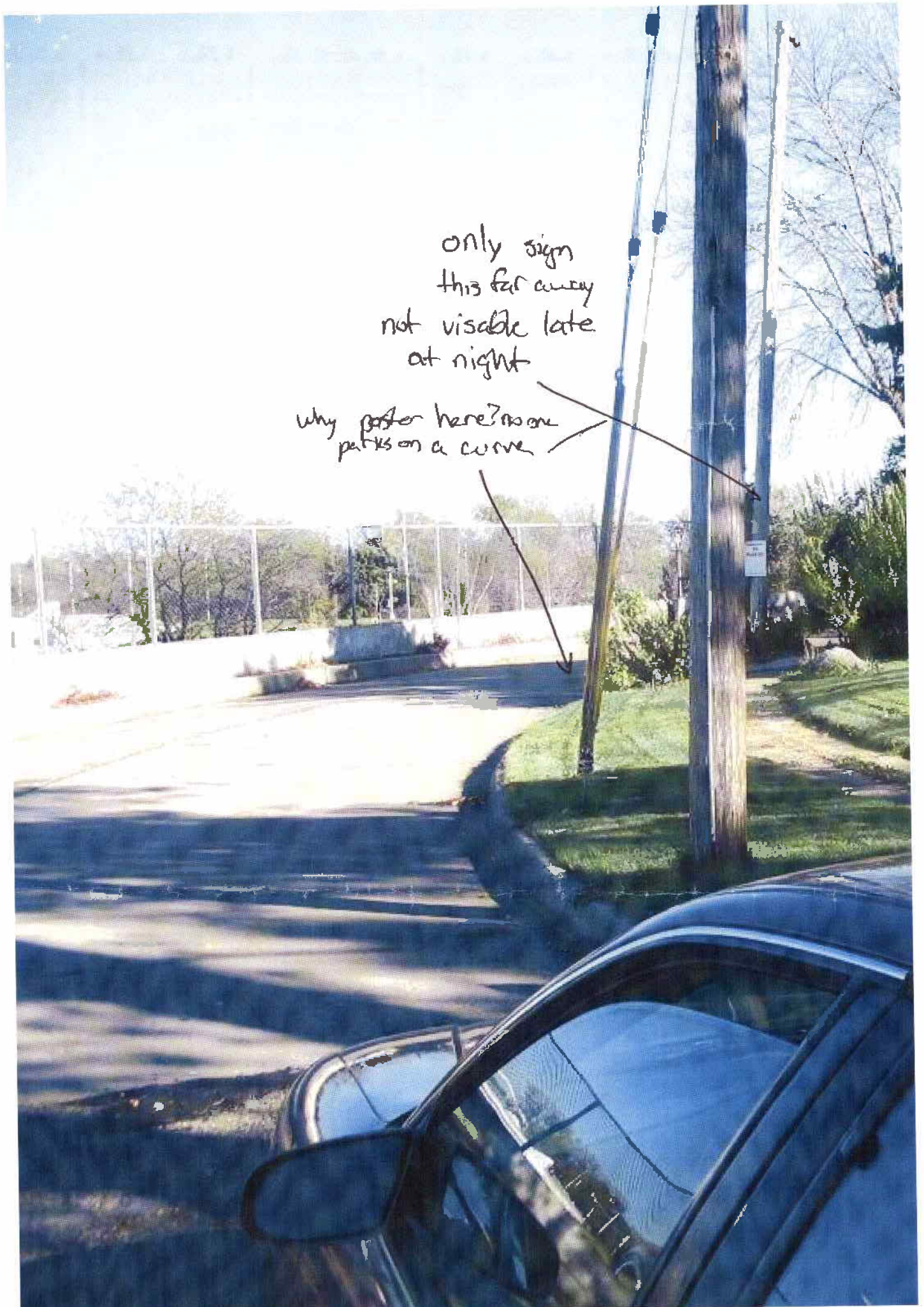
No sign on  
closest utility pole





only sign  
this far away  
not visible late  
at night

why poster here? no one  
parks on a curve





October 23, 2008

Nancy Fairfield  
4411 SE 112<sup>th</sup> Street  
Runnells, IA 50237

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, November 3, 2008** in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive**, at **8:30 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  
Assistant City Attorney  
Staff Notification  
File  
Copy - Samuel Fairfield



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

Fax: 237-1645

To: City Clerk

Date: October 28, 2008

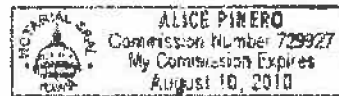
From: NancyJo Fairfield

RE: Administrative Hearing -- Vehicle Impound

Samuel G. Fairfield, my son, has my permission to represent my vehicle in the November 3, 2008 hearing in the City Council Chambers.



NancyJo Fairfield  
4411 SE 112<sup>th</sup>  
Runnels, IA 50237



Alice Pinero  
Comm expires 8/10/10  
#429927



# CITY OF DES MOINES

## Office of City Clerk

**To:** Officer Rich  
Police Traffic  
**Date:** October 23 2008

**From:** City Clerk's Office  
**RE:** Vehicle Impound

Samuel Fairfield, 4411 SE 112<sup>th</sup> Street, Runnells, IA has requested an impound hearing which has been scheduled for **Monday, November 3, 2008** in the Council Chambers, second floor of City Hall, 400 Robert D. Ray Drive at **8:30A.M.**

Please inform **ID NO. #7431 (S. Ouimet)** of the time, date and location of the hearing. I have attached a copy of the Vehicle Impound Recovery Reports for hearing preparation. **If the Police Officer is not available, please contact Karen at X1389 to make other arrangements.**

Thank you for your assistance.



Diane Rauh  
City Clerk

• • •

6. BEAR	17. PROPERTY SHEET
---------	--------------------

36. UNIT REFERRED TO: Cf



November 5, 2008

Nancy Fairchild  
4411 SE 112<sup>th</sup> Street  
Runnells IA 50237

Re: Administrative Hearing – Vehicle Impound

Dear Ms. Fairchild:

In response to Sam Fairchild's written appeal, the City of Des Moines convened an Administrative Hearing on November 3, 2008, at 8:30 a.m. regarding a motor vehicle impound (Impound Tag Number 278474). 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 Ouimet stated that on Friday, October 17, 2008, "Emergency No Parking" signs were posted due to a fun run that would be taking place in the area in question on Sunday, October 19, 2008. Ms. Ouimet said that she impounded a vehicle on the morning of October 19, 2008 at approximately 5:24 a.m. for parking in the 4400 block of Pleasant. Ms. Ouimet said the vehicle was facing westbound on the south side of the street, was parked on the wrong side of the street, and was parked in a posted Emergency No Parking zone.

Sam Fairfield (son of Nancy Fairfield) requested the Hearing and submitted a notarized statement from Nancy Fairfield giving him permission to speak on her behalf. On the morning of November 3, 2008, Mr. Fairfield called the City Clerk's Office and said he was having vehicle problems and would not be able to attend the Hearing. It was decided to have a telephone hearing at the previously scheduled date and time.

Sam Fairfield said he is not in violation of Municipal Code 114.361.17 (Emergency No Parking) because of a lack of posted signs as depicted in the two pictures he submitted in his Request for Administrative Hearing. Mr.



DIANE RAUH  
CITY CLERK  
CITY HALL-2ND FLOOR  
400 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309-1891  
(515) 283-4208  
FAX (515) 237-1645  
www.dmgov.org

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ALL-AMERICAN CITY  
1949, 1976, 1981,  
2003



Nancy Fairfield  
November 6, 2008  
Page Two

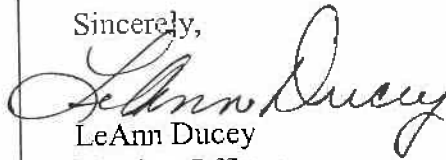
Fairfield said he had been out of town for a week so he was not in the area Friday when the signs were posted, nor was he in town on Saturday to see them. Mr. Fairfield said he parked his car in the area in question about 12:30 a.m. on Sunday and it was very dark so he did not see the sign(s).

Ms. Ouimet said because Mr. Fairfield was parked on the wrong side of the street, it would have been much harder for him to see the posted sign(s).

I find probable cause was proven for impounding the vehicle. 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 310032213 that was issued at the time the vehicle was impounded.

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  
Sam Fairfield



DIANE RAUH  
CITY CLERK  
CITY HALL-2ND FLOOR  
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BUSINESS LICENSES

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1949, 1976, 1981,  
2003



Fax to: 515.237.1645

36

City of Des Moines City Clerk's office

11-14-08

Attn: Diane Rauh

EXHIBIT

4

I, Samuel Fairfield am hereby appealing the ruling of my administrative hearing conducted on Monday, Nov 3rd and request to appear before the city council to further appeal the vehicle impoundment. The reason for my appeal is as follows:

1) falsified reasoning by LeAnn Ducey, hearing officer upon which she used to "justify" probable cause for impoundment. Her letter addressed to ms. Fairchild, regarding Sam Fairchild's appeal included "testimony" that was never articulate during the hearing, as such she was not evaluating the case either in proper context nor with the actual facts of the case.

2) I still was not in violation of municipal code section 114-361.17 (the sole reason presented for impoundment on tickets/citations issued) due to lack of signs posted, and therefore no "probable cause" exists for impounding the vehicle for the reason cited.

DES MOINES IOWA  
CITY CLERK

NOV 14 PM 2:47

FILED

Respectfully submitted,

Sam Fairfield

515.537.9792

November 19, 2008

Grinnell College  
Box 3497  
1115 8<sup>th</sup> Avenue  
Grinnell, IA 50112

Re: Appeal of Vehicle Impound

Dear Mr. Fairfield:

This letter is to acknowledge receipt of your written request of November 14, 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 December 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 will be sent 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  
Chief Bradshaw



DIANE RAUH  
CITY CLERK  
CITY HALL-2ND FLOOR  
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2003





HEARING OFFICER: GOOD MORNING. MY NAME IS LEANN DUCEY, AND I'M AN ADMINISTRATIVE HEARING OFFICER. IT IS 8:35 A.M. ON NOVEMBER 3, 2008, AND WE ARE CONDUCTING AN ADMINISTRATIVE HEARING ON A VEHICLE IMPOUND. THE APPELLANT IS NANCY FAIRFIELD. WHEN I CALL YOU TO GIVE TESTIMONY TODAY, SAY COME UP TO THE PODIUM, I'LL LET YOU KNOW WHEN IT'S TIME FOR YOU TO GIVE TESTIMONY AND THEN I'LL ASK YOU TO PLEASE STATE YOUR FULL NAME AND ADDRESS AND THEN I'LL SWEAR YOU IN. AND SO FIRST, I'M GOING TO CALL THE OFFICER THAT WAS AT -- THE PERSON WHO IMPOUNDED THE VEHICLE. SO WOULD THE CITY OF DES MOINES REPRESENTATIVE PLEASE COME FORWARD AND IDENTIFY YOURSELF.

OFFICER OUIMETT: MY NAME IS SANDRA OUIMETT.

HEARING OFFICER: COULD YOU PLEASE SPEAK A LITTLE BIT LOUDER, TOO, I WANT TO MAKE SURE? OK. RAISE YOUR RIGHT HAND. DO YOU, SANDRA OUIMETT SWEAR OR AFFIRM THE TESTIMONY YOU'RE ABOUT TO GIVE IS THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

OFFICER OUIMETT: I DO.

HEARING OFFICER: BEFORE WE GO ANY FURTHER, I WOULD LIKE TO STATE THAT THIS IS A TELEPHONE CONFERENCE HEARING BECAUSE MR. FAIRFIELD WAS NOT ABLE TO MAKE IT IN SO WE ARE DOING THIS OVER THE TELEPHONE. I DO HAVE A COPY OF THE REQUEST FOR ADMINISTRATIVE HEARING AND SOME PICTURES WITH DIAGRAMS THAT HE SENT IN WITH THE REQUEST FOR HEARING. SO IF YOU WOULD PLEASE GO AHEAD AND START.

OFFICER OUIMETT: WE WERE CLEARING THE STREETS ON THE MORNING OF THE 19TH OF OCTOBER DUE TO A FUN RUN FOR THE DES MOINES MARATHON. PLEASANT HAPPENED TO BE ONE OF THE STREETS. WE WENT DOWN THAT STREET, AND THERE WAS A CAR FACING WESTBOUND ON THE SOUTH SIDE OF THE STREET. SO IT WAS PARKED GOING THE WRONG WAY. REGARDLESS, EVEN IF HE WOULD HAVE BEEN PARKED FACING THE CORRECT WAY, HE STILL WOULD HAVE BEEN IMPOUNDED. THE SIGNS WERE POSTED ON FRIDAY. WE NEEDED TO GET THE STREETS CLEARED, SO WE IMPOUNDED THE CAR.

HEARING OFFICER: SO THE DATE OF THE IMPOUND, THAT WAS A SATURDAY?

OFFICER OUIMETT: IT WAS A SUNDAY.

HEARING OFFICER: SUNDAY. OK. AND YOU SAY THE SIGNS WERE POSTED ON FRIDAY?

OFFICER OUIMETT: ON FRIDAY, YEAH.

HEARING OFFICER: OK. SO DID YOU HAVE ANYTHING MORE TO PRESENT TODAY?

OFFICER OUIMETT: THAT WOULD BE ALL.

HEARING OFFICER: DID YOU HAPPEN TO NOTICE IF THE -- WERE THESE METERS THAT WERE COVERED UP OR JUST SIGNS?

OFFICER OUIMETT: NO, IT WAS A RESIDENTIAL STREET AND THERE WERE SIGNS POSTED.

HEARING OFFICER: OK. OK. THANK YOU VERY MUCH.

OK. SIR, WOULD YOU PLEASE STATE YOUR NAME AND ADDRESS?

MR. FAIRFIELD: YEP, MY NAME IS SAMUEL FAIRFIELD.  
MY ADDRESS, 4411 SOUTHEAST 112TH STREET, THAT'S IN RUNNELLS, IOWA.

HEARING OFFICER: OK. PLEASE RAISE YOUR RIGHT HAND. DO YOU  
SAMUEL FAIRFIELD SWEAR OR AFFIRM THE TESTIMONY YOU'RE ABOUT TO  
GIVE IS THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

MR. FAIRFIELD: I DO.

HEARING OFFICER: YOU CAN STAND UP, IF YOU'D LIKE.  
I'D ALSO LIKE TO STATE FOR THE RECORD THAT NANCY FAIRFIELD WHO  
IS SAMUEL'S MOTHER IS THE TITLE HOLDER TO THE VEHICLE, BUT SHE  
DID SEND IN A NOTARIZED STATEMENT SAYING THAT SAMUEL COULD APPEAR  
FOR HER. SO GO AHEAD, SAMUEL, AND TELL ME WHY YOU REQUESTED THE  
HEARING.

MR. FAIRFIELD: ALL RIGHT. THANK YOU. I REQUESTED THE  
HEARING TODAY BECAUSE IT WAS MY UNDERSTANDING WITH READING THROUGH  
THE MUNICIPAL CODE THAT IN ORDER FOR THERE TO BE PROBABLE CAUSE TO  
IMPOUND SUCH VEHICLE, THERE HAD TO BE -- MUNICIPAL CODE VIOLATION  
OF SECTION 114361.17.

HEARING OFFICER: I'M HAVING A REALLY HARD TIME HEARING YOU.  
CAN YOU SPEAK ANY LOUDER?

MR FAIRFIELD: SORRY. IS THIS BETTER?

HEARING OFFICER: YES.

MR. FAIRFIELD: ALL RIGHT. WHAT I'M SAYING IS THAT THE  
MUNICIPAL CODE THAT I WAS CHARGED WITH VIOLATION OF SECTION



114361.17 SAYS "UPON ISSUANCE OF AN EMERGENCY ORDER, CAUSE TEMPORARY NO PARKING SIGNS TO BE POSTED ON OR ABOUT STREETS OF THE CITY AND THAT NO PERSON SHALL PARK IN VIOLATION OF SIGNS SO POSTED." I REQUESTED THE HEARING TODAY BECAUSE I DO NOT BELIEVE I WAS IN VIOLATION OF SIGNS STILL POSTED BECAUSE OF THE LACK OF POSTING OF SIGNS. AS I SHOW DEPICTED IN MY TWO PICTURES WITH PHOTOGRAPHIC EVIDENCE, THE ONLY SIGN POSTED ANYWHERE IN RELATIVE PROXIMITY TO THE VEHICLE WAS SUFFICIENT DISTANCE AWAY FROM SAID VEHICLE THAT I DON'T FEEL IT WAS IN VIOLATION OF THE CODE. FURTHERMORE, THERE WERE NO SIGNS POSTED ON OR ABOUT STREET OF THE CITY BY WHERE THAT VEHICLE WAS PARKED. IN THE DIAGRAM I DISPLAYED, I SHOWED MY ROUTE GOING TO MY PARKING DESTINATION. THAT ROUTE, I BELIEVE, IS DEPICTED IN -- ARE YOU ABLE TO SEE THE DIAGRAM AND UNDERSTAND IT OR DO YOU NEED AN EXPLANATION?

HEARING OFFICER: I DO SEE THE DIAGRAM. I THINK IT'S SELF-EXPLANATORY.

MR. FAIRFIELD: OK. SO BASICALLY, MY CONTESTATION IS THAT THERE WAS NO SIGNS POSTED ABOUT THE STREET OF MY ROUTE. IT WAS NO PARKING ON ONE TIME FOR THAT SUNDAY MORNING. SO I HAVE NO KNOWLEDGE THAT IT WAS A NO PARKING ZONE. FURTHERMORE, THE ONLY SIGN POSTED ON THE STREET THAT I WAS PARKED ON WAS SUFFICIENT DISTANCE AWAY THAT AT THE TIME I PARKED MY VEHICLE WHICH WAS PAST MIDNIGHT THAT NIGHT AND IT WAS RATHER DARK OUTSIDE. BEING OUT OF TOWN FOR PROBABLY A WEEK, SO I KNOW THE OFFICER SAID THEY POSTED

SIGNS ON FRIDAY. I WAS NOT IN THE AREA ON FRIDAY. I WAS NOT IN THE CITY OF DES MOINES ON FRIDAY, NOR WAS I IN THE CITY OF DES MOINES ON SATURDAY. I WAS IN CHICAGO BOTH DAYS. AND THEN GOT BACK TO DES MOINES ABOUT APPROXIMATELY 12:30 OR SOMETHING LIKE THAT ON A SATURDAY NIGHT. WHEN I PARKED MY VEHICLE SO I'M CONTESTING BECAUSE THERE WERE NO SIGNS POSTED TO INFORM ME THAT IT WAS A NO PARKING ZONE.

HEARING OFFICER: OK, SO YOU -- WHAT I THINK THAT YOU ARE GENERALLY SAYING IS THAT THE SIGN -- THERE WERE NOT ENOUGH SIGNS AND THAT THERE WAS NO ONE THERE TO LET YOU KNOW THE SIGNS WERE POSTED? DID YOU SAY, I UNDERSTAND YOU CORRECTLY, THAT THERE MAYBE SHOULD HAVE BEEN SOMEONE THERE TO LET YOU KNOW ABOUT THE SIGN?

MR. FAIRFIELD: NO, I'M NOT SAYING ANY ONE PERSON SHOULD HAVE BEEN PRESENT. I UNDERSTAND PEOPLE CAN'T STAND ON THE STREET TO LET ME KNOW THAT, BUT I'M SAYING THE SIGNS THAT WERE POSTED WERE NOT ADEQUATELY POSTED TO ALLOW FOR PROBABLE CAUSE TO IMPOUND THE VEHICLE. IT PUT ME IN VIOLATION OF THE MUNICIPAL CODE. I'M NOT SAYING I WASN'T IN VIOLATION OF THAT CODE, BUT WHAT THE CODE SPECIFICALLY STATES IS THE SIGNS BE POSTED ON OR ABOUT THE STREET BY THE CITY AND NO PERSON SHALL PARK IN VIOLATION OF SIGNS SO POSTED. BUT THE SIGNS SO POSTED WERE NOT ON OR ABOUT IN THE STREET AROUND THE VEHICLE IS WHAT I'M CONTESTING BECAUSE THERE WAS NO SIGN CLOSE ENOUGH TO THE VEHICLE. I MEAN, THE SIGN THAT WAS

POSTED -- AS MY PICTURE SHOWS, THE SIGN POSTED WAS ON THE BEND AND CURVE IN THE ROAD. NOBODY PARKS ON A CORNER IN A STREET, THE PLACE TO POST THE SIGN IS WHERE SOMEBODY WOULD PARK A VEHICLE AND IT WAS ON MY ROUTE GOING THAT WAS POSTED, BEING POSTED ABOUT THE STREET, THERE WERE NO SUCH SIGNS POSTED INDICATING THAT ANYONE ON THAT ROUTE SHOULD NOT BE PARKING ON THAT STREET.

HEARING OFFICER: OK.

MR. FAIRFIELD: AS I'M SAYING, SOMEONE SHOULD HAVE PHYSICALLY BEEN PRESENT.

HEARING OFFICER: OK. I WANTED TO MAKE SURE THAT -- I DIDN'T HEAR THAT CORRECTLY. THE OTHER QUESTION I HAVE, WERE YOU FACING THE WRONG WAY ON THAT STREET WHEN YOU PARKED?

MR. FAIRFIELD: I DON'T REMEMBER EXACTLY WHICH WAY I WAS PARKING. LIKE I SAID, IT WAS LATE. I MIGHT HAVE BEEN. I MIGHT NOT HAVE BEEN. I'M NOT ENTIRELY REMEMBERING TO WHAT -- TO SAY THAT ONE WAY OR THE OTHER.

HEARING OFFICER: OK.

MR. FAIRFIELD: UNDER OATH. SO --

HEARING OFFICER: DO YOU HAVE ANYTHING ELSE?

OFFICER OUIMETT: I DO. I BELIEVE THAT IF HE WOULD HAVE BEEN PARKED CORRECTLY WHICH WOULD HAVE BEEN FACING EASTBOUND RATHER THAN WESTBOUND, I BELIEVE THAT HE WOULD HAVE SEEN THE SIGNS.

HEARING OFFICER: OK. OK. SO YOU'RE SAYING BECAUSE HE WAS

PARKED INCORRECTLY, THE SIGNS WOULD NOT HAVE BEEN AS VISIBLE?

OFFICER OUIMETT: CORRECT.

HEARING OFFICER: OK. OK. SIR, DO YOU HAVE ANYTHING TO ADD TO THAT?

MR. FAIRFIELD: I WANT TO MAKE SURE I UNDERSTOOD THAT. HER ARGUMENT WAS THAT IF I PARKED THE CORRECT WAY, THE SIGNS WOULD HAVE BEEN VISIBLE?

HEARING OFFICER: THEY WOULD HAVE BEEN MORE VISIBLE TO YOU.

MR. FAIRFIELD: OK. I'M NOT SURE I AGREE WITH THAT STATEMENT. AND WHAT MY RESPONSE IS THE PICTURE -- THE PHOTOGRAPH I SUBMITTED, I BELIEVE, SHOWS FAR OFF IN THE DISTANCE THE SIGN THAT WAS POSTED, HAD I BEEN PARKED IN THAT DIRECTION. AND WHAT I WAS SAYING WAS THAT AT THE TIME I PARKED MY VEHICLE, REGARDLESS OF THE WAY THAT I PARKED, AT 12:30 AT NIGHT, THAT SIGN IS TOO FAR AWAY TO BE SEEN AT NIGHTTIME FOR ANYBODY PARKING IN THAT SPOT.

HEARING OFFICER: OK.

MR. FAIRFIELD: SO I'M NOT SURE I AGREE. FURTHERMORE, I WOULD LIKE TO STATE FOR THE RECORD MY VEHICLE WAS IMPOUNDED NOT BECAUSE OF THE DIRECTION IT WAS PARKED BUT BECAUSE I WAS IN SUPPOSED VIOLATION OF A DIFFERENT MUNICIPAL CODE WHICH IS IN TODAY'S HEARING.

HEARING OFFICER: OK. WAS THERE A TICKET ISSUED FOR THIS?

OFFICER OUIMETT: YES, THERE WAS FOR EMERGENCY NO PARKING.

HEARING OFFICER: OK. ALL RIGHT. DOES ANYONE ELSE HAVE ANYTHING TO PRESENT TODAY?

MR FAIRFIELD: YES. REAL QUICK, I JUST DO WANT TO MAKE SURE I UNDERScored THE IMPORTANCE THAT NOT ONLY THE IMPOUND BUT THE TICKET FOR WHICH I WAS ISSUED WAS FOR VIOLATION OF SECTION 114361.17 FOR AN EMERGENCY NO PARKING VIOLATION WHICH HAD NOTHING TO DO WITH THE DIRECTION OF SAID VEHICLE. I WANT TO MAKE SURE THAT I UNDERScore, THAT'S THE PURPOSE OF THE HEARING. THAT'S WHY MY CAR WAS IMPOUNDED. WANTED TO MAKE SURE THAT WAS CLEAR.

HEARING OFFICER: OK. DO YOU HAVE ANYTHING?

OFFICER OUIMETT: NO, MA'AM.

HEARING OFFICER: OK. WELL, I'M GOING TO REVIEW THE INFORMATION THAT WAS PROVIDED TODAY AND LISTEN TO THE TAPE, I'M NOT GOING TO MAKE A RULING TODAY. I'M GOING TO REVIEW EVERYTHING AND PROBABLY LATER THIS WEEK WILL SEND OUT A WRITTEN RULING AND THAT WILL BE MY FINAL ADMINISTRATIVE DECISION. SHOULD YOU DISAGREE WITH THE RULING, YOU HAVE THE RIGHT TO FILE AN APPEAL WITH THE CITY CLERK'S OFFICE AND IT WOULD THEN GO TO THE CITY COUNCIL. SO THERE WOULD BE INFORMATION IN THE LETTER SHOULD I FIND IN THE CITY'S FAVOR. OK?

MR. FAIRFIELD: ALL RIGHT.

HEARING OFFICER: SO THAT WOULD GO OUT TO YOU, AND IT WOULD CO OUT TO THE 4411 SOUTHEAST 112TH STREET, RUNNELLS, IOWA, 50237, CORRECT?



MR. FAIRFIELD: ACTUALLY, I WOULD REQUEST THAT IT BE MAILED TO A DIFFERENT ADDRESS, IF THAT'S OK.

HEARING OFFICER: OK. I THOUGHT YOU TOLD ME THAT WAS YOUR ADDRESS.

MR. FAIRFIELD: RIGHT. THAT IS MY MAILING ADDRESS.

HEARING OFFICER: OK. THE ACTUAL LETTER WILL GO OUT TO NANCY FAIRFIELD. IS THAT WHERE SHE LIVES BECAUSE SHE IS THE OWNER OF THE VEHICLE. IS THAT HER ADDRESS, WHERE SHE LIVES?

MR. FAIRFIELD: SHE IS THE REGISTERED OWNER OF THE VEHICLE, YES, THAT IS THAT ADDRESS.

HEARING OFFICER: OK. I STILL DIDN'T HEAR THAT. WHAT?

MR. FAIRFIELD: YES, IF IT NEEDS TO GO TO THE REGISTERED OWNER, SHE'S AT THAT ADDRESS.

HEARING OFFICER: OK. SO I'M GOING TO SEND IT TO HER AT THAT ADDRESS AND IF YOU WANT A COPY SENT TO A DIFFERENT ADDRESS, GIVE ME THAT ADDRESS NOW.

MR. FAIRFIELD: ALL RIGHT. THAT ADDRESS IS GOING TO BE GRINNELL COLLEGE.

HEARING OFFICER: GRINNELL COLLEGE?

MR. FAIRFIELD: GRINNELL COLLEGE. BOX 3497, BOX 34 --

HEARING OFFICER: JUST A MINUTE. I'M REALLY HAVING TROUBLE HEARING YOU. I'M SURE THAT THE TAPE WILL BE LOUDER BUT GRINNELL

COLLEGE AND THEN WHAT?

MR. FAIRFIELD: BOX 3497.

HEARING OFFICER: BOX 497?

MR. FAIRFIELD: 3497.

HEARING OFFICER: 3497. OK.

MR. FAIRFIELD: AND THE ADDRESS IS 1115.

HEARING OFFICER: OK.

MR. FAIRFIELD: 8 AVENUE.

HEARING OFFICER: EAST WHAT?

MR. FAIRFIELD: 8TH AVENUE.

HEARING OFFICER: 1115 8TH?

MR. FAIRFIELD: YEAH. THAT'S IN THE CITY OF GRINNELL, IOWA.

HEARING OFFICER: GRINNELL, OK.

MR. FAIRFIELD: AND THE ZIP CODE IS 50112.

HEARING OFFICER: 50112.

MR. FAIRFIELD: CORRECT.

HEARING OFFICER: OK. SO I WILL GET THAT OUT LATER TO YOU  
THIS WEEK AND I APPRECIATE IT. THANK YOU VERY MUCH.

MR. FAIRFIELD: THANK YOU VERY MUCH.



November 26, 2008



DIANE RAUH  
CITY CLERK  
CITY HALL-2ND FLOOR  
400 ROBERT D. RAY DRIVE  
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FAX (515) 237-1645  
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Grinnell, IA 50112

RE: Administrative Hearing Transcript

Per the letter sent to you on November 19, 2008, enclosed is a copy of the administrative hearing transcript that was held on November 3, 2008 at 8:30 a.m.

If you have any questions regarding this matter, please contact me at 283-4209.

Sincerely,

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

Diane Rauh  
City Clerk

DR:kh  
Enc.

cc: Hearing Officer  
Assistant City Attorney