

★ **Roll Call Number**

Agenda Item Number
37A-1

Date October 11, 2010

Communication from Sam Kreamer, attorney for City Cab LLC.

Moved by _____ to receive and file.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

KREAMER LAW FIRM, P.C.

Attorneys and Counselors at Law

Samuel I. Kreamer, J.D., C.P.A.
sikjdcpa@kreamerlaw.com

6600 Westown Parkway, Suite 190
West Des Moines, Iowa 50266-7724
Phone: (515) 727-0900
Fax: (515) 727-0939
www.kreamerlaw.com

October 8, 2010

To the Mayor and the City Council of Des Moines, Iowa
City Hall
400 Robert D. Ray Drive
Des Moines, Iowa 50309

VIA e-mail to cityclerk@dmgov.org and hand delivery

In Re: City Cab, LLC
 Our File No. 43044

Honorable Mayor and City Councilpersons:

As legal counsel for City Cab, L.L.C. ("City Cab") it has come to my attention that there have been incidents involving City Cab, wherein, prior to the City Council's issuance of a license to operate, individuals were picked up in the Des Moines City limits, and transported to designated locations. The purpose of this letter is to provide City Cab's explanation of these incidents, and to offer its sincere apology for any wrongful acts.

These incidents were as follows:

1. September 24, 2010.

At approximately 3PM, City Cab received a call from an individual who was located at the Veteran's Hospital. The individual claimed that he had called Yellow Cab, and had been waiting for two hours for the cab to arrive. Although the passenger was informed that City Cab was unlicensed to pick up passengers in the Des Moines City limits, the passenger continued to ask for assistance, and ultimately, as a response to perceived inadequate existing taxi service, and in an attempt to attain recognition for its good service, City Cab dispatched a driver who took the passenger from the Veteran's Hospital to Starbar located at 2811 Ingersoll Avenue in Des Moines. The passenger paid the normal fare and expressed appreciation for the assistance.

City Cab recognizes that despite its good intentions, its action was contrary to applicable ordinances, and offers its apology for wrongfully assisting this "stranded" individual.

2. September 27, 2010.

At approximately 3PM a driver for City Cab stopped to purchase cigarettes at the Walgreen Drug Store located at 3030 University in Des Moines. The driver was driving a City Cab taxi at the time he entered Walgreen. He was approached by an individual who was a "customer" in the Walgreen at the time the driver entered the store. The individual claimed that he had been waiting at the Walgreen's for a long time for a cab, and asked the driver if he could take him to the Wal-Mart located at 1001 73rd Street in Windsor Heights.

The driver informed the individual that City Cab was not licensed to pick up individuals within the City of Des Moines, but the individual persisted. Because the driver was just ending his shift, and because he did not live a long distance from the Wal-Mart, the driver agreed to take the individual to the Wal-Mart, without charge, as a favor. When they arrived at the Wal-Mart, the individual gave the driver a "tip" or a "gift".

City Cab recognizes that despite the driver's intention to help this individual, the driver should NOT have accepted the "tip" or "gift" when it was offered, and offers its apology for wrongfully assisting this "stranded" individual.

3. September 27, 2010.

Within an hour after the prior incident (that same day), City Cab dispatch received a call from an individual requesting a pick up from the Walgreen Drug Store located at 3030 University in Des Moines. The individual stated that he had been waiting a long time for a Yellow Cab, and wanted to be taken to the located at 1001 73rd Street in Windsor Heights. The dispatcher was unaware of the prior incident at the time the call was received. The dispatcher informed the individual that City Cab was not authorized to make pick ups within the City of Des Moines, but that he would try to get the individual a cab. The dispatcher directly called a driver who, at the time, drove a Capital Cab was working for, and driving, a Capital Cab.

The driver picked up the individual in a Capital Cab, and took him to the requested destination. The individual paid the fare. City Cab received no part of the fare. The driver is an individual who will be working for City Cab if/when the license is granted by the City Council, but was NOT working for City Cab at the time of the incident.

Although City Cab may not have acted wrongfully in this situation, because of its involvement, and the involvement of one of its prospective drivers (who was NOT driving for City Cab at the time of the incident), City Cab is describing this incident to make full disclosure of the event.

As stated in at the City Council meeting of September 27, 2010, City Cab is comprised of individuals who are trying to work hard to provide services in their adopted homeland.

They have spent a significant amount of time and effort to present a full and complete application.

My clients have assured me that they know of no other similar incidents.

To the extent that the incidents described in this letter constitute infractions/violations of ordinances, my client offers its apology, and hopes that the City Council will approve its application.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel I. Kremer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Samuel I. Kremer, J.D., C.P.A.