

March 28, 2011

Date

PUBLIC HEARING ON TAXICAB
LICENSE APPLICATION OF ADAM HAWXBY

WHEREAS, Adam Hawxby, 2939 East Douglas, filed an application for a license to drive a taxicab and limousine in the City of Des Moines, and the Department of Traffic and Transportation rejected said application; and

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

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

WHEREAS, Adam Hawxby's Driver's License suspension for OWI 2nd probation violation in 2006, his conviction for Driving with License Under Suspension in 2008, and his conviction for Driving Without a Driver's License was the basis for his denial under Des Moines Municipal Code §126-218(a)(2)(iii) & (b)(2) regarding qualifications for taxicab license issuance, and §126-70.2(a)(3); NOW, THEREFORE,

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

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

MOVED BY _____ TO DENY LICENSE.

_____ Alternative Two: That Mr. Adam Hawxby's application for license to drive a taxicab and/or limousine in the City of Des Moines be and is hereby granted.

MOVED BY _____ TO GRANT LICENSE.

FORM APPROVED:

K. Massier

Katharine Massier
Assistant City Attorney

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

MOTION CARRIED

APPROVED

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.

Mayor

City Clerk

March 8, 2011



Mr. Adam Hawxby
2939 E. Douglas
Des Moines, IA 50317

Re: Taxicab & Limo Driver's License Appeal

Dear Mr. Hawxby:

The purpose of this letter is to acknowledge receipt of timely appeal of the decision to deny issuance of a taxicab license, as presented to you in a February 23, 2011 letter from the City Traffic Engineer.

Accordingly, I have set this matter for hearing on **March 28, 2011 at 5:00 p.m.** in the City Council Chambers, City Hall, 400 Robert D. Ray Drive. A copy of the portion of the City Code pertaining to the appeal process is enclosed for your information. **Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.**

Please call if you have questions or concerns in this regard.

Sincerely,

Diane Rauh
City Clerk

DR:kh
Enc.

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

FILED

2011 MAR 08 AM 11:10
CITY CLERK
CITY HALL
DES MOINES, IA
Diane Rauh
City Clerk
400 Robert D. Ray Drive
Des Moines, IA 50309

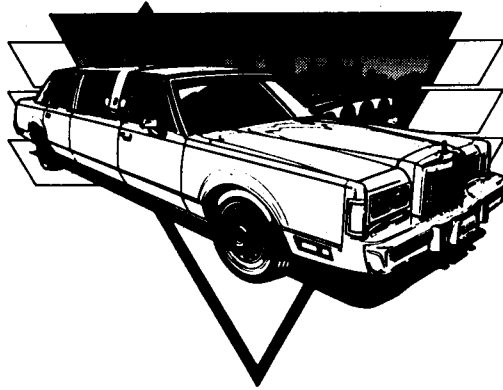
I request a hearing before the City Council to appeal the decision of the City Traffic Engineer to deny my Taxicab and/or Limousine License application, as outlined in Section 126-218 and/or 126-70.2 of the Municipal Code. I understand I must provide a letter from the Taxicab and/or Limousine Company stating that they will allow me to drive for them and will provide dispatch service to me.

Name Adam Hawxby
Address 2939 E Douglas Ave dsm IA
Phone 515-447-1278 50317
Date 3-8-2011

Adam Hawxby
Signature

ALLBEE'S OLD MARKET

Limousine Service



March 8, 2011

I, Rod Allbee, of Allbee's Old Market Limousines would be willing to give Mr. Haxby a chance to work at my company dependant upon pre-employment drug and alcohol test. If he passes with negative results I feel he could be a good asset to my company. His position would be both working in the shop detailing and driving. I would also check bimonthly his driving record to insure he had no additional occurrences.

Thank you,

A handwritten signature in cursive script that reads "Rod Allbee".

Rod Allbee
President

FILED
2011 MAR -8 AM 11:10
CITY CLERK
DES MOINES, IA

42



February 23, 2011

Mr. Adam Hawxby
2939 East Douglas
Des Moines, IA 50317

RE: Taxi and Limo Driver's License

Dear Mr. Hawxby:

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

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

Driving Record:

- 09/21/2006 Driver's license Suspended for Probation Violation
- 02/02/2008 Convicted of Driving while Suspended
- 11/23/2010 No Drivers License

These records do not meet the requirements for a good driving record as required by the City of Des Moines Municipal Code. Therefore, your application for a Taxi and Limousine Driver's License is denied under Municipal Code Section 126-218 (a-1, i, ii) (b-3) and 126-70.2 (a-3). A copy of the code sections are enclosed for your information.

If you desire to appeal this matter, you may request a hearing before the Des Moines City Council by filing a written appeal with the City Clerk within ten (10) days of receiving this letter. If you do appeal this matter, your background information will be provided to the City Council and you must appear at the designated hearing for your appeal to be considered. You must also provide a letter from the Taxi or Limousine Company that they will allow you to drive for them.

Sincerely,

Gary L. Fox
City Traffic Engineer

GLF/jag

Enclosure

- cc: Jeb Brewer, City Engineer
- Katharine Massier, Legal Dept.
- Michael West, Police Dept.
- Diane Rauh, City Clerk

42

**City of Des Moines, Iowa
Office of
Des Moines Police Department
Community Outreach and Protective Services Section
Traffic Unit**

To: Gary Fox
Traffic and Transportation

Date: 02/23/2011

From: Michael West
Senior Police Officer
Traffic Unit

Subject: Taxicab License
Adam Hawxby

The applicant currently has an Iowa Class "D" driver's license, which does meet the requirements to operate a taxicab. A review of Mr. Hawxby's driving record reflects that with-in (5) years preceding this application the following activity occurred.

09/21/2006	Suspended	Violation of Probation
02/02/2008		Driving While Suspended
11/23/2011		Driving with No Driver's License

This application is being denied under City of Des Moines ordinance 126-218 (a-1, i)



Michael West 4810

42

2-18-11



CITY OF DES MOINES

APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMOUSINE

Name HAWXBY Adam Scott
(Last) (First) (Middle)

Address 2939 E Douglas
Des Moines Iowa 50317
(City, State & Zip Code) (515) 447-1278
(Phone Number)

Birth Date: 2-12-70 DL # _____ SS# _____ Class: D-3 Exp. Date: 3-16-20

Weight: 180 Height: 5'11" Color of Hair: brown Color of Eyes: blue

Have you ever been licensed as a City of Des Moines Taxi/Limo Driver? no When? _____

Years of experience driving an automobile. 25 Taxi/Limo: 0

Have you ever had your driver's license suspended/revoked? yes If so, when? 2004

Give reason(s) for suspension/revocation. OWI conviction

List all convictions for traffic violations for which your license was suspended/revoked during the last five (5) years.
0

List all convictions for criminal offenses other than traffic offenses during the last ten (10) years.
0

EMPLOYMENT RECORD:

EMPLOYMENT RECORD:		Employer's Name and Address	EDUCATION RECORD:	
From	To		School	Circle Highest Grade Completed
<u>1-5-07</u>	<u>current</u>	<u>Weitz</u> <u>3801 Thornton Ave, dsm IA</u>	Elementary	1 2 3 4 5 6 7 8
			High School	9 10 11 12
			College	1 2 3 4 5 6
			Trade School	1 2 3 4
			Other	

HEALTH RECORD:

List any physical impairments or disability that would affect your ability to drive. 0

List any current medications or medical conditions for the past five (5) years which might affect your ability to drive:
0

42

City of Des Moines
Traffic and Transportation

APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMOUSINE IN THE CITY OF DES MOINES

Page 2

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

- 1. Name Amy Monaghan Phone No. 515-321-8122
Address 2939 E Douglas Ave
- 2. Name Angela Hawxby Phone No. 515-971-3955
Address 2737 New York
- 3. Name Starlyn Parker Phone No. 515-971-4960
Address _____

I hereby agree that if a license to drive a Taxicab/Limousine is issued to me that I will conform with all ordinances, rules and regulations governing Taxicab/Limousines and their drivers of the City of Des Moines.

I hereby swear that I am the individual making the foregoing application for a Taxicab/Limousine License and that the answers to the foregoing questions and other statements contained herein are true to the best of my knowledge and belief.

2-18-11 _____
(Date) (Applicant's Signature)

Having been duly designated by the Chief of Police of the City of Des Moines for the purpose, I hereby certify that I have examined the applicant's arrest and traffic records. After careful examination, I hereby recommend that the applicant's request for a license to drive a Taxicab/Limousine be:

APPROVED REJECTED 2/23/11 _____
(Date) (Authorized Representative, Chief of Police)

Receipt Number: #780482
Date: 2-18-11
Amount: \$45.00
Badge Number: _____
Company: Trans Iowa
Owner: _____

REJECTED
Application for License APPROVED
2/23/11 _____
(Date) (City Traffic Engineer)

42



Iowa Department of Transportation

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

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

Certified Abstract of Driving Record

Inquiry Date:	2/18/2011	DL/ID #:	(IA)	Customer #:	2708813
Name:	Hawxby, Adam Scott	Class:	C	ID Status:	VAL
Address:	2939 E DOUGLAS AVE	Audit #:	4846996	DL Status:	VAL
		Issue Date:	11/29/2010	CDL Status:	None
City/State:	DES MOINES, IA 503175947	Expiration Date:	02/12/2015	Restriction Supplement:	None
		Endorsements:	NONE		
Mailing Address:	2939 E DOUGLAS AVE	Restrictions:	NONE		
		Date of Birth:	2/12/1970		
Mailing City/State:	DES MOINES, IA 503175947	Sex:	M		

History Information

Convictions

Citation Date	Conviction Date	ACD	Explanation	County	JUR
10/28/2004	02/03/2005	A20	Operating While Intoxicated	77	IA
06/03/2006	06/26/2006	B51	No Driver's License	77	IA
06/03/2006	06/26/2006		No Insurance Card	77	IA
02/02/2008	02/11/2008	B20	Driving While Suspended, Denied, Cancelled, Revoked	77	IA
11/23/2010	12/28/2010	B51	No Driver's License	77	IA

Operating While Intoxicated Test Refusal/Test Failure Violations

Occurrence	ACD	Explanation	JUR
10/28/2004	A98	OWI Test Failure	IA

Sanctions

Type	Effective	End	ACD	Explanation	Occurrence	JUR
Revoked	01/01/2005	01/01/2006	A98	OWI Test Failure	IA	IA
Suspended	03/13/2006	03/23/2006	D51	Non-Payment of Child Support		IA
Suspended	09/21/2006	03/19/2007	D27	Violation of Probation	IA	IA
Suspended	04/17/2007	10/26/2010	D53	Non-Payment of Iowa Fine	IA	IA
Suspended	04/18/2007	10/26/2010	D53	Non-Payment of Iowa Fine	IA	IA

Name: Hawxby, Adam Scott **DL/ID:**

Pursuant to Iowa Code §321.10, I, Kim Snook, Director of Office of Driver Services, Iowa Department of Transportation, do hereby certify that I am the custodian of the records held by the Office of Driver Services, that this is a true and accurate copy of an official record currently in the custody of said office, and that I have been authorized by the Director of the Iowa Department of Transportation to so certify.

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

IOWA CRIMINAL HISTORY
MISDEMEANOR CONVICTIONS ONLY

DCI 00474564
PAGE 1 OF 2
DATE PRINTED- 20110218

DCI: 00474564
NAME: HAWKBY, ADAM SCOTT

DOB SEX RAC HGT WGT EYE HAIR SKN POB
19700212 M W 511 150 BLU BRO MED IA

ADDITIONAL IDENTIFIERS

CCH RECORD **

01 ARRESTED 19940219

AGENCY: IA0770300 DES MOINES PD
CHARGE NO- 01 IA STATUTE IA321J-2
DRIVING WHILE INTOXICATED
TRK# 010533901

COURT DISPOSITION

AGENCY: IA077015J POLK CO DIST COURT
COUNT NO- 01 IA STATUTE IA321J.2(B)
OPER VEH WH INT (OWI) / 2ND OFFENSE
CHARGE CLASS: MISDEMEANOR CONVICTION
TRK#: 010533901
SUBSTANCE ABUSE EVALUATION

SENTENCE DISP EFF DATE
JAIL 2D 19940609
COMMUNITY SERVICE 40H 19940609

02 ARRESTED 20041028

AGENCY: IA0770300 DES MOINES PD
CHARGE NO- 01 IA STATUTE IA321J.2(B)
OPERATING WHILE INTOXICATED 2ND OFFENSE
TRK# 701821901

COURT DISPOSITION

AGENCY: IA077015J POLK CO DIST COURT
COUNT NO- 01 IA STATUTE IA321J.2(B)
OPER VEH WH INT (OWI) / 2ND OFFENSE
COURT CASE ID: 05771 OWOM058506
CHARGE CLASS: MISDEMEANOR CONVICTION
TRK#: 701821901
DRUNK DRIVING SCHOOL
SUBSTANCE ABUSE EVALUATION

SENTENCE DISP EFF DATE
REFERRED TO OTHER 20050203
AGENCY
TIME SERVED 5D 20050203
JAIL 7D 20050203
IMPOSED 2D 20050203
FINE \$1500 20050203
COURT COSTS \$250 20050203
SUSPENDED PRISON 723D 20050203
PROBATION 2Y 20050203
PRISON 2Y 20050203

42

DCI 00474564

PAGE 2 OF 2

AN ARREST WITHOUT DISPOSITION IS NOT AN INDICATION OF GUILT. THIS RECORD MAINTAINED BY THE IOWA DIVISION OF CRIMINAL INVESTIGATION, BUREAU OF IDENTIFICATION IS A PUBLIC RECORD BUT CAN ONLY BE RELEASED TO NON-LAW ENFORCEMENT AGENCIES BY THE DCI.

IN THE ABSENCE OF FINGERPRINTS FOR POSITIVE IDENTIFICATION THIS RECORD IS BASED ON INFORMATION FURNISHED. WE CANNOT CONFIRM OR DENY THAT THE RECORD COVERS THE SUBJECT OF YOUR INQUIRY.

DIVISION OF CRIMINAL INVESTIGATION

mlk

IOWA **USA IA**

DRIVER LICENSE

HAWXBY
ADAM SCOTT

2939 E DOUGLAS AVE
DES MOINES, IA 50317

DL No. [Redacted]

Iss 02/18/2011 EXP 03/20/2011

Class D End 3
Restrictions NONE

Sex M Hgt 5-11
Eyes BLU

Adam Hawxby DOB 02/12/1970
DD 750242020HA1123M120215D

IOWA **USA IA**

DRIVER LICENSE

HAWXBY
ADAM SCOTT

2939 E DOUGLAS AVE
DES MOINES, IA 50317

DL No. [Redacted]

Iss 11/29/2010 EXP 11/29/2015

Class C End NONE
Restrictions NONE

Sex M Hgt 5-11
Eyes BLU

Adam Hawxby DOB 02/12/1970
DD 748469960HA1115M120215N