

Date August 29, 2011

**PUBLIC HEARING ON TAXICAB
LICENSE APPLICATION OF TRI VU**

WHEREAS, Tri Vu, 1324 East 14th Street, filed an application for a license to drive a taxicab in the City of Des Moines and the Department of Traffic and Transportation rejected said application; and

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

WHEREAS, Mr. Vu 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

WHEREAS, Tri Vu's conviction for Ongoing Criminal Conduct disqualifies him under Des Moines Municipal Code §126-70.2 regarding qualifications for taxicab license issuance; NOW, THEREFORE,

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

_____ Alternative One: That Mr. Tri Vu's application for license to drive a taxicab in the City of Des Moines be and is hereby denied.

MOVED BY _____ TO DENY LICENSE.

_____ Alternative Two: That Mr. Tri Vu's application for license to drive a taxicab in the City of Des Moines be and is hereby granted.

MOVED BY _____ TO GRANT LICENSE.

FORM APPROVED:

Katharine Massier by Mark Gede

Katharine Massier
Assistant City Attorney

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



August 10, 2011

Tri Vu
1342 E. 14th Street
Des Moines, IA 50316

Re: Taxicab License Appeal

Dear Mr. Vu:

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 August 9, 2011 letter from the City Traffic Engineer.

Accordingly, I have set this matter for hearing on **August 29, 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,

A handwritten signature in black ink that reads "Diane Rauh". The signature is written in a cursive style with a long horizontal flourish at the end.

Diane Rauh
City Clerk

DR:kh
Enc.

cc: Jeb Brewer – Engineering
K. Massier – Legal
M. West – Police
J. Bohac – T & T

Diane Rauh
City Clerk
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309

FILED
2011 AUG -9 PM 12:03
CITY CLERK
DES MOINES, IA

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

Name TRI Vu
Address 1342 E 14th ST DSM IA 50316
Phone 515-559-8460
Date 08/09/2011

Tri Vu
Signature

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: 07/28/2011

From: Michael West
Senior Police Officer
Traffic Unit

Subject: Taxicab License
Tri Vu

Currently the applicant has an Iowa Class "D" driver's license, which does meet the requirements to operate a taxicab. A review of Mr. Vu's Iowa/Local criminal record reflects that with-in ten years preceding this application the following activity occurred.

07/09/2007 Arrested and convicted of Ongoing Criminal Conduct (Felony Conviction).

This application is being denied under City of Des Moines Ordinance 126-218 (a-2, I, iv).



Michael West 4810



CITY OF DES MOINES

APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMOUSINE

Name VU TRI QUOC
(Last) (First) (Middle)

Address 1342 E. 14th ST 515-559-8460
DES MOINES, IA 50316 515-265-2166
(City, State & Zip Code) (Phone Number)

Birth Date: 12/25/1981 DL # [REDACTED] SS# [REDACTED] Class: D3 Exp. Date: 8/25/2011

Weight: 108 Height: 5'6" Color of Hair: black Color of Eyes: brown

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

Years of experience driving an automobile. 13 Taxi/Limo: _____

Have you ever had your driver's license suspended/revoked? No If so, when? _____

Give reason(s) for suspension/revocation. _____

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

N/A

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

EMPLOYMENT RECORD:

From	To	Employer's Name and Address	EDUCATION RECORD:	
			School	Circle Highest Grade Completed
06/2011	present	American Income Life 10623 106 th CIR Urbandale, IA		
07/2007	06/2011	Thia's Nails Fleur Dr. Des Moines, IA	Elementary	1 2 3 4 5 6 7 8
02/2006	07/2007	TNT Restaurant MLK Parkway Des Moines, IA	High School	9 10 11 12
03/1999	08/2006	Citigroup Urbandale, IA	College	1 2 3 4 5 6
			Trade School Other	1 2 3 4

HEALTH RECORD:

List any physical impairments or disability that would affect your ability to drive. N/A

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

N/A

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 TRUONG NGUYEN Phone No. 515-556-2823
Address _____
2. Name TUAN NGUYEN Phone No. 515-710-8178
Address _____
3. Name FRED YAZEL Phone No. 515 276-6435
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.

07/28/2011 hi Vu
(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

7/28/11 NTW-4810
(Date) (Authorized Representative, Chief of Police)

Receipt Number: # 480375 (RB)
Date: 7-29-11
Amount: \$40.00
Badge Number: _____
Company: _____
Owner: _____

REJECTED
Application for License APPROVED

8/4/11 Jim Z Bohac
(Date) (City Traffic Engineer)



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:	7/26/2011	DL/ID #:	[REDACTED] (IA)	Customer #:	4022065
Name:	Vu, Tri Quoc	Class:	D	ID Status:	None
Address:	1342 E 14TH ST	Audit #:	5393483	DL Status:	VAL
		Issue Date:	07/26/2011	CDL Status:	None
City/State:	DES MOINES, IA 503162404	Expiration Date:	12/25/2012	Restriction Supplement:	None
Mailing Address:	1342 E 14TH ST	Endorsements:	3		
		Restrictions:	NONE		
Mailing City/State:	DES MOINES, IA 503162404	Date of Birth:	12/25/1981		
		Sex:	M		

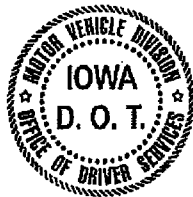
History Information

CLEAR DRIVING RECORD

Name: Vu, Tri Quoc **DL/ID:** 916CC0771

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.

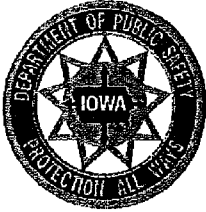
In witness whereof, I have caused my signature and the seal of the Department to be set upon this document, at Ankeny, Iowa this date:



7/26/2011

Office of Driver Services
Iowa Department of Transportation

Name: Vu, Tri Quoc **DL/ID:** [REDACTED]



State of Iowa
 Division of Criminal Investigation
 215 E 7th St
 Des Moines IA 50319
 Ph. 515-725-6066 Fax 515-725-6080



Iowa Criminal History Record Check
 Walk-In Request

Your name	TRI VU
Address	1342 E 14 th ST
City/State/Zip	DES MOINES IA 50316
Phone#	515 265-2166

Fill in all shaded areas.

Requesting an Iowa criminal history record check on:

Last Name <i>Apellido</i> (mandatory)	First Name <i>Primer Nombre</i> (mandatory)	Middle Name <i>Segundo Nombre</i> (recommended)
VU	TRI	QUOC
Date of Birth <i>Fecha Nacimiento</i> (mandatory)	Gender <i>Genero</i> (mandatory)	Social Security Number (recommended)
12/25/1981	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	XXXXXXXXXX
Waiver Signature <i>Firma</i> (If the request is on yourself, please sign. If the request is on someone else, write N/A.)		
Tri Vu		

Results

As of 7/28/11, a name and date of birth check revealed:

No record found

Record attached, DCI # 702413

DCI initials AC

DCI USE ONLY

Receipt

Number of requests 1 x \$15.00 per last name = Total amount \$ 15.00

Method of payment: cash money order check # _____ MasterCard or Visa

Cardholder's name _____ Last 4 digits of MC or Visa _____

DCI initials gt

Credit Card Number # _____ Exp. Date _____

IOWA CRIMINAL HISTORY
FELONY CONVICTION

DCI 00702413
PAGE 1 OF 1
DATE PRINTED-
2011/07/28

DCI:00702413

NAME: VUE, TRI QUOC

DOB	SEX	RAC	HGT	WGT	EYE	HAIR	SKN	POB
19811225	M	A	506	115	BRO	BLK		

ADDITIONAL IDENTIFIERS

CCH RECORD ***

01 ARRESTED 20030709

AGENCY: IA0770000 POLK CO SO
 CHARGE NO- 01 IA STATUTE IA706A-2
 ONGOING CRIMINAL CONDUCT
 TRK#: 701158301

COURT DISPOSITION

AGENCY: IA077015J POLK CO DIST COURT
 COUNT NO- 01 IA STATUTE IA706A.2
 - ONGOING CRIMINAL CONDUCT
 COURT CASE ID: 05771 FECR175838
 CHARGE CLASS: FELONY CONVICTION
 TRK#: 701158301
 RESTITUTION

SENTENCE	DISP EFF DAT
COMMUNITY SERVICE 100H	20040721
SUSPENDED PRISON 25Y	
PROBATION 5Y	

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

AC

It all started back in 2002, when I was around 20 or 21. One day, I was approached by these gentlemen asking if I wanted to make money by selling cigarettes and liquors. They told me that everything is legitimate and I don't have to worry about breaking the laws. So, I took theirs' offered and went to the warehouse to see them. There, they gave me boxes of cigarettes and cases of liquors and told me to go sell it, and they will give me a commission. After a couple weeks doing that, then they asked me if I happened to know anyone who have drugs or are drugs dealer that I could introduce them to. Right then, if I knew then, of what I know now, I should've seen the red flag, and back away. But, I was young and naive, and thought that since they're paying me selling cigarettes and liquors, I should return the favor by asking around for them. So, I asked around and was able to find a couple people which I brought over to meet these gentlemen. Then these gentlemen also told me that if I know more people, and if those people doesn't want to come over and meet, then I could just be the guy in the middle to take the drugs over to these gentlemen and they will give me the money to bring back to these dealers. Throughout the whole time doing this, I thought I was just doing a favor and I did not received any money for it, there was no monetary gain, benefits or advantage in my part. The only thing I was being paid for was by selling cigarettes and liquors. After a couple months doing this, one day, I was arrested and taken into custody. When I went down to the Iowa Patrol Station, I met those gentlemen again, and found out that they were undercover officers. They had followed the people that they were after for many years, around 10 years, if I remember from the top of my head. They approached and used me to build their case, to make it stronger that they have more proof. I was then taken down to the DEA office, where I met a agent name Cory and he showed me pictures of people that they already had on file, and asked me if I could point out anyone of them. Then they put in front of jurors, and a prosecution lawyer asked me questions in regards of all the people that I pointed out. Afterward, my lawyer, Mr. Ron Wheeler, got me off the case and I didn't have to serve any jail time. Then they made me do some community service and put me on probation for 5 years, but discharged me in about close to 2 years. The judge told me afterward that I was young, naive, did not have a criminal history, and at the time was attending college that she is not making me serve any jail time. She hoped that I learned from the incident, not to trust everyone that I associate with, and not to get involves with drugs ever again. She does not want to see me standing in front of her in her court room ever again.

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

STATE OF IOWA
Plaintiff
VS.

CRIMINAL NO(S): FECR175838

B Felony

CHARGE(S): VIOLATION OF 706A.2 - ONGOING
CRIMINAL CONDUCT

Tri Quoc Vu
Defendant
DOB: 12/25/1981

FINAL DISCHARGE
SUSPENDED

On the 20th day of July, 2004, the defendant received a suspended sentence of imprisonment and was placed on formal probation to the 5th Judicial District Department of Correctional Services for a period of 2 year(s). The defendant's probation/parole officer now reports to the Court that the defendant has/ has not satisfactorily complied with the terms and conditions of supervision. It is recommended that probation be discharged.

Jennifer Amble
Jennifer Amble, Probation/Parole Officer II

Scott Jones
Scott Jones
Supervisor

ORDER

In view of the foregoing, the Court FINDS:

That the purposes of probation have been fulfilled and defendant should be discharged from probation:

IT IS THEREFORE ORDERED:

That the defendant is hereby granted a final discharge from the probation imposed herein.

- Any remaining court costs shall be placed on the lien docket.

IT IS FURTHER RECOMMENDED: That the CITIZENSHIP RIGHTS of the defendant

- Be restored
- Not be restored
- Does not apply (serious misdemeanor)

Signed this 10th day of January, 2007.

Gregory J. Wells
Judge, Fifth Judicial District of Iowa

2007 JAN 7 11:54
IOWA DISTRICT COURT

cc.

- Defendant's address: 1342 East 14th Street Des Moines, IOWA 50316
- DCS: Jennifer Amble

HP
117