

Date March 26, 2012

**PUBLIC HEARING ON VEHICLE
IMPOUND OF CORNELIUS QUALLEY**

WHEREAS, Cornelius Qualley, 2820 School Street, filed an appeal of his vehicle's impound for Parking Without Registration and for being a Habitual Violator and the City Hearing Officer denied said appeal; and

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

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

WHEREAS, Mr. Qualley's vehicle was found parked on a city street without current registration and four or more outstanding parking tickets; 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. Qualley.

MOVED BY _____ TO REVERSE DECISION.

FORM APPROVED:

Katharine Massier by Mark Galati

Katharine Massier
Assistant City Attorney

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

**Cornelius Qualley
2820 School Street
Des Moines, IA 503110**

- EXHIBIT 1** **Request for Administrative Hearing
Letter Setting Date of Hearing**

- EXHIBIT 2** **Hearing Officer's Decision**

- EXHIBIT 3** **Appeal Request of Hearing Officer's Decision**

- EXHIBIT 4** **Case Documents
Letter Setting Council Date**

- EXHIBIT 5** **Transcript**

- EXHIBIT 6** **Police Report and Citation**

EXHIBIT 1

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.

12-1346 (105 TRS)

My vehicle was impounded on 1/13/2012, case number and/or tag number 297999.

Reason for appeal: My vehicle was towed on 1/13/12 pursuant to Chapter 114-485.02 from 300 7th St in Des Moines. The following day, on 1/14/12, I received a tow notice (see Tow Notice dated mailed 1/13/12) listing four delinquent parking citations, the minimum required to be deemed a habitual violator. These tickets were paid at the Des Moines Police Department when my vehicle was previously towed on 12/21/11. Between these two impoundments, I received no additional citations. At that time I paid these tickets, I was informed, both orally and by receipt (in writing) that all outstanding (whether due, delinquent, or otherwise) were paid (see DMPD payment receipt. As such, the requisite number of tickets for impoundment by the City of Des Moines pursuant to 114-485.11 was not met. As such, there was not due cause to tow my vehicle on 1/13/12.

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

1/18/12
Date

[Signature]
Signature

515-556-7932
Daytime Telephone

Corneilus Qualley
Print Name

2820 School Street
Address

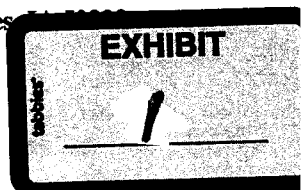
Des Moines, IA 50311
City/State/Zip

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 East First Street, Des Moines
Retain the yellow copy for your files. If you have any questions, call 283-4209.

White - City Yellow - Applicant



Request for Administrative Hearing (114-485.15)
Supplemental Information - Cornelius Qualley

(1) Description of Events

My vehicle (2006 silver Chevrolet Malibu - 105TRS) was towed on 1/13/12 pursuant to Chapter 114-485.02 from 300 7th Street in Des Moines. I was informed when arriving at the police station that, being prior to 5:00 PM, I would need to obtain a release from the City Clerk's Office. I complied, though during a prior impoundment, I was informed that I should pay fines and receive a release from the Police Department (both releases were obtained prior to 5:00 PM). I informed the Clerk that I had previously paid my fines but had no documentation to evidence those payments. As such, I informed the Clerk that I would like to pay all outstanding fines and would later find documentation showing prior payment.

Prior to my vehicle being impounded on 1/13/12, it was impounded from nearly the same location on 12/21/11 under the same aforementioned code section. On that day I was instructed to go to the Des Moines Police Department for my vehicle release. The officer assisting me asked if I would like to pay all of my tickets, or only the delinquent tickets, to which I replied that I would like to pay all outstanding tickets. I paid the officer and received a receipt showing that the tickets were paid (see DMPD receipt). I was further informed by the officer to display this receipt for the following day or so in order to avoid having my vehicle impounded and to show proof that these tickets were paid.

The following day, on 1/14/12, I received a tow notice (see Tow Notice dated mailed on 1/13/12) listing four delinquent parking citations, the minimum required to be deemed a habitual violator. Four of these tickets were the same tickets paid at the Des Moines Police Department when my vehicle was towed on 12/21/11. The tickets which are listed both on the Tow Notice and the DMPD payment receipt are ticket numbers: 360111170, 360111193, 360111194, and 360111466. Between these two incidents, I received no additional tickets and was informed, both orally and in writing, that all of my outstanding tickets were paid on 12/21/11.

As such, the requisite number of tickets for impoundment by the City of Des Moines pursuant to 114-485.11 was not met. There were no delinquent citations as defined in 14-485.02(a). As such, my due process rights were violated and there was no cause to tow my vehicle on 1/13/12. I hereby request that all towing expenses, fines, overpayment of citations, and other related costs be refunded.

(2) Exhibits

With regards to the issue of a vehicle with an expired registration license plate tag, Section 114-361.08 of the Municipal Code provides that no person shall park nor shall any owner knowingly permit their vehicle to be parked upon any street, park road or publicly owned parking facility unless there is attached to and displayed thereon a valid registration plate issued for the current registration year.

Mr. Qualley declined to dispute the City's argument that there was an expired license plate tag on his vehicle when it was parked along the street in the 300 block of 7th Street on January 13, 2012; arguing instead that a citation had not been issued therefore his vehicle could not be impounded based on this reason. However, the record reflects that Citation# 360112895 was issued on January 13, 2012 at approximately 2:03 PM because a current registration tag was not displayed on Mr. Qualley's vehicle (Iowa license plate number 105TRS) (Exhibit 12). Furthermore, the record reflects that there had been six prior occasions, in addition to the January 13, 2012 incident, when Mr. Qualley received Section 114-361.08 citations for failing to display a current registration tag on his vehicle (Nov 17, 2011 citation# 360110804; Nov 18, 2011 citation# 370066253; Nov 29, 2011 citation# 360111170; Nov 30, 2011 citation# 360111193; Dec. 6 2011 citation #360111466 & Dec 21, 2011 citation# 380067441) (Exhibits 4, 5, 18 &19).

With regards to the issue of Mr. Qualley as a habitual violator, Section 114-485.02(b) of the Municipal Code defines a *habitual violator* as "[a]ny person who has allowed four or more overtime and/or illegal parking citation-complaints issued on a motor vehicle or registration plate to become delinquent." Section 114-485.02(a) defines a *delinquent parking citation-complaint* as "one which has not been paid within 30 days of the date upon which the violation occurred."

Meter Checker Meyer testified that on January 13, 2012 she ran the plate on the vehicle in question and a scofflaw was revealed and then verified by the City Clerk's Office. The record reflects that Citation# 360112896 under Section 114-485.02 of the Municipal Code was subsequently issued upon finding Mr. Qualley a "HABITUAL VIOLATOR." Sections 114-485.02(c) & (d) of the Municipal Code provide:

"No person shall park a vehicle and permit it to remain standing upon any public street or public metered lot or city-owned parking facility when there are four or more delinquent parking citation-complaints outstanding against that vehicle. A violation of this section shall place such vehicle in the status of an illegally parked vehicle, and the vehicle may be dealt with pursuant to section 114-485.11 of this article."

Mr. Qualley argued that on December 22, 2011 he had paid all citations that had been issued against his vehicle; noting that he had not been issued any additional citations between then and January 13, 2012. Mr. Qualley offered into evidence a printout of citations issued against his vehicle (Exhibit 18/Qualley Exhibit 'A'); arguing that the "PAID D.M.P.D." stamped on it meant that he had paid all citations that had been issued to him up to that point in time and therefore there were no outstanding violations when his vehicle was impounded on January 13, 2012. Mr. Qualley testified that on January 13, 2012 he went to the City Clerk's Office and paid an additional \$145.00 so that he could get his vehicle released from impound (Exhibit 4). Mr. Qualley argued that amount paid on January 13, 2012 consisted of duplicate charges of those paid by him on December 22, 2011. Mr. Qualley argued there were no outstanding violations against him at the time his vehicle was impounded on January 13, 2012 therefore he was not a habitual violator and his vehicle should not have been towed. Mr. Qualley requested that all towing expenses, fines, overpayment of citations and other related costs be refunded to him.

However, the record reflects that the ninety-five dollars (\$95) that Mr. Qualley paid to the Traffic Clerk on December 21, 2011 were for four citations that were at least 30-days delinquent at that time plus related late fees (Exhibit 19); which included the following:

<i>Date Issued</i>	<i>Citation #</i>	<i>Fine</i>	<i>Late Fee</i>	<i>Comments</i>
9/14/2011	360108856	\$ 30.00	\$ 5.00	loading zone 20+ minutes
9/28/2011	330071551	\$ 15.00	\$ 5.00	Overtime parking (expired)
11/17/2011	360110804	\$ 15.00	\$ 5.00	current registration tag not displayed
11/18/2011	370066253	\$ 15.00	\$ 5.00	current registration tag not displayed
		\$ 75.00	\$ 20.00	\$ 95.00 Amt paid to Traffic Clerk on 12/21/2011

And, the record also reflects that the one hundred forty-five dollars (\$145) Mr. Qualley paid to the City Clerk's Office on January 13, 2012 were for six distinct and separate citations plus related late fees from those Mr. Qualley had paid for on December 21, 2011 (Exhibit 4). The January 13th payment included the following:

<i>Date Issued</i>	<i>Citation #</i>	<i>Fine</i>	<i>Late Fee</i>	<i>Comments</i>
11/29/2011	360111170	\$ 15.00	\$ 5.00	current registration tag not displayed
11/30/2011	360111194	\$ 15.00	\$ 5.00	overtime parking (expired)
11/30/2011	360111193	\$ 15.00	\$ 5.00	current registration tag not displayed
12/6/2011	360111466	\$ 15.00	\$ 5.00	current registration tag not displayed
12/21/2011	380067441	\$ 15.00		current registration tag not displayed
12/21/2011	380067442	\$ 30.00		habitual violator
1/13/2012		\$ 20.00		impound fee
		\$ 125.00	\$ 20.00	\$145.00 Amt paid @ City Clerk's Office on 1/13/2012 at 4:28PM

Therefore, it is found that on January 13, 2012 Mr. Qualley did have four delinquent citations as defined by Section 114-485.02(a) of the Municipal Code; one of which had been issued on November 29, 2011, two on November 30, 2011 and one on December 6, 2011. As a result Mr. Qualley was a *habitual violator*, as defined by Section 114-485.02(b) of the Municipal Code, when the January 13, 2012 citations were issued and his vehicle was impounded. It was not until Mr. Qualley sought to get his vehicle released from impound that he paid all of his delinquent citations plus related late fees.

Furthermore, Section 114-485.11 of the Municipal Code provides in pertinent part:

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. Impounded vehicles shall be stored in a location designated by the city.

Therefore, given Mr. Qualley had been in violation of Chapter 114 as a habitual violator and for parking his vehicle in the street along the 300 block of 7th Street while it had an expired license plate tag on it, it is found reasonable for the City to impound his vehicle at approximately 2:03 PM on January 13, 2012.

Finally, Mr. Qualley argued that he was not provided proper notice; contending that he did not receive the City Clerk's January 13, 2012 Tow Notice until January 14, 2012, which was after the City had towed his vehicle therefore not providing any notice at all (Exhibit 6/Qualley 'B'). However, the Tow Notice issued by the City Clerk appears to be a courtesy notice as such notice is not required by the Municipal Code. Furthermore, the citations themselves serve as notice to offenders. And, if Mr. Qualley is having trouble keeping track of whether there are any citations that have been issued to him/his vehicle he can always check with the City Clerk's

Office, which is an official repository for all citations issued, as is required by the Municipal Code.

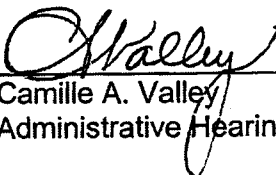
Decision and Order

By a preponderance of all evidence in the record, it is found that a person of ordinary care and prudence would be led to believe probable cause did exist when the Des Moines Police Department caused Mr. Qualley's 2006 four-door silver Chevrolet Malibu (Iowa License No. 105 TRS) and its contents to be impounded. Cornelius Steiner Qualley is therefore held liable and ordered to pay all charges, costs and fees attributable to the impound and storage of his vehicle, as well as the fifteen dollar (\$15) fine for Citation# 360112895 and the thirty dollar (\$30) fine for Citation# 360112896, plus any related late fees.

Right of Appeal

As provided under Section 114-485.18 of the Municipal Code, this decision may be appealed to the City Council by either the department causing the vehicle to be impounded or the registered owner or person having legal entitlement to possession of the impounded vehicle, provided a written notice of appeal is filed with the City Clerk's Office within seven days of this decision. Failure to file a written notice of appeal within such period shall be deemed a waiver of the right to appeal this decision to the City Council.

This written ruling is hereby submitted on this 8th day of February, 2012 in Des Moines, Polk County, Iowa. The City Clerk shall serve copies of this Decision and Order upon each of the parties.



Camille A. Valley
Administrative Hearing Officer

CITY CLERK
400 ROBERT D RAY DR
DES MOINES, IA. 50309-1813
515-237-1398

Merchant ID: 0011354035
Term ID: 0017340000001135403501

Sale

XXXXXXXXXXXX2216
VISA

Entry Method: Swiped

Total:

\$ 145.00

01/13/12

16:28:47

Inv #: 000000

Appr Code: 385990

Apprvd: Online

Customer Copy
THANK YOU!

.....
..... \$15.00
New Balance \$0.00
TICKET - 360111170 - TOTAL DUE - \$0.00

TICKET: 360111194 - 01
Prev Balance \$15.00
Paid \$15.00
New Balance \$0.00
TICKET - 360111194 - TOTAL DUE - \$0.00

TICKET: 360111193 - 28
Prev Balance \$15.00
Paid \$15.00
New Balance \$0.00
TICKET - 360111193 - TOTAL DUE - \$0.00

TICKET: 360111466 - 28
Prev Balance \$15.00
Paid \$15.00
New Balance \$0.00
TICKET - 360111466 - TOTAL DUE - \$0.00

TICKET: 380067441 - 26
Prev Balance \$15.00
Paid \$15.00
New Balance \$0.00
TICKET - 380067441 - TOTAL DUE - \$0.00

TICKET: 380067442 - 40
Prev Balance \$30.00
Paid \$30.00
New Balance \$0.00
TICKET - 380067442 - TOTAL DUE - \$0.00

TICKET: 360111194 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00
TICKET - 360111194 - TOTAL DUE - \$0.00

TICKET: 360111170 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00



Paid \$15.00
New Balance \$0.00
TICKET - 360111466 - TOTAL DUE - \$0.00

TICKET: 380067441 - 28
Prev Balance \$15.00
Paid \$15.00
New Balance \$0.00
TICKET - 380067441 - TOTAL DUE - \$0.00

TICKET: 380067442 - 40
Prev Balance \$30.00
Paid \$30.00
New Balance \$0.00
TICKET - 380067442 - TOTAL DUE - \$0.00

TICKET: 360111194 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00
TICKET - 360111194 - TOTAL DUE - \$0.00

TICKET: 360111170 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00
TICKET - 360111170 - TOTAL DUE - \$0.00

TICKET: 360111193 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00
TICKET - 360111193 - TOTAL DUE - \$0.00

TICKET: 360111466 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00
TICKET - 360111466 - TOTAL DUE - \$0.00

NAME: - IMP
Prev Balance \$20.00
Paid \$20.00
New Balance \$0.00
- TOTAL DUE - \$0.00

Subtotal: \$145.00
Total : \$145.00

Paid By VISA



January 27, 2012

Cornelius Qualley
2820 School Street
Des Moines, IA 50311

Re: Administrative Hearing-Vehicle Impound

An administrative hearing has been set for **Monday, February 6, 2012** in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive**, at **9:15 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.

Note: You must bring hard copy prints of any photographs you wish to have considered as evidence to the administrative hearing. Images on cell phones and computers will not be considered as they cannot be entered into the official record.

If you have questions in this regard, please call.

Sincerely,

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

Diane Rauh
City Clerk

DR/kh
Enclosure

cc: Hearing Officer
Assistant City Attorney
Staff Notification

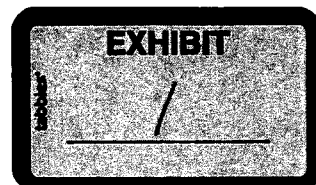


EXHIBIT 2

**City of Des Moines, Iowa
February 6, 2012 Administrative Hearing**

In re:)	
)	
)	
)	DECISION AND ORDER
CORNELIUS STEINER QUALLEY,)	AND
Appellant)	NOTICE OF APPEAL RIGHTS
)	
)	

Cornelius Steiner Qualley appeared in his own behalf, as the title holder of record of a 2006 four-door silver Chevrolet Malibu (IOWA License No. 105 TRS). Meter Checker Pam Meyer, with the Des Moines Police Department, appeared on behalf of the City of Des Moines (the "City").

Procedural History

At approximately 2:03 PM on January 13, 2012, Meter Checker Pam Meyer observed a 2006 four-door silver Chevrolet Malibu (Iowa License No. 105 TRS) parked along the street in the 300 block of 7th Street, Des Moines, Polk County, Iowa with a license plate tag that had expired in August 2011. Meter Checker Meyer ran the plate identifying the owner as Cornelius Qualley of Des Moines, Iowa; which revealed Mr. Qualley was a habitual violator as there were four or more outstanding tickets issued for his vehicle. Meter Checker Meyer issued Citation# 360112895 and Citation# 360112896 for the two offenses under Sections 114-361.08 & 114-485.02 of the City of Des Moines Municipal Code (the "Municipal Code") and the vehicle was ordered to impound. At approximately 2:08 PM on January 13, 2012, G&S Service Inc/City Wide Towing towed the vehicle in question to impound. On January 13, 2012, the City Clerk's Office authorized the release of the vehicle in question after Mr. Qualley paid his outstanding fines and related late fees. On January 18, 2012, Mr. Qualley's request for an administrative hearing to contest the City's impound of his vehicle was filed with the City Clerk. On January 27, 2012, the City Clerk sent a letter to Mr. Qualley noting his administrative hearing had been scheduled for 9:15 AM on February 6, 2012. The matter was so heard before the Administrative Hearing Officer.

Discussion

The issue is whether there was probable cause on January 13, 2012 to impound Mr. Qualley's 2006 four-door silver Chevrolet Malibu (Iowa License No. 105 TRS). Section 114-485.17 of the Municipal Code states:

"[T]he term 'probable cause to impound' shall mean such a state of facts as would lead a person of ordinary care and prudence to believe there was a breach of law for which the vehicle may be removed and impounded under section 114-485.11 of this article."

Meter Checker Meyer testified that Mr. Qualley's vehicle was seized and impounded from where it was parked along the street in the 300 block of 7th Street because: (1) the registration license plate tag on the vehicle had expired in August 2011 in violation with Section 114-361.08 of the Municipal Code; and (2) Mr. Qualley had been classified as a habitual violator under Section 114-485.02 of the Municipal Code as there were at least four outstanding parking citations issued against his vehicle as delineated by the records in the City Clerk's Office at approximately 2:03 PM on January 13, 2012.

With regards to the issue of a vehicle with an expired registration license plate tag, Section 114-361.08 of the Municipal Code provides that no person shall park nor shall any owner knowingly permit their vehicle to be parked upon any street, park road or publicly owned parking facility unless there is attached to and displayed thereon a valid registration plate issued for the current registration year.

Mr. Qualley declined to dispute the City's argument that there was an expired license plate tag on his vehicle when it was parked along the street in the 300 block of 7th Street on January 13, 2012; arguing instead that a citation had not been issued therefore his vehicle could not be impounded based on this reason. However, the record reflects that Citation# 360112895 was issued on January 13, 2012 at approximately 2:03 PM because a current registration tag was not displayed on Mr. Qualley's vehicle (Iowa license plate number 105TRS) (Exhibit 12). Furthermore, the record reflects that there had been six prior occasions, in addition to the January 13, 2012 incident, when Mr. Qualley received Section 114-361.08 citations for failing to display a current registration tag on his vehicle (Nov 17, 2011 citation# 360110804; Nov 18, 2011 citation# 370066253; Nov 29, 2011 citation# 360111170; Nov 30, 2011 citation# 360111193; Dec. 6 2011 citation #360111466 & Dec 21, 2011 citation# 380067441) (Exhibits 4, 5, 18 & 19).

With regards to the issue of Mr. Qualley as a habitual violator, Section 114-485.02(b) of the Municipal Code defines a *habitual violator* as "[a]ny person who has allowed four or more overtime and/or illegal parking citation-complaints issued on a motor vehicle or registration plate to become delinquent." Section 114-485.02(a) defines a *delinquent parking citation-complaint* as "one which has not been paid within 30 days of the date upon which the violation occurred."

Meter Checker Meyer testified that on January 13, 2012 she ran the plate on the vehicle in question and a scofflaw was revealed and then verified by the City Clerk's Office. The record reflects that Citation# 360112896 under Section 114-485.02 of the Municipal Code was subsequently issued upon finding Mr. Qualley a "HABITUAL VIOLATOR." Sections 114-485.02(c) & (d) of the Municipal Code provide:

"No person shall park a vehicle and permit it to remain standing upon any public street or public metered lot or city-owned parking facility when there are four or more delinquent parking citation-complaints outstanding against that vehicle. A violation of this section shall place such vehicle in the status of an illegally parked vehicle, and the vehicle may be dealt with pursuant to section 114-485.11 of this article."

Mr. Qualley argued that on December 22, 2011 he had paid all citations that had been issued against his vehicle; noting that he had not been issued any additional citations between then and January 13, 2012. Mr. Qualley offered into evidence a printout of citations issued against his vehicle (Exhibit 18/Qualley Exhibit 'A'); arguing that the "PAID D.M.P.D." stamped on it meant that he had paid all citations that had been issued to him up to that point in time and therefore there were no outstanding violations when his vehicle was impounded on January 13, 2012. Mr. Qualley testified that on January 13, 2012 he went to the City Clerk's Office and paid an additional \$145.00 so that he could get his vehicle released from impound (Exhibit 4). Mr. Qualley argued that amount paid on January 13, 2012 consisted of duplicate charges of those paid by him on December 22, 2011. Mr. Qualley argued there were no outstanding violations against him at the time his vehicle was impounded on January 13, 2012 therefore he was not a habitual violator and his vehicle should not have been towed. Mr. Qualley requested that all towing expenses, fines, overpayment of citations and other related costs be refunded to him.

However, the record reflects that the ninety-five dollars (\$95) that Mr. Qualley paid to the Traffic Clerk on December 21, 2011 were for four citations that were at least 30-days delinquent at that time plus related late fees (Exhibit 19); which included the following:

<i>Date Issued</i>	<i>Citation #</i>	<i>Fine</i>	<i>Late Fee</i>	<i>Comments</i>
9/14/2011	360108856	\$ 30.00	\$ 5.00	loading zone 20+ minutes
9/28/2011	330071551	\$ 15.00	\$ 5.00	Overtime parking (expired)
11/17/2011	360110804	\$ 15.00	\$ 5.00	current registration tag not displayed
11/18/2011	370066253	\$ 15.00	\$ 5.00	current registration tag not displayed
		\$ 75.00	\$ 20.00	\$ 95.00 Amt paid to Traffic Clerk on 12/21/2011

And, the record also reflects that the one hundred forty-five dollars (\$145) Mr. Qualley paid to the City Clerk's Office on January 13, 2012 were for six distinct and separate citations plus related late fees from those Mr. Qualley had paid for on December 21, 2011 (Exhibit 4). The January 13th payment included the following:

<i>Date Issued</i>	<i>Citation #</i>	<i>Fine</i>	<i>Late Fee</i>	<i>Comments</i>
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11/30/2011	360111193	\$ 15.00	\$ 5.00	current registration tag not displayed
12/6/2011	360111466	\$ 15.00	\$ 5.00	current registration tag not displayed
12/21/2011	380067441	\$ 15.00		current registration tag not displayed
12/21/2011	380067442	\$ 30.00		habitual violator
1/13/2012		\$ 20.00		impound fee
		\$ 125.00	\$ 20.00	\$ 145.00 Amt paid @ City Clerk's Office on 1/13/2012 at 4:28PM

Therefore, it is found that on January 13, 2012 Mr. Qualley did have four delinquent citations as defined by Section 114-485.02(a) of the Municipal Code; one of which had been issued on November 29, 2011, two on November 30, 2011 and one on December 6, 2011. As a result Mr. Qualley was a *habitual violator*, as defined by Section 114-485.02(b) of the Municipal Code, when the January 13, 2012 citations were issued and his vehicle was impounded. It was not until Mr. Qualley sought to get his vehicle released from impound that he paid all of his delinquent citations plus related late fees.

Furthermore, Section 114-485.11 of the Municipal Code provides in pertinent part:

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. Impounded vehicles shall be stored in a location designated by the city.

Therefore, given Mr. Qualley had been in violation of Chapter 114 as a habitual violator and for parking his vehicle in the street along the 300 block of 7th Street while it had an expired license plate tag on it, it is found reasonable for the City to impound his vehicle at approximately 2:03 PM on January 13, 2012.

Finally, Mr. Qualley argued that he was not provided proper notice; contending that he did not receive the City Clerk's January 13, 2012 Tow Notice until January 14, 2012, which was after the City had towed his vehicle therefore not providing any notice at all (Exhibit 6/Qualley 'B'). However, the Tow Notice issued by the City Clerk appears to be a courtesy notice as such notice is not required by the Municipal Code. Furthermore, the citations themselves serve as notice to offenders. And, if Mr. Qualley is having trouble keeping track of whether there are any citations that have been issued to him/his vehicle he can always check with the City Clerk's

Office, which is an official repository for all citations issued, as is required by the Municipal Code.

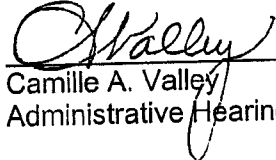
Decision and Order

By a preponderance of all evidence in the record, it is found that a person of ordinary care and prudence would be led to believe probable cause did exist when the Des Moines Police Department caused Mr. Qualley's 2006 four-door silver Chevrolet Malibu (Iowa License No. 105 TRS) and its contents to be impounded. Cornelius Steiner Qualley is therefore held liable and ordered to pay all charges, costs and fees attributable to the impound and storage of his vehicle, as well as the fifteen dollar (\$15) fine for Citation# 360112895 and the thirty dollar (\$30) fine for Citation# 360112896, plus any related late fees.

Right of Appeal

As provided under Section 114-485.18 of the Municipal Code, this decision may be appealed to the City Council by either the department causing the vehicle to be impounded or the registered owner or person having legal entitlement to possession of the impounded vehicle, provided a written notice of appeal is filed with the City Clerk's Office within seven days of this decision. Failure to file a written notice of appeal within such period shall be deemed a waiver of the right to appeal this decision to the City Council.

This written ruling is hereby submitted on this 8th day of February, 2012 in Des Moines, Polk County, Iowa. The City Clerk shall serve copies of this Decision and Order upon each of the parties.



Camille A. Valley
Administrative Hearing Officer

EXHIBIT 3

EX. 3
38

February 14, 2012

Office of the City Clerk
40 Robert D. Ray Drive
Des Moines, IA 50309

Subject: Notice of Appeal from Hearing Officer's Decision

Please let the attached serve as my request to exercise my right to appeal the hearing officer's decision pursuant to Municipal Code §114-485.18.

Sincerely,



Cornelius Qualley

FILED
2012 FEB 16 PM 12:00
CITY CLERK
DES MOINES, IA

**City of Des Moines, Iowa
February 6, 2012 Administrative Hearing**

In re:)
)
)
CORNELIUS STEINER QUALLEY,) NOTICE OF APPEAL
)
)

I hereby request that the decision of Administrative Hearing Officer Camille Valley dated February 8th, 2012 be reviewed pursuant to Municipal Code §114-485.18 under the procedures set forth in §114-485.19. Hearing Officer Valley’s decision is factually erroneous and based on an inaccurate interpretation of the Municipal Code sections referenced within the decision.

First, Hearing Officer Valley states that Meter Checker Meyer testified that my vehicle was impounded, in part, because “the registration license plate tag on the vehicle had expired in August 2011 in violation of Section 114-361.08 of the Municipal Code.” The vehicle was not towed due to this violation and there was no such testimony from Meter Checker Meyer to that fact. Meter Checker Meyer stated that the vehicle was in violation of 114-361.08 but not that the vehicle was impounded because of this violation. Should it be shown otherwise, then the vehicle was impounded without due cause as 114-361.08 does not authorize the impoundment of a vehicle for violation, but merely a \$15.00 fine. See Municipal Code §114-361.08(b).

Hearing Officer Valley further states on page two that I argued that my vehicle could not be towed because a citation had not been issued for a violation of 114-361.08, which is also factually inaccurate. I stated, and the record will reflect, that my vehicle could not be towed for a violation of 114-361.08, to which Hearing Officer Valley disagreed and asked that I prove otherwise. This is not my, but rather the City’s, burden to carry.

Hearing Officer Valley went in to great detail, both orally and in her decision, citing my prior citations for violation of 114-361.08. Municipal Code §114-485.16 sets forth the conduct to which the Hearing Officer is to abide, and “the sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle and personal property contained within the vehicle in question.” Prior citations are outside the scope of the conduct of the hearing and it appears that Hearing Officer Valley’s placed weight on these citations in her decision. Introduction of prior citations and the oral discussion thereof creates the appearance that her decision was based, at least in part, on my propensity for parking citations rather than the limited scope to which 114-485.16 allows. Propensity has no bearing on whether or not there was due cause to impound my vehicle and should have no place in such a hearing, and, furthermore, is completely irrelevant to the matter at hand.

Hearing Officer Valley details the amount paid to the Des Moines Police Department on December 21, 2011 and her interpretation as to what tickets that payment was to be allocated towards (with no factual basis on how this allocation was devised). The issue at hand is not whether or not the amount paid adds up to the past due parking tickets, but rather that I was informed orally by an Officer from the City of Des Moines Police Department that I had satisfied all tickets and I received a receipt indicating that the tickets listed had been paid. Had that not been the case, the Officer could have simply indicated which tickets were paid, which tickets were not paid, or any other writing supplementing the receipt stating that all of the tickets listed were not fully satisfied. But, instead, the Officer provided a full sheet of paper listing all tickets and marked the receipt as paid. Whether or not the tickets were paid is irrelevant to my argument, my argument stems on the fact that I was informed that I was not delinquent on any tickets by a representative of the City of Des Moines and thereby was not given notice of the possibility of my vehicle being impounded. Procedural due process requires that when there is a deprivation of property by the government, there is a requirement of notice and a right for a hearing from a neutral adjudicator. In this case, the requirement of notice was not satisfied.

Further, Hearing Officer Valley again states that there was due cause for my vehicle to be towed in part for "parking his vehicle in the street along it the 300 block of 7th street while it had an expired license plate tag on it." Municipal Code §114-485.16 states that "the department causing the vehicle to be impounded shall carry the burden of establishing that there was probable cause to impound the vehicle in question." This burden has not been met as Municipal Code §114-361.08(b) does not authorize a vehicle to be impounded for its violation, but instead only authorizes a \$15.00 fine (which was instituted).



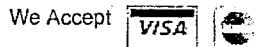
Parking Ticket Payment System
Privacy Policy - Refund Policy

The following violation(s) were found based on the license number: **105TRS-IA**. The list provided MAY NOT include all tickets issued to this vehicle. An example would be if the ticket was issued in the last few days; however, there could be various reasons. If you feel you have additional tickets, or want more information, please call the City Clerk's Office, 515-283-4209 option 2.

Please check the box in the column marked "Pay" to select the parking violation(s) that you would like to pay:

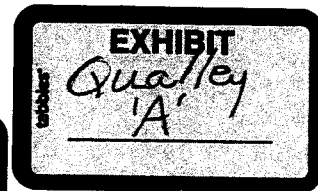
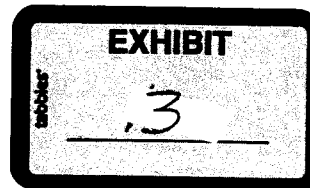
Select What You Want to Pay

Pay	Ticket #	Issue Date	Lic. Plate	Ticket Type	Cost
<input type="checkbox"/> Pay	330071551	9/28/2011	105TRS-IA	OVERTIME PARKING (EXPIRED) LATE FEE	\$ 10.00 5.00
<input type="checkbox"/> Pay	360108856	9/14/2011	105TRS-IA	LOAD ZONE 20+ MINUTES LATE FEE	\$ 30.00 5.00
<input type="checkbox"/> Pay	360110804	11/17/2011	105TRS-IA	CURRENT REG. TAG NOT DISPLAYED LATE FEE	\$ 15.00 5.00
<input type="checkbox"/> Pay	360111170	11/29/2011	105TRS-IA	CURRENT REG. TAG NOT DISPLAYED	\$ 15.00
<input type="checkbox"/> Pay	360111193	11/30/2011	105TRS-IA	CURRENT REG. TAG NOT DISPLAYED	\$ 15.00
<input type="checkbox"/> Pay	360111194	11/30/2011	105TRS-IA	OVERTIME PARKING (EXPIRED)	\$ 15.00
<input type="checkbox"/> Pay	360111466	12/6/2011	105TRS-IA	CURRENT REG. TAG NOT DISPLAYED	\$ 15.00
<input type="checkbox"/> Pay	370066253	11/18/2011	105TRS-IA	CURRENT REG. TAG NOT DISPLAYED LATE FEE	\$ 15.00 5.00
<input type="checkbox"/> Pay All					\$ 115.00



PAID
D.M.P.D.

400 Robert D Ray Drive, Des Moines, Iowa 50309 | (515) 283-4500 | info@dmgov.org | Copyright © 2009 - 2011 DM



City of Des Moines
400 Robert D Ray Dr
Des Moines, IA 50309



Notice Date: 01/13/2012
Number of Tickets: 4
Total Amount Due: \$80.00

Qualley, Cornelius Steiner
Box 41718
Des Moines, IA 50311-0311

Tow Notice . . . Tow Notice . . . Tow Notice . . . Tow Notice . . . Tow Notice

Section 114-485.02 of the Municipal Code specifies that any vehicle or license plate with four or more delinquent parking tickets is a habitual violator and subject to towing and impoundment.

City of Des Moines records indicate that you have failed to pay the delinquent parking tickets issued to the license plate identified below. To avoid towing and impoundment, please appear at the City Clerk's Office, on the second floor of City Hall, 400 Robert D. Ray Dr., between 8:00 a.m. and 5:00 p.m. Monday through Friday (except legal holidays) to pay these delinquent, outstanding parking fines. Or for your convenience, you may pay your tickets online at WWW.DMGOV.ORG, Quick Links, (ePayments).

If your vehicle is towed/impounded, all delinquent parking fines must be paid by cash or debit/credit card (MasterCard or Visa) at the City Clerk's Office prior to release of the vehicle. Before 8:00 a.m. and after 5:00 p.m. please contact the Des Moines Police Department Information Desk at 283-4811 for release information.

Please be advised, failure to pay parking citations will result in your vehicle being towed, your State income tax being withheld, your vehicle registration being withheld, and/or the tickets being forwarded to a collection agency for action.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE FOR THE TICKETS LISTED. YOU MAY HAVE ADDITIONAL TICKETS NOT LISTED ON THIS NOTICE.

If you have any questions, please call the City Clerk's Office at 515-283-4125.

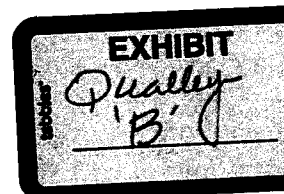
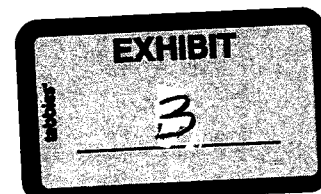
DIANE RAUH
City Clerk

Billing Detail Listing

TICKET	ISSUE DATE	LICENSE PLATE	VIOLATION	METER	LOCATION STREET	AMOUNT DUE
360111170	11/29/2011	10STRS	CURRENT REG. TAG NOT DISPLAYED	ML3 28		\$20.00
360111193	11/30/2011	10STRS	CURRENT REG. TAG NOT DISPLAYED	ML3 11		\$20.00
360111194	11/30/2011	10STRS	OVERTIME PARKING(EXPIRED)	ML3 31		\$20.00
360111466	12/06/2011	10STRS	CURRENT REG. TAG NOT DISPLAYED	C 219		\$20.00

Total Listing: 4

Total Amount Due: \$80.00



CITY OF DES MOINES
Police Department

4:48PM
00-0002 001
#08719

Dec 21/11

Cheryl
CLERK

PLATE OR VIN
HABITUAL
Impound Fee

105TRS
\$95.00
\$20.00

TTL
isa
\$115.00
\$115.00

SR
RD # \$115.00
PROVAL *****2754
C 179394
000

Thank You

DES MO

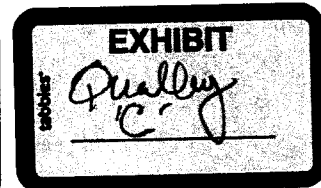
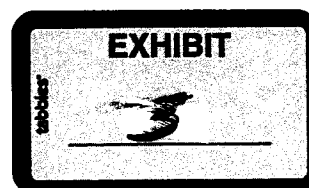
IF YOUR VEHICLE AND THE PERSONAL OR PARKED IN VIOLATION OF A CITY ADMINISTRATIVE HEARING TO DETERMINE YOUR VEHICLE. TO EXERCISE THIS RIGHT, YOU MUST FILE A HEARING FORM WITH THE CITY CLERK WITHIN 10 BUSINESS DAYS OF IMPOUNDMENT. SHOULD YOU REQUEST A HEARING, YOUR VEHICLE WILL BE RELEASED TO YOU BY POSTING A BOND IN AN AMOUNT AS DETERMINED BY THE CITY CLERK. IF YOU DO NOT POST A BOND, YOUR VEHICLE WILL REMAIN IN IMPOUNDMENT AND STORAGE OF THE VEHICLE WILL BE AT YOUR RISK. IF THERE WAS NO PROBABLE CAUSE TO IMPOUND YOUR VEHICLE, YOU MAY REQUEST A HEARING TO THE CITY TREASURER OF A CERTAIN CITY. IF YOU DO NOT REQUEST A HEARING; YOU MAY CLAIM YOUR MOTOR VEHICLE UPON PAYMENT OF ALL CHARGES ATTRIBUTABLE TO THE IMPOUNDMENT 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.

297701

IMPOUND TAG NUMBER

11-41530

CASE NUMBER



38

CITY OF DES MOINES
Police Department

4:48PM
00-0002 001
H08719
Dec 21/11
Cheryl
CLERK

PLATE OR VIN 105TRS
HABITUAL \$95.00
Impound Fee \$20.00

*TTL \$115.00
*Visa \$115.00

Visa \$115.00
CARD # *****2754
APPROVAL
APRH C 179394
REF# 000

----- Thank You -----

DES MC

IF YOUR VEHICLE AND THE PERSONAL OR PARKED IN VIOLATION OF A CITY ADMINISTRATIVE HEARING TO DETERMINE YOUR VEHICLE. TO EXERCISE THIS RIGHT, YOU MUST APPEAR AT A HEARING FORM WITH THE CITY CLERK. SHOULD YOU REQUEST A HEARING, YOU MUST POST A BOND IN AN AMOUNT EQUAL TO THE IMPOUNDMENT AND STORAGE OF THE VEHICLE. IF THERE WAS NO PROBABLE CAUSE TO IMPOUND YOUR VEHICLE, YOU MAY REQUEST A HEARING; YOU MAY CLAIM YOUR VEHICLE UPON PAYMENT OF ALL CHARGES ATTACHED TO YOUR 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.

297701

11-41530

IMPOUND TAG NUMBER

CASE NUMBER

Tear Here

IMPOUND VEHICLE RELEASE
DES MOINES, IOWA POLICE DEPARTMENT
IMPOUND TOWING CONTRACTOR V10-027:
G&S SERVICES
4100 EAST 16TH STREET
DES MOINES, IOWA 50313
515-276-8068

PAID
D.M.P.D.

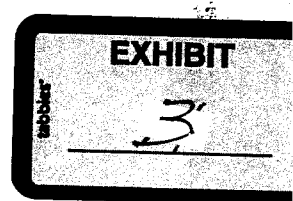
Vehicles may only be claimed from 6:00 AM to 10:00 PM, Monday through Friday and from 8:00 AM to 4:00 PM weekends and holidays.

A. CASE NUMBER 11-41530 B. TAG NUMBER 297701

C. MAKE AND MODEL 06 Chev D. LICENSE NUMBER 105TRS

E. VIN 42075

F. RELEASED BY: 4140 G. DATE RELEASED 1221-11





Parking Ticket Payment System
[Privacy Policy](#) - [Refund Policy](#)

The following violation(s) were found based on the license number: **105TRS-IA**. The list provided MAY NOT include all tickets issued to this vehicle. An example would be if the ticket was issued in the last few days; however, there could be various reasons. If you feel you have additional tickets, or want more information, please call the City Clerk's Office, 515-283-4209 option 2.

Please check the box in the column marked "Pay" to select the parking violation(s) that you would like to pay:

Select What You Want to Pay

Pay	Ticket #	Issue Date	Lic. Plate	Ticket Type	Cost
<input type="checkbox"/> Pay	360111170	11/29/2011	105TRS-IA	CURRENT REG. TAG NOT DISPLAYED LATE FEE	\$ 15.00 5.00
<input type="checkbox"/> Pay	360111193	11/30/2011	105TRS-IA	CURRENT REG. TAG NOT DISPLAYED LATE FEE	\$ 15.00 5.00
<input type="checkbox"/> Pay	360111194	11/30/2011	105TRS-IA	OVERTIME PARKING(EXPIRED) LATE FEE	\$ 15.00 5.00
<input type="checkbox"/> Pay	360111466	12/6/2011	105TRS-IA	CURRENT REG. TAG NOT DISPLAYED LATE FEE	\$ 15.00 5.00
<input type="checkbox"/> Pay	380067441	12/21/2011	105TRS-IA	CURRENT REG. TAG NOT DISPLAYED	\$ 15.00
<input type="checkbox"/> Pay	380067442	12/21/2011	105TRS-IA	HABITUAL VIOLATOR	\$ 30.00
<input type="checkbox"/> Pay All					\$ 125.00

We Accept



[Search Again](#) [Add To Cart](#)

400 Robert D Ray Drive, Des Moines, Iowa 50309 | (515) 283-4500 | info@dmgov.org | Copyright © 2009 - 2012 CDM

~~100~~
~~11/29~~
~~144~~

~~20~~ ~~8~~ ~~10~~ ~~100~~
~~8~~



EXHIBIT 4

Habitual 4 Tickets = \$80
Habitual 4 Tickets = \$80

IMPOUND MOTOR VEHICLE

12-1342

Case No. ~~12-1342~~ Tag No. 297999

Property Sheet No. _____

Where Found 300-B 7th

Date 1-13-2012 Time 1403

Color Silver Year 2006

Make Chev Body 4D

License No. 105TRS

Serial No. 1G1ZS51F06F242075

Registered To Quallen, Cornelius

Address 2824 Grand #218

Why Held: Ill. Pkg. () Assn. Traffic ()

Stolen Car () Driver in Jail ()

Others Habitual 4 = \$80

Condition Good

Towed To GTS

Officers M24

Receipt for Car

Received the above described car

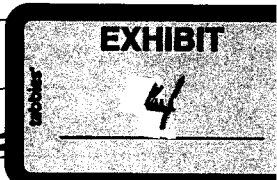
this 13 day of Jan 20 12

* Sig. of Owner _____

Address _____

Released by Laura City Clerk

DMP 122 Office

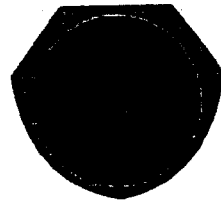


Des Moines Police Department
IMPOUND TOWING COST SHEET

This should be filled out by the tow truck driver providing the service.

Check off service tasks utilized below:

- Tow with wrecker \$20.00
- Second Tow with a wrecker \$75.00
- Towing with a Flatbed \$50.00
- Unlocking car doors \$25.00
- Winching \$75.00 per hour
- Unlocking linkage \$25.00
- Rehooking \$25.00
- Using a dollie \$25.00
- Towing semi truck \$175.00 per hour
- Towing semi trailer \$175.00 per hour
- Other



Please list other service tasks below:

Pulled away from Curb

Case Number: 12-1342

[Signature]
Tow Driver Signature

Location: 300 7th

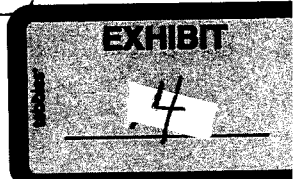
Date/Time: 1-13-17

Vehicle Description: 06 Chevy Malibu Silver

White Copy: Tow Driver
Yellow Copy: Police Officer

10STR5

1G1Z551F06F242075



00.ORI/.LIC/105TRS M24 20120113 - 14:08:59

PDM1.

LIC/105TRS .LIT/STANDARD LIT/PC
PRIVATE
OWNER(S)/QUALLEY, CORNELIUS STEINER DOB/19820802 SOC-OLN/523XX6608
2824 GRAND AVE #218
DES MOINES IA 50312
VIN/ SIL 2006 CHEV CHEVROLET MAL MALIBU LS 4D
1G1ZS51F06F242075 AUTOMOBILE USE/REGULAR
VAL CO/POLK NO/105TRS08201101 EXP/08-2011
REGISTRATION DATE/2010-11-16 PREV PLATE/355LXK
TITLE DATE/2008-04-22 NO/77AE92219 PREV TITLE CO/ NO/
LIEN/COMMUNITY CHOICE CREDIT UNION
700 E LYON , DES MOINES IA 50309 2008-04-22 77L02563883

;201201131408/201201131408
PDM1 522
MESSAGE FROM MVR
100677

PDM1.

* NO MATCH ON INQUIRY *
LIC/105TRS.LIS/IA

;201201131408/201201131408
PDM1 519
MESSAGE FROM IOWA
100673

1L01PDM1,MRI250G06C
IA0770300
NO RECORD LIC/105TRS LIS/IA

;201201131408/201201131408
PDM1 521
MESSAGE FROM NCIC
100675

EXHIBIT

4

1221 - 14:20:54

~~HABITUAL~~ 4/3/95

IMPOUND MOTOR VEHICLE

Case No. 11-41530 Tag No. 297701

Property Sheet No. _____

Where Found 1000-B Locust

Date 12-21-11 Time 147

Color Silver Year 2006

Make Chevy Body Malibu

License No. 105TRS

Serial No. 1G1Z551F06F242075

Registered To Qualley, Cornelius

Address 2824 Grand # 218, DSM

Why Held: Ill. Pkg. Assn. Traffic ()

Stolen Car () Driver in Jail ()

Others _____

Condition Fair

Towed To GBS

Officers M29

Receipt for Car

Received the above described car

this 21 day of Dec 2011

Sig. of Owner [Signature]

Address 2820 School St DSM 5031

Released by U140

DMP 122

DARD
*PRIVATE***
EINER

LIT/PC

DOB/19820802 SOC-OLN/523XX6608

CHEVROLET
AUTOMOBILE

MAL MALIBU LS
USE/REGULAR

4D

105TRS08201101 EXP/08-2011
16 PREV PLATE/355LXK
17AE92219 PREV TITLE CO/ NO/

309 2008-04-22 77L02563883

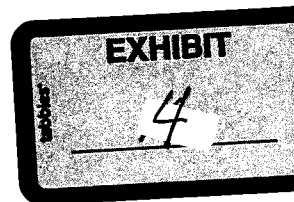




EXHIBIT
14

RECEIPT#: 574886
Date : 12/22/2011 Time: 08:34
Clerk : tfclerk
CITY OF DES MOINES
400 ROBERT D RAY DR
DES MOINES, IA 50309
Ref ID: 370066253
NAME: Qualley, Cornelius Steiner

TICKET: 360108856 - 49
Prev Balance \$30.00
Paid \$30.00
New Balance \$0.00
TICKET - 360108856 - TOTAL DUE - \$0.00

TICKET: 330071551 - 01
Prev Balance \$15.00
Paid \$15.00
New Balance \$0.00
TICKET - 330071551 - TOTAL DUE - \$0.00

TICKET: 360108856 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00
TICKET - 360108856 - TOTAL DUE - \$0.00

TICKET: 330071551 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00
TICKET - 330071551 - TOTAL DUE - \$0.00

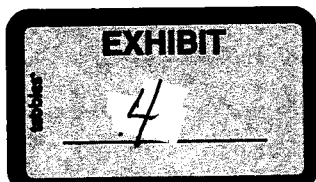
TICKET: 360110804 - 28
Prev Balance \$15.00
Paid \$15.00
New Balance \$0.00
TICKET - 360110804 - TOTAL DUE - \$0.00

TICKET: 370066253 - 28
Prev Balance \$15.00
Paid \$15.00
New Balance \$0.00
TICKET - 370066253 - TOTAL DUE - \$0.00

TICKET: 360110804 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00
TICKET - 360110804 - TOTAL DUE - \$0.00

TICKET: 370066253 - LATE1
Prev Balance \$5.00
Paid \$5.00
New Balance \$0.00
TICKET - 370066253 - TOTAL DUE - \$0.00

Subtotal: \$95.00



38

INVOICE

G & S Service, Inc/City Wide Towing

G & S SERVICE
4100 E 16TH ST
DES MOINES, IA 50313
515/276-8868

4100 E 16th Street
Des Moines, IA 50313
(515) 276-8068 Fax (515) 276-9256

Merchant ID: 009800119283
Term ID: 002

Ref #: 010

Invoice # 19197

Sale

XXXXXXXXXXXX2754

MASTERCARD

Entry Method: Swiped

12/21/11

17:04:48

Inv #: 000010

Appr Code: 187406

Apprvd: OnLine

Batch#: 355001

Total: \$ 56.18

Customer Copy

PO #: 11-41530

Invoice Date: 12/21/2011

Released by:

Tow Tag #

Vehicle Information:

Year: 2006

Make: Chevrolet

Model: Malibu

Color: Silver

Lic #: 105 TRS

VIN: 1G12S51F06F042075

Odometer:

Owner:

Tow Information:

Location: 600 Locust
Des Moines,

Cross Street:

Dispatched: 12/21/2011 2:20:22 PM

Arrived: 12/21/2011 2:29:46 PM

Completed: 12/21/2011

Truck Type: Flatbed

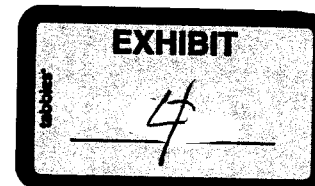
Agency:

Qty	Description	Price	Extended Price
1	Storage Day(s)	\$3.00	\$3.00
1	DMPD IMPOUND FLATBED	\$50.00	\$50.00
Sales Tax		\$3.18	
		Total	\$56.18

Certification: I the undersigned do hereby certify that I am legally authorized and entitled to take possession of the above described vehicle

Signature _____

Date _____



INVOICE

G & S Service, Inc/City Wide Towing

4100 E 16th Street
Des Moines, IA 50313
(515) 276-8068 Fax (515) 276-9256

Invoice # 19620

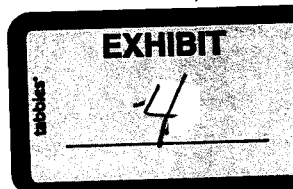
Date In: 1/13/2012 2:05:58 PM	PO #: 12-1346	Invoice Date: 1/13/2012
Date Out: 1/13/2012	Released by:	Tow Tag # 297999
Customer Information:	Vehicle Information:	Tow Information:
Released to:	Year: 2006	Location: 300 7th st Des Moines,
	Make: Chevrolet	Cross Street:
	Model: Malibu	Dispatched: 1/13/2012 2:08:51 PM
	Color: Silver	Arrived: 1/13/2012 2:22:05 PM
Bill to:	Lic #: 105 TRS	Completed: 1/13/2012
	VIN: 1G1Z5S1F06F242075	Truck Type: Flatbed
	Odometer:	Agency:
	Owner:	

Qty	Description	Price	Extended Price
1	Storage Day(s)	\$3.00	\$3.00
1	DMPD IMPOUND FLATBED	\$50.00	\$50.00
Sales Tax \$3.18		Total	\$56.18

Certification: I the undersigned do hereby certify that I am legally authorized and entitled to take possession of the above described vehicle

Signature _____

Date _____



**NOTICE OF IMPOUNDMENT
DES MOINES, IOWA POLICE DEPARTMENT**

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 400 ROBERT D. RAY DRIVE, WITHIN TEN (10) 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 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 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.

297999

121346

IMPOUND TAG NUMBER

CASE NUMBER

EXHIBIT
4

EX. 4
38



February 27, 2012

Cornelius Qualley
2820 School Street
Des Moines, IA 50311

Re: Appeal of Vehicle Impound Decision

This letter is to acknowledge receipt of your letter of February 14, 2012 requesting an appeal before the City Council regarding the Hearing Officer's decision in reference to your vehicle impound.

Accordingly, this matter is scheduled for hearing on **March 26, 2012** 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.**

A copy of the transcript is enclosed. If you have any questions regarding this matter, please contact this office.

Sincerely,

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

Diane Rauh
City Clerk

DR:kh
Enc.

cc: Assistant City Attorney
Chief Bradshaw

EXHIBIT 5

ADMINISTRATIVE HEARING TRANSCRIPT
February 6, 2012
City v. Qualley
Vehicle Impound

HEARING OFFICER CAMILLE VALLEY: Good morning. It is approximately 9:15 a.m. on Monday, February 6, 2012 and my name is Camille Valley and I'm the Administrative Hearing Officer. We're conducting this hearing this morning at the request of Cornelius Qualley regarding the City's impoundment of his vehicle. Would the City representative please come to the microphone? Clearly state your name and the title of your position with the City. Microphone...yep, right at the podium.

POLICE OFFICER PAM MEYER: Pam Meyer.

HEARING OFFICER CAMILLE VALLEY: And your position with the City of Des Moines?

METER CHECKER PAM MEYER: I am a meter checker for the City of Des Moines.

HEARING OFFICER CAMILLE VALLEY: Okay, would you please raise your right hand. Do you solemnly swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

METER CHECKER PAM MEYER: I do.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed and share with me the facts and circumstances of this case.

METER CHECKER PAM MEYER: On January 13th I came across a vehicle that had expired license plates. I proceeded to write it a ticket and it came up scoff law in my handheld. I followed procedure of calling the Clerk's Office to verify that the tickets had not been paid and that the vehicle was towable and they did verify and tell me that the vehicle had four tickets for \$80 and that it was towable. So I went ahead and impounded the vehicle.

HEARING OFFICER CAMILLE VALLEY: Okay. So there were four outstanding tickets?

METER CHECKER PAM MEYER: There were four outstanding tickets for \$80.

HEARING OFFICER CAMILLE VALLEY: And the license plate was expired on the vehicle also?

METER CHECKER PAM MEYER: Yes it was. It was August of 2011.

HEARING OFFICER CAMILLE VALLEY: And where was this vehicle located?

METER CHECKER PAM MEYER: It was in the 700, or the 300 block of 7th.

HEARING OFFICER CAMILLE VALLEY: And this was on...

METER CHECKER PAM MEYER: This was on January 13th of 2012.

HEARING OFFICER CAMILLE VALLEY: Okay. At approximately what time?

METER CHECKER PAM MEYER: Uh, 14:03.

HEARING OFFICER CAMILLE VALLEY: All right. Anything further?

METER CHECKER PAM MEYER: No.

HEARING OFFICER CAMILLE VALLEY: Thank you. Mr. Qualley, would you come to the microphone and clearly state your name for the record?

CORNELIUS QUALLEY: Yes. My name is Cornelius Qualley.

HEARING OFFICER CAMILLE VALLEY: Would you please raise your right hand. Do you solemnly swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

CORNELIUS QUALLEY: I do.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed.

CORNELIUS QUALLEY: If I could I'll give you a little bit of background information here as to the situation. My car, my vehicle was originally towed on, or most recently was towed on December 21, 2011. At that time it was towed from the same location in the 300 block of 7th Street. I was in work. I came out and my vehicle was missing. When I came out I contacted the City of Des Moines Police Department to inquire as to why my vehicle was towed. They told me basically that I had outstanding tickets and it was towed as a habitual violator status and that is why it was towed. At that time they informed me that I needed to go to the City of Des Moines or the Police Department and receive a release for my vehicle which is what I did. I went to the Des Moines Police Department. I informed them of my vehicle and basically they told me that I had outstanding tickets and I need to pay those to get my release. Uhm, they asked me at that time whether I wanted to pay only outstanding tickets or all the tickets that I've had whatsoever. Basically all my tickets or just the past two tickets. I informed the officer at that time that I wanted to pay all tickets and she said that would be fine, took my credit card information and provided me with a receipt which I provided in my file and I also have a copy of if you'd like.

HEARING OFFICER CAMILLE VALLEY: Well, there are some documents in the record here that I've been given. I haven't looked at them, so what is, what is yours?

CORNELIUS QUALLEY: Well, basically it's just a Des Moines Police Department paid receipt that states the tickets that were paid and the amounts listed.

HEARING OFFICER CAMILLE VALLEY: Uh, let's see. I don't know if I have one like that so if you'd like to enter that into the record I will.

CORNELIUS QUALLEY: I would.

HEARING OFFICER CAMILLE VALLEY: Okay. If you'd give that to me I'll mark it as Qualley Exhibit A. Thank you. And this was given to you at the time of...

CORNELIUS QUALLEY: That was given to me on December 21, 2011. And I was informed by that officer that I may want to leave it at my window if I was going to park on City property for the next day or so until those tickets were entered so that my vehicle would not be towed again. I received my vehicle from impound and followed that process after paying those tickets. Now on January 13, 2012 which is the date in question here, uh, I was at the same location at work. I came out, my meter still had money on it, but I determined that my vehicle was missing yet again. So I called Des Moines Police Department to determine as to why it was missing. They informed me yet again that there were outstanding tickets that had not been paid. Uhm, I was perplexed because I paid all the tickets and I had received no tickets in between these two points in time. But yet I went to the Des Moines Police Department to receive a release yet again. At that time they told me that I needed to go instead to the City Clerk's Office because going to the Des Moines Police Department was incorrect even though I did that prior. So I went to the Clerk's Office. I went here and I informed them of the matter and they told me that I needed to pay the tickets and they said that the issue at hand here was that four tickets at the time my vehicle was previously impounded were unpaid, but they were not yet past due so those were not paid at the time my vehicle was impounded. I told them that, I informed the officer that I wanted to pay all tickets and they said well they probably screwed up and you should have come over here instead. Uhm, so, in any case I paid all the tickets. I told them yet again I wanted to pay any and all outstanding tickets, anything due so that this issue wouldn't come up again which is what I did and I have a receipt of that that I provided in the file as well. Uhm, and the following day on December 14th...

HEARING OFFICER CAMILLE VALLEY: You are all free when your vehicle was towed.

CORNELIUS QUALLEY: No, no. That would be December 13th is when it was towed. Well, I'm sorry.

HEARING OFFICER CAMILLE VALLEY: January 13th, you keep referring to....

CORNELIUS QUALLEY: January 13th. The following day, January 14th.

HEARING OFFICER CAMILLE VALLEY: Okay, on January 14th.

CORNELIUS QUALLEY: Yes. On January 14th I received a tow notice for the City of Des Moines indicating that my vehicle is eligible to be towed and this was the day after it had actually been towed. And the four tickets that were listed on this tow notice that put my vehicle into habitual violator status which made it eligible to be towed were the same four tickets listed on the DMPD paid receipt that I received from at the Des Moines Police Department.

HEARING OFFICER CAMILLE VALLEY: Okay. You keep referring to these notices. It helps me because...

CORNELIUS QUALLEY: Sure.

HEARING OFFICER CAMILLE VALLEY: No, no. Stay there. I've got, that's what the file that I was given for this and which I don't look at anything before I have these hearings. And so if there's an exhibit that you are wanting considered cause I'm fact finding today.

CORNELIUS QUALLEY: Okay.

HEARING OFFICER CAMILLE VALLEY: So I want to hear any testimony and make sure I've got the evidence in the record. When I deliberate I've got everything we are talking we're talking about. So it helps me if you let me know what we're looking at. Like I marked this Exhibit A for you so if you are referring to this document if you would call it Exhibit A that helps me understand where you're, what document you're talking about because you've got a lot tickets it appears that's the history of it.

CORNELIUS QUALLEY: Sure.

HEARING OFFICER CAMILLE VALLEY: You have referenced some notices and different things. Are those things that we have in the record?

CORNELIUS QUALLEY: You should have this in the record. It says tow notice at the top and it's dated January 13, 2012.

HEARING OFFICER CAMILLE VALLEY: Okay. I've got one for January 13, 2012. That's the one you are talking about?

CORNELIUS QUALLEY: Yes.

HEARING OFFICER CAMILLE VALLEY: Let me mark that as your Exhibit B for you so I'm keeping track of what...okay. All right. Go ahead and proceed. So what is your point with this one because it has the four listed that were...

CORNELIUS QUALLEY: Those are the same four tickets. And you can see the notice date of January 13, 2012 which clearly means that I could not have received it until the following day since it takes at least a day to receive U.S. mail. Uhm, so these have the same four tickets that made my vehicle eligible that were also listed on Exhibit A. And you will see that those are highlighted and the ticket numbers are corresponding with these ticket numbers. Now, as I'm sure you are aware, procedural due process requires when there is deprivation of property that at the very minimum I receive notice and a fair hearing. Obviously the hearing is this such hearing. Uhm, but as far as notice goes, at the point that my vehicle was towed on January 13th, the only notice that I had would have been either the tickets themselves or this tow notice.

HEARING OFFICER CAMILLE VALLEY: All the tickets are a big clue. And it sounds, it sounds like you are having difficulty keeping track of what all you've got tickets for.

CORNELIUS QUALLEY: The tickets are the original notice and I received receipt of those that they have been paid.

HEARING OFFICER CAMILLE VALLEY: Well no. Part of your argument is you thought you had paid them all in full. Well, if you kept track of all your tickets you'd know it would have been a larger amount than just the payment of those four correct?

CORNELIUS QUALLEY: Uh, no.

HEARING OFFICER CAMILLE VALLEY: If you're keeping, why not?

CORNELIUS QUALLEY: That's the amount that was listed on there. I mean, I....

HEARING OFFICER CAMILLE VALLEY: But I'm saying if you kept track of all the tickets you've ever received and one of your arguments is well you told them you wanted to pay in full but they misunderstood you and they only put, charged you for the outstanding ones and not the ones that had come due yet. Correct? Did I hear you correctly on that?

CORNELIUS QUALLEY: Uh, I'm not sure if that's the case. I believe that I actually did pay the tickets. I'm not, I'm not entirely sure that....

HEARING OFFICER CAMILLE VALLEY: Did you bring evidence that you paid the tickets?

CORNELIUS QUALLEY: I have receipts. I mean, you have one of the receipts in front of you. Exhibit A is one of the receipts.

HEARING OFFICER CAMILLE VALLEY: But I'm saying part of your argument is that you've paid all of these prior to the January 13th ticket, correct?

CORNELIUS QUALLEY: Right, which is indicated on that receipt on Exhibit A.

HEARING OFFICER CAMILLE VALLEY: No, you said that four of these out of all of the ones listed on Exhibit A were paid. You've highlighted them.

CORNELIUS QUALLEY: No. The four at the ones that match the tow notice. All were paid.

HEARING OFFICER CAMILLE VALLEY: So do you....

CORNELIUS QUALLEY: That was the printout that they referred to.

HEARING OFFICER CAMILLE VALLEY: Okay. This doesn't tell me how much you paid. This does not tell me how much.

CORNELIUS QUALLEY: I do have a receipt.

HEARING OFFICER CAMILLE VALLEY: Do you have a copy of your check? Do you have a copy of your whatever that actually shows that the dollar amount that was paid?

CORNELIUS QUALLEY: I do.

HEARING OFFICER CAMILLE VALLEY: Keep track of your questions because we record this so I can only have one person at the microphone at a time so please keep track of that and I'll let you come back up afterwards. Okay. So you've just given me the notice that you received when it was towed, correct? And it has the plate number and this has a habitual fee and an impound fee of \$115. But this isn't paying for any tickets. This is only paying for an impound charge.

CORNELIUS QUALLEY: No that's incorrect. That, the...

HEARING OFFICER CAMILLE VALLEY: What's incorrect? What I just said was incorrect?

CORNELIUS QUALLEY: Yes. That's not paying for the tow. It pays for the \$20 impound fee but it does not include the tow. That does include tickets. That includes \$95 in tickets. I also have a receipt from G&S Towing which is a separate and an additional receipt that would be paid on that day as well.

HEARING OFFICER CAMILLE VALLEY: Okay wait. I'm going to mark this as your Exhibit C.

CORNELIUS QUALLEY: Sure.

HEARING OFFICER CAMILLE VALLEY: So you are contending this \$95 was paid towards the whole list of tickets that are here. And the record shows, okay. If you want to continue.

CORNELIUS QUALLEY: Yes. Uhm, well, basically that's the summation of my argument is that those tickets were paid. I received receipt of that payment. I have no notice prior, or after that point in time. The tickets, my information was that basically I paid them at the Des Moines Police Department. I have a receipt that I paid them. I have an indication that I paid from them. I received, the only additional notice I received after that point was a tow notice. Had I received the tow notice the day prior or even the day of...

HEARING OFFICER CAMILLE VALLEY: And you are referring back to your Exhibit A, or Exhibit B?

CORNELIUS QUALLEY: Exhibit B. Had I received Exhibit B prior to my vehicle being towed I could have contacted the City, disputed these and at the very least not parked on City property until this matter was resolved. However, I received a tow notice clearly the day after my vehicle was towed. The only notice that I otherwise would have

had would have been the tickets which I was by all accounts have been indicated that it'd been paid. So I had no notice that my vehicle had been towed, could be towed or was eligible for towing.

HEARING OFFICER CAMILLE VALLEY: Were you, do you want to respond at all to your expired license plate which is also a grounds for towing your vehicle.

CORNELIUS QUALLEY: It's not a grounds in and of itself. You have to receive a ticket.

HEARING OFFICER CAMILLE VALLEY: Do you have a, do you have...

CORNELIUS QUALLEY: I believe the burden of proof is on the State for that.

HEARING OFFICER CAMILLE VALLEY: No, but do you have a reference, it's not where the City, so, uhm, but do you have a reference to the Municipal Code that restricts it to only if a citation has been issued?

CORNELIUS QUALLEY: Section 114-485.16 claims, or states that the departments causing, the department causing the vehicle to be impounded shall carry the burden of establishing that there is probable cause to impound the vehicle in question. So the burden is on the City to provide that Code that shows the vehicle be eligible to be towed...

HEARING OFFICER CAMILLE VALLEY: But no I'm saying, that you are, but you're arguing they can't tow your vehicle if it's not been, if it's unlicensed.

CORNELIUS QUALLEY: It was towed, it was towed to my information for habitual violator status, not for, simply for the plates being expired, so.

HEARING OFFICER CAMILLE VALLEY: So did you receive any, did you receive citations and this ticket, do you have copies of your tickets that you received at all?

CORNELIUS QUALLEY: I don't have copies of the physical tickets. I have copies of a printout of the tickets.

HEARING OFFICER CAMILLE VALLEY: Okay.

CORNELIUS QUALLEY: If you'd like that.

HEARING OFFICER CAMILLE VALLEY: Well, that's what you'd given me. Was that not your Exhibit A?

CORNELIUS QUALLEY: Yes. And, I mean I have an additional one that the Clerk provided to me that shows....

HEARING OFFICER CAMILLE VALLEY: That's what, there's one in the record here, it is a two-page document that lists, it's like a printout that shows the tickets numbers, whether it was late, the balance, the previous balance with a total of \$145.

CORNELIUS QUALLEY: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay. And so you are contending that the \$145 total on here is, was paid in full by the \$95 on your Exhibit C? Is that correct?

CORNELIUS QUALLEY: The \$145 also included additional tickets at the time of towing so one of the tickets would have been the expired license plate ticket.

HEARING OFFICER CAMILLE VALLEY: You, you illegally park a lot it appears.

CORNELIUS QUALLEY: With, the expired license plate was the only issue at hand.

HEARING OFFICER CAMILLE VALLEY: For all these other tickets?

CORNELIUS QUALLEY: No, that was in a separate lot.

HEARING OFFICER CAMILLE VALLEY: It's a lot, yes.

CORNELIUS QUALLEY: Well it's tickets, but that's not at hand. I mean I paid the tickets.

HEARING OFFICER CAMILLE VALLEY: That's your parking lot. That's your parking lot fee parking on the street illegally. Is that kinda your strategy?

CORNELIUS QUALLEY: It's not a strategy officer. I mean, I paid the tickets and I assumed that they were paid, you know.

HEARING OFFICER CAMILLE VALLEY: Well that's what I'm saying. I'm seeing a discrepancy between \$145 and \$95 if that's an accurate, but that's what, I'm just fact finding today so.

CORNELIUS QUALLEY: Yes.

HEARING OFFICER CAMILLE VALLEY: Anything else you'd like to add?

CORNELIUS QUALLEY: Uh, no. I believe that's all at this time unless I have responses to officers' statements.

HEARING OFFICER CAMILLE VALLEY: If you'd like to come back up and I just want to make a note for the record that this is Meter Checker Meyer testifying again.

METER CHECKER PAM MEYER: Uhm, I have a question about this supplemental information on this sheet here. Is this all taken from testimony from the defendant here?

HEARING OFFICER CAMILLE VALLEY: Okay, I don't know what you are referring to.

METER CHECKER PAM MEYER: Request for administration hearing and it has supplemental information and it has Cornelius Qualley listed there. I am assuming that this is all correct information on this page.

HEARING OFFICER CAMILLE VALLEY: Uh, supplemental information. This would be probably something that Mr. Qualley has provided himself as part of this request for administration hearing. So this would be supplemented to his testimony.

METER CHECKER PAM MEYER: Yes, uhm, I noticed it said that, well in this second paragraph when it was talking about if I would like to pay all my tickets or the delinquent tickets to which I replied, I would pay all the outstanding tickets, which would be outstanding would be the delinquent tickets. It wouldn't be any other tickets that he had that would be coming due, but had been considered outstanding or delinquent.

HEARING OFFICER CAMILLE VALLEY: Okay.

METER CHECKER PAM MEYER: I think when he was here and I was listening to him he said at this time that he had told the personnel at the Police Department that he was going to pay all the tickets. So did he tell them he was going to pay all the tickets that he had or here it says I would like to pay all outstanding tickets. So which was he paying?

HEARING OFFICER CAMILLE VALLEY: Well that's, that's what part of it is to me. I will look at the money and see what, given all the tickets, what's been paid and you know what still is...cause his argument is that he had no outstanding, no tickets due when he was towed on January 13th.

METER CHECKER PAM MEYER: But he could still have tickets and they could not have been, they might not have been due yet is what....

HEARING OFFICER CAMILLE VALLEY: When he was over there, right.

METER CHECKER PAM MEYER: Right.

HEARING OFFICER CAMILLE VALLEY: When he was over there in December and had his car released from impound.

METER CHECKER PAM MEYER: Right. And like I said, here he said he wanted to pay them all. On the sheet he said he only wanted to pay the, he wanted to pay all outstanding, so.

HEARING OFFICER CAMILLE VALLEY: Which would be two different things.

METER CHECKER PAM MEYER: Right. That was my question.

HEARING OFFICER CAMILLE VALLEY: You just wanted to clarify that. Okay. Thank you.

CORNELIUS QUALLEY: Can I just clarify as well?

HEARING OFFICER CAMILLE VALLEY: Yes. This is, for the record, Mr. Qualley again.

CORNELIUS QUALLEY: I was merely referring the terminology the officer used. They said do you want to pay all past due or outstanding tickets. I chose outstanding which basically implied that I wanted to pay all tickets that were outstanding. That's why it says all outstanding as opposed to just outstanding as used in the terminology in the Code. So I informed the officer, between the choices of past due tickets and outstanding, I wanted to pay all outstanding tickets. So basically all tickets that were on my record at that point in time.

HEARING OFFICER CAMILLE VALLEY: Okay, but the, just like, one of your arguments is not given notice but you were given a ticket of every time you had violated the law and parked. Right? And so you had those tickets and you would have known how many were outstanding and due and how much that amount should be because it is written on every ticket, correct?

CORNELIUS QUALLEY: That's true.

HEARING OFFICER CAMILLE VALLEY: So, so relying strictly on the officer coming up with what you're thinking you should have known what that total amount was also, correct? I mean...

CORNELIUS QUALLEY: Well, that's not entirely correct. I mean the officer, the officer's statement that I was paying all the tickets, in conjunction with the fact that I received a receipt, show those tickets being paid.

HEARING OFFICER CAMILLE VALLEY: Well, no, but that's like you walking to a cashier and you know the shirt cost \$200 and they ring it up as \$65. You know that there is a different cause you saw the tag for \$200. That's what I'm contending is, I mean, that's what I'm seeing is that you knew how many tickets you had. You should have known. So if there was a miscommunication in terminology, you know, that...

CORNELIUS QUALLEY: I guess I don't, I mean, I guess I don't see the parallel in that argument. Uhm, however, as I mentioned, if you received a receipt, if you want to use that same analogy, if you receive a receipt that said you paid for that item you couldn't later be prosecuted for theft.

HEARING OFFICER CAMILLE VALLEY: I don't see paid in full on it at all.

CORNELIUS QUALLEY: It says Police Department paid.

HEARING OFFICER CAMILLE VALLEY: It says it's paid. It doesn't say the amount that's been paid. It just says paid.

CORNELIUS QUALLEY: Well, I provided the amount that's been paid and that equals...

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HEARING OFFICER CAMILLE VALLEY: That's what, and I will look at it. I will deliberate on everything. I know nothing about these cases when I hear them so I'm just, in fact, I'm handed the packet that has some of the information so I haven't even read your written statements. So I will do that and I will deliberate on everything I've heard and everything I've received before I issue a ruling, so. Do you have anything else you'd like to add?

CORNELIUS QUALLEY: I don't.

HEARING OFFICER CAMILLE VALLEY: Okay. I will do that and I submit that to the City Clerk's Office and then she'll make sure you get a copy. She mails that to you.

CORNELIUS QUALLEY: Thank you.

HEARING OFFICER CAMILLE VALLEY: I thank you very much for your time and testimony this morning and this case is adjourned.

I, Renae Lampkin, certify that I transcribed the minutes of the February 6, 2012 Administrative Hearing pertaining to the vehicle impound of Cornelius Qualley.

Renae Lampkin

EXHIBIT 6

VEHICLE IMPOUND / RECOVERY REPORT
DES MOINES, IOWA POLICE DEPARTMENT

16. BEAT		17. PROPERTY SHEET NA		1. OWNERS NAME (LAST, FIRST, MIDDLE) QUALLEY CORNELLOUS		2. CASE NUMBER 12 1342	
18. METHOD OF THEFT-JUMP WIRE, TOWER NA		19. KEYS LEFT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		3. OWNERS ADDRESS 2824 GRAND # 218		4. RES. PHONE UNK	
20. RESULTING DAMAGE OR STRIPPING NA		6. WHERE FOUND? 300 YTH		7. DATE / TIME FOUND 13 JAN 12 1403		5. IMP. TAG NO. 297 999	
21. GENERAL CONDITION GOOD		22. MISSING ACCESSORIES? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> EXPLAIN IN NARRATIVE		8. WHY HELD? ILL. PARKING <input checked="" type="checkbox"/> ASSN DET. <input type="checkbox"/> ASSN TRAFFIC <input type="checkbox"/> STOLEN CAR <input type="checkbox"/> DRIVER IN JAIL <input type="checkbox"/> ASSN NCJ <input type="checkbox"/> SAFEKEEPING <input type="checkbox"/> OTHER <input type="checkbox"/>		9. VEH. COLOR YEAR MAKE MODEL BODY GRAY 2006 CHEVY MALIBU 4DR	
23. ARRESTS OR OFFENSES (1) CURR TAG NOT ON 360112895		(ARREST / SUMMONS #)		10. LICENSE NO. STATE / YR 105TRS IA 7/11		11. VEHICLE IDENTIFICATION NUMBER 1G1Z551F06F242075	
(2) HABITUAL 360112896		12. TOWED TO GAS		13. TOW DRIVER / OWNER SIGNATURE X LARRY		15. CLASSIFICATION	
24. IDENT NOTIFIED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		25. CID NOTIFIED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		14. CRIME OR OFFENSE HABITUAL VIOLATOR		RES. PHONE	
28. WITNESS NA		RESIDENCE ADDRESS		CITY		BUS. PHONE	

27. NARRATIVE: (1) CONTINUATION OF ABOVE ITEM NUMBERS INCLUDING ADDITIONAL INFORMATION AND WITNESSES.
(2) BRIEF DESCRIPTION OF INCIDENT INCLUDING COMPLAINT IF AVAILABLE

27 WHILE ISSUING SUMMONS FOR EXPIRED PLATES
VEHICLE REVEALED SCOFFLAW. CITY CLERK VERIFIED
4 FOR \$80⁰⁰

28. REPORTING OFFICER PMEYER		IDENT NO. 7424		CONTINUE NARRATIVE ON BACK			
29. SUPERVISOR APPROVING		REVIEWER NA		DISPATCH		32. RADIO BROADCAST BY DISPATCHER #	
30. INVESTIGATION STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED <input type="checkbox"/> CLOSED		31. CLEARANCE CLASSIFICATION <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPT CLEARED		33. DATE		34. TIME	
36. UNIT REFERRED TO: CP		35. CANCEL <input type="checkbox"/>		OPERATOR		DATE / TIME	
		IOWA <input type="checkbox"/>		NCIC <input type="checkbox"/>			

