

46

January 3, 2007

Cory E. Watts
1801 Pleasant Street, #5
Des Moines, IA 50314

Re: Limousine License Appeal of Application Denial

Dear Mr. Watts:

The purpose of this letter is to acknowledge receipt of your timely appeal of the decision to deny issuance of a Limousine License, as presented to you in the January 2, 2007 letter from the City Traffic Engineer.

Accordingly, I have set this matter for hearing on **Monday, January 8, 2007** in the City Council Chambers, City Hall, 400 Robert D. Ray Drive. A copy of the portion of the City Code pertaining to the appeal process is enclosed for your information. Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.

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

Sincerely,



Diane Rauh
City Clerk

DR:kh
Enc.

cc: Jeb Brewer - Engineering
K. Ramsay-Massier - Legal
S. Silver - Police
G. Fox - T & T



DIANE RAUH
CITY CLERK
CITY HALL-2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4209
FAX (515) 237-1645
www.dmgov.org

PARKING TICKETS
PET LICENSES
BUSINESS LICENSES

ALL-AMERICAN CITY
1949, 1976, 1981,
2003

Hotel Fort Des Moines
1000 Walnut Street
Des Moines, Iowa 50309



Phone: (515) 243-1161
Fax: (515) 243-4317
Reservations: (800) 532-1466

44

January 2, 2007

Des Moines City Council
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: Denial of Limousine Driver's License – Cory Watts

Dear Council Members:

I am writing to you on behalf of Mr. Watts who has been denied a City of Des Moines Limousine License.

The Hotel Fort Des Moines is aware of Mr. Watts' driving record in the past three years and are willing to employ him as the Hotel driver for the shuttle service we provide. We have also confirmed that our automobile insurance company has approved to cover him as our driver.

As Mr. Watts says: "I have had a clean driving record since 2003, with no suspension and only one speeding ticket in 2005. I have grown up in the past three years with the help of my wife - I am grateful that I found her. I have held steady jobs throughout my live and have become more responsible, wiser and a better driver – learning through my foolishness."

I am requesting that you consider this appeal and grant Mr. Watts a City of Des Moines Limousine License for 2007.

Thank you.

Sincerely,


Jeff Hunter
Hotel Fort Des Moines

DES MOINES, IOWA
CITY CLERK

2007 JAN -2 PM 4:00

FILED

Hotel Fort Des Moines
1000 Walnut Street
Des Moines, Iowa 50309



Phone: (515) 243-1161
Fax: (515) 243-4317
Reservations: (800) 532-1466

46

January 2, 2007

Des Moines City Council
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: Denial of Limousine Driver's License

Dear Council Members:

I am writing to appeal the decision of denial of a City of Des Moines Limousine License for 2007.

In 2003 I had two speeding tickets in the same speed trap. In turn, I had my license suspended. In 2005 I was again stopped for speeding. Since then I have had a clean driving record with no accidents or traffic violations.

I have had a clean driving record since 2003, with no suspension and only speeding ticket in 2005. I have grown up in the past three years with the help of my wife. I am grateful that I found her. I have held steady jobs throughout my life. I have become more responsible, wiser and a better driver – learning from my foolishness.

I am requesting that you consider this appeal and grant me a City of Des Moines Limousine License for 2007.

Thank you.

Sincerely,

Cory Watts

January 2, 2007

Cory E. Watts
1801 Pleasant Street, #5
Des Moines, IA 50314

RE: Limousine License

Dear Mr. Watts:

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

According to the Police Department records, the following activity has occurred in the past 5 years preceding this 2007 (new) application:

Driving Record:

- 12/18/2003 Suspension – Habitual Violator
- 12/29/2004 Suspension – Violation of Probation
- 02/11/2005 Suspension – Non-Payment of Iowa Fine
- 03/01/2005 Suspension – Failed to Re-file SR Insurance
- 05/03/2005 Suspension – Violation of Probation

This record does not meet the requirements for a good driving record as required by the City of Des Moines Municipal Code. Therefore, your application for a Limousine Driver's License is denied under Municipal Code Section 126-70.2 (a-3) (b-1, i, ii). A copy of this section of the code is enclosed for your information.

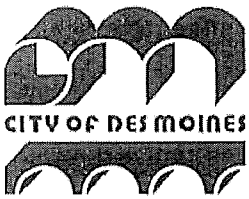
If you desire to appeal this matter, you may request a hearing before the Des Moines City Council by filing a written appeal with the City Clerk within ten (10) days of receiving this letter. If you do appeal this matter, your background information will be provided to the City Council and you must appear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

Sincerely,

Gary L. Fox
Gary L. Fox
City Traffic Engineer

GLF/jag
Enclosure

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



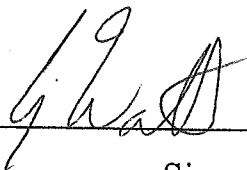
ENGINEERING DEPARTMENT
TRAFFIC & TRANSPORTATION
DIVISION--ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4973
FAX (515) 237-1640

ALL-AMERICA CITY
1949, 1976, 1981
2003

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

I request a hearing before the City Council to appeal the decision of the City Traffic Engineer to deny my ~~Taxicab~~^{70.2 LIMOUSINE} License application, as outlined in Section 126-~~218~~^{70.2} 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 CORY WATTS
Address 2201 56TH STREET
Phone (515) 205-4888
Date 1-2-07


Signature

- (2) A concise history of the applicant's employment for the past one year.
- (3) A concise statement of the history of his or her health for the past one year and any present impairments or disabilities.
- (4) A list of all convictions (convicted of, pled guilty to or stipulated to the facts) for criminal offenses, other than traffic offenses, during the past year. If the applicant has been convicted of, pled guilty to or stipulated to the facts of any criminal offense, the applicant will provide certified copies of any and all dispositions of the criminal offenses to the city police department.
- (5) A statement that the contents of the completed application are true.
- (6) The date the application is filed.
- (7) Further information as the traffic engineer may require.

(c) At the time an initial or renewal application is filed the applicant shall pay to the finance director the appropriate fee in the amount set in the schedule of fees adopted by the city council by resolution.

(O.13,720; C00, § 126-70.1; O.14,175)

Sec. 126-70.2. Qualifications for limousine driver's license.

(a) *Requirements.* Each applicant must meet the following requirements before a license may be issued:

- (1) Possess a current valid motor vehicle chauffeurs license, with the proper endorsement, issued by the state department of transportation.
- (2) Be a person of good moral character.
- (3) Have a good driving record.
- (4) Be at least 18 years of age.

(b) *Definitions.*

- (1) *Good driving record* means all of the following:

(i) The applicant has not, within the preceding five years been convicted of any moving traffic violation which resulted in automatic suspension or revocation of an operators or chauffeurs license under I.C. ch. 321, 321A or 321J.

(ii) The applicant's operators or chauffeurs license has not been suspended or revoked for any single moving traffic violation or combination of moving traffic violations within the preceding five years.

(iii) The applicant has not, within the preceding one year, been convicted of three or more moving traffic violations.

(iv) The applicant has not, within the preceding one year, been involved in more than one traffic accident in which applicant was at fault.

(2) *Person of good moral character* means any person who meets the following requirements:

(i) Has such good reputation as will satisfy the licensing authority that he or she will comply with this article and all other laws, ordinances and regulations applicable to the performance of his or her duties as a limousine driver.

(ii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving moral turpitude or sexual abuse within the preceding ten years.

(iii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense which is a simple misdemeanor, other than those listed in paragraph (2)(iv), below, within the preceding five years.

(iv) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving theft, assault, drugs, public exposure, harassment or fraud within the preceding ten years, whether the offense is a misdemeanor or a felony.

(v) Has not been convicted of, pled guilty to or stipulated to the facts of an offense which is a felony within the preceding ten years.

Sec. 126-70.3. Investigation of applicant; arrest and traffic record.

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the traffic engineer.

(O.13,720)

Sec. 126-70.4. Approval of application.

- (a) If the traffic engineer determines the applicant meets the requirements he or she shall issue a license.
- (b) If the traffic engineer determines the applicant does not meet the requirements, he or she shall deny the license. However, the traffic engineer may issue a license if any conviction resulting in suspension of an operator's license under I.C. ch. 321, 321A or 321J or any other suspension of an operator's or chauffeur's license did not involve driving behavior which is indicative of a disregard for public safety. Any license issued under this subsection shall be subject to a quarterly review to assure there have been no further convictions of traffic violations or criminal offenses entered against the applicant during such quarter.
- (c) Any applicant who is denied a license by the traffic engineer may request a hearing before the city council by filing a written appeal with the city clerk within ten days of the final action. Such appeal shall be heard by the city council within 25 days of the date the notice of appeal is filed with the city clerk. The sole issue before the city council on such appeal shall be whether the traffic engineer has abused his or her discretion in denying the license. No additional evidence may be presented in the appeal.

(O.13,720)

Sec. 126-70.5. Issuance.

Upon approval of an application for a limousine driver's license, the traffic engineer shall issue a license to the applicant in the form of a laminated card containing a current picture of the driver and the license number, or such other form and style as the traffic engineer shall prescribe. This license shall be constantly and conspicuously displayed on the outside of the driver's hat, coat or outer garment while he or she is on any airport property, and at all other times while on duty, the driver shall keep the license in his or her possession. Any

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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: 28 December 2006

From: Steven Silver
Traffic Communications Officer
Traffic Unit

Subject: Limousine License
Cory Watts

Currently the applicant has a valid Iowa Class "D" driver's license, which does meet the requirements to operate a limousine. A review of Mr. Watts's driving record revealed that with in five (5) years preceding this (New 2007) application the following activities occurred.

- 12/18/2003 Suspended Habitual Violator
- 12/29/2004 Suspended Violation of Probation
- 02/11/2005 Suspended Non-Payment of Iowa Fine
- 03/01/2005 Suspended Failed To Re-file SR Insurance
- 05/03/2005 Suspended Violation of Probation

This application is being denied under City of Des Moines ordinance 126-70.2 (a-3) (b-1, i, ii).


Steven Silver

Gary - for your review.

*Denied - driving record.
GF 12/29/06*

CITY OF DES MOINES, IOWA
Office of
TRAFFIC AND TRANSPORTATION

DSRE 46

TO: Officer Steve Silver
DMPD Traffic Unit

DATE: Dec 27, 2006

FROM: Gary L. Fox,
City Traffic Engineer

SUBJECT: Taxicab/Limousine
Drivers License
Records Check

NEW ✓ 2007
RENEWAL

Please run a record check, both criminal and driving on:

NAME Cory E. Watts
S.S. 478-92-1499
D.L. 546YY9960
B.D. 11-5-75
ADD 1801 Pleasant St. #5
DSM 50314

(RETURN BY MAIL COURIER)

Gary L. Fox,
City Traffic Engineer

GLF/jag

Attachment

ID ISSUED DATE

RECEIPT NO.

2006-38261 - Principiant Hotel

AMOUNT

\$ 40.00

DATE

12/27/06

CAB COMPANY

CAB OWNER



46

12-27-06
*NEW

CITY OF DES MOINES

APPLICATION FOR LICENSE TO DRIVE A TAXICAB/LIMOUSINE

Name WATTS CORV E
(Last) (First) (Middle)

Address 1801 PLEASANT ST. #5
DES MOINES IA 50314
(City, State & Zip Code) (Phone Number)

Date of Birth: 11-5-75 Driver's License No.: 546YY9960 Class: D Exp. Date: 11-5-2011

Weight: 260 Height: 6'1 Color of Hair: BROWN Color of Eyes: BROWN

Have you ever been licensed as a City of Des Moines Taxi/Limo Driver? Yes When? APRIL 98

Years of experience driving an automobile. 14 YRS Taxi/Limo: 8 YRS

Have you ever had your driver's license suspended/revoked? Yes If so, when? 2003?

Give reason(s) for suspension/revocation. MOVING VIOLATIONS - UNPAID

List all convictions for traffic violations for which your license was suspended/revoked during the last five (5) years.
(MUST FURNISH IDOT DRIVING RECORD REPORT)

List all convictions for criminal offenses other than traffic offenses during the last ten (10) years.
(MUST FURNISH "DCI" CRIMINAL RECORD REPORT)

EMPLOYMENT RECORD:

From	To	Employer's Name and Address	EDUCATION RECORD:	
APRIL 98	CURRENT	HOTEL FORT DES MOINES 1000 WALNUT	School	Circle Highest Grade Completed
APRIL 06	NOV 06	CDS-	Elementary	1 2 3 4 5 6 7 8
			High School	9 10 11 12
			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. NONE

List any current medications or medical conditions for the past five (5) years which might affect your ability to drive:
NONE

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

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

- 1. Name CHRIS CRENSHAW Phone No. (515) 480-6921
Address _____
- 2. Name JIM REILLY Phone No. (515) 360-821
Address _____
- 3. Name DENICE WOOD Phone No. (515) 961-8221
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.

12-27-06 (Date) [Signature] (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

12/28/06 (Date) [Signature] #4593 (Authorized Representative, Chief of Police)

Receipt Number: _____
 Date: _____
 Amount: _____
 Badge Number: _____
 Company: _____
 Owner: _____

Application for License REJECTED APPROVED

12/29/06 (Date) [Signature] (City Traffic Engineer)

MAIL BACK 46

STATE OF IOWA
NON-LAW ENFORCEMENT RECORD CHECK REQUEST
FORM A

ACCOUNT NUMBER 9883-F

TO: Iowa Division of Criminal
Investigation
Bureau of Identification
Wallace State Office Building
Des Moines, Iowa 50319
(515) 281-5138
(515) 242-6876 (fax)

FROM: Principiant Hotel Company LLC

1000 Walnut Street
Des Moines, Iowa
50309-3400

Phone # 515-362-5200

Fax # 515-362-5207

I am requesting an IOWA CRIMINAL HISTORY check on:

(Type or Print Legibly)

REQUEST 205-4888

WATTS CORY EUGENE
 Last Name First Name Middle Name
 (mandatory) (mandatory) (recommended)

11-105175 M 478-92-1499
 Date of Birth Sex Social Security Number
 (mandatory) (mandatory) (recommended)

V. Scaglione
 Signature of Requester

There is a separate Form "A" required for each last name submitted

(DCI Use Only)

RESULTS

As of 12-13-06, a Name and date of birth check revealed:

CCH record attached No CCH record found

DCI initials js

WAIVER

I hereby give permission for the above requesting official to conduct an Iowa criminal history record check with the Division of Criminal Investigation. Any information maintained by the DCI may be released as allowed by law.

G. Watts 11-13-06
 Signature Date

Last Updated 08/18/99

2006 DEC 11 PM 4:04
STATE OF IOWA
D.P.S.
DIV OF CRIMINAL
INVESTIGATION



Iowa Department of Transportation

Park Fair Mall, 100 Euclid Ave., P.O. Box 9204, Des Moines, IA 50306-9204, 515-244-8725 or 1-800-532-1121

www.driverinquiry.state.ia.us

OFFICE OF DRIVER SERVICES CERTIFIED COPY OF DRIVING RECORD

Inquiry Date: 12/27/2006
Customer ID: 42SW
D.L. Number: 546YY9960
Name: WATTS, CORY EUGENE
Address: 1801 PLEASANT ST APT 5
City/State: DES MOINES, IA 50314
Birthdate: 11/05/1975 **Sex:** M

LICENSE INFORMATION:
Class: D **NON-COMM**
Audit No: 2536842
Issue Date: 11/21/2006
Expiration Date: 11/05/2011
Non-Comm Status: VALID
Commercial Status:

RESTRICTIONS:
SR REQUIRED

ENDORSEMENTS:
PASS VEH < 16 PASSENGER

HISTORY INFORMATION:

Date1	Type	Date	JUR	ACD	Explanation
06/17/2003	CON	07/30/2003	IA		SPEED
08/11/2003	CON	09/30/2003	IA		SPEED
09/12/2003	CON	10/27/2003	IA		SPEED
10/04/2004	CON	11/07/2004	IA		NO DRIVERS LICENSE
01/24/2005	CON	03/10/2005	IA		SPEED
12/18/2003	SUS	03/17/2004	IA	W01	HABITUAL VIOLATOR
12/29/2004	SUS	03/29/2005	IA	D27	VIOLATION OF PROBATION
02/11/2005	SUS	03/21/2005	IA	D53	NON-PAYMENT OF IOWA FINE
03/01/2005	SUS	03/22/2005	IA		FAILED TO REFILE SR
05/03/2005	SUS	08/01/2005	IA	D27	VIOLATION OF PROBATION

In compliance with Iowa Code Section 321A.3, this document is a true and correct abstract of the operating record on file with the Department of Transportation as of the inquiry date.

IN COMPLIANCE WITH SECTION 321A.3, (IOWA CODE) IT IS HEREBY CERTIFIED THAT THIS IS A TRUE AND CORRECT ABSTRACT OF THE OPERATING RECORD ON FILE IN THE DEPARTMENT OF TRANSPORTATION, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID DEPARTMENT AT DES MOINES, IOWA, THIS DATE:

DEC 27 2006

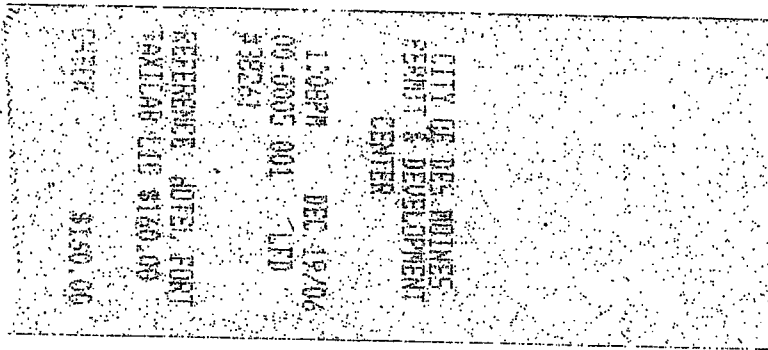
Cory L. Billinger
OFFICE OF DRIVER SERVICES

PRINCIPIANT HOTEL COMPANY LC

44 47314

Vendor ID	Name	Payment Number	Check Date	Document Number		
CITYDM	City of Des Moines	009768	12/19/2006	47314		
Invoice Number	Description	Date	Amount	Amount Paid	Discount	Net Amount Paid
2007 D RENEWAL	drivers renewals - 2007	12/19/2006	\$160.00	\$160.00	\$0.00	\$160.00

✓ Walter Riley Renewal \$30.00 12/29 App.
~~John Geiger Renewal \$30.00 not going to renew~~
 ✓ Cory Watts ~~Renewal~~ ^{NEW} \$30.00 + \$10.00
 ✓ Joseph Green 2006 Lic. \$40.00
 ✓ Joseph Green Renewal \$30.00
 \$160.00 \$160.00 \$0.00 \$160.00



38261