



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

September 24, 1981

Honorable Mayor and City Council
City Hall
Sacramento, CA 95814

Members in Session:

SUBJECT: Appeal of Willie Woods from the decision of the Chief of Police denying issuance of a Taxicab Permit

SUMMARY

Attached is the appeal of Willie Woods from the decision of the Chief of Police denying issuance of a permanent taxicab permit upon expiration of Mr. Woods' temporary permit, as required by Section 42.41, Sacramento City Code.

Under Sections 2.323 and 2.324 of the City Code, the Council may appoint a hearing examiner to hear the appeal if it finds that "the appeal may involve a lengthy factfinding process which would be more appropriately accommodated by a formal hearing before a hearing examiner."

FINANCIAL DATA

The estimated cost would be \$100.00 and would be available from the budget of the Police Department.

APPROVED
BY THE CITY COUNCIL

SEP 29 1981

OFFICE OF THE
CITY CLERK

*Rec'd.
Adopted*

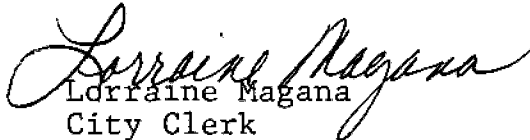
City Council
September 24, 1981
Page 2

RECOMMENDATIONS

1. If the Council should decide to appoint a hearing examiner, it is recommended that the following motion be adopted: "The Council hereby determines pursuant to Section 2.324, City Code, that this appeal will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner. Therefore, the Council appoints Hermann E. Lorenz Jr., as hearing examiner to hear the appeal on Thursday, October 22, 1981, at the hour of 9:00 a.m., in the Council Chamber, Second Floor, 915 "I" Street, Sacramento, California.

2. If the Council should decide to consider the appeal itself, it is recommended that the hearing be set for October 20, 1981.

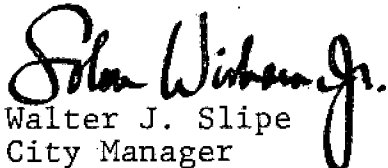
Respectfully submitted,


Lorraine Magana
City Clerk

MM/LM/rmm
Attachment

cc: Chief of Police
Hermann E. Lorenz
Willie Woods

RECOMMENDATION APPROVED:


For: Walter J. Slipe
City Manager

September 29, 1981
All Districts

NOTICE OF APPEAL

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

SEP 23 12 51 PM '81

DATE: 9-23-81

Pursuant to Section 2.320, City Code, I wish to appeal the decision 42351A

made on 9-19-81

regarding golfcart driver - denial of permanent permit
upon expiration of temporary permit.

as required by Sec 42.21, City Code.

My reason for appealing is as follows: I do not feel the decision
made was fair

PLEASE PRINT:

NAME: WILLIE WOODS

ADDRESS: 9275 CANON AVE

CITY: SOE STATE: Calif ZIP CODE: 95823

TELEPHONE NUMBER: 4270868

Willie Woods
SIGNATURE



CITY OF SACRAMENTO

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
SEP 23 12 52 PM '81

DEPARTMENT OF POLICE
HALL OF JUSTICE
813 - 8TH STREET
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5121

JOHN P. KEARNS
CHIEF OF POLICE

September 21, 1981

Ref: 9-28

Willie Woods
8275 Carlin Avenue
Sacramento, California 95823

Dear Mr. Woods:

Upon the expiration of your temporary Taxicab Driver's Permit, on September 19, 1981, you applied for a permanent permit which was denied as per 42.35A of the Sacramento City Code.

You have a right of appeal to the City Council for a hearing within 10 days. The decision of the Council will be final. If no appeal is made within 10 days, the denial will be final.

Very truly yours,

Frank B. Silva, Lieutenant
Commander, Traffic Section
Special Enforcement Division
Office of Operations

FBS:NN:njg

cc: Yellow Cab Company



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

September 30, 1981

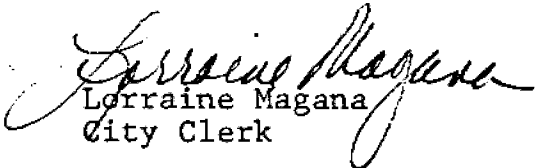
Willie Woods
8275 Carlin Avenue
Sacramento, CA 95823

Dear Mr. Woods:

On September 29, 1981, the Sacramento City Council determined that pursuant to Section 2.324, Sacramento City Code, your appeal of the Chief of Police decision denying you a taxicab permit, will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner.

Therefore, the Council appointed Hermann E. Lorenz Jr. as Hearing Examiner to hear your appeal on Thursday, October 22, 1981, at the hour of 9:00 a.m., in the Council Chamber, second floor, City Hall, 915 "I" Street, Sacramento.

Sincerely,


Lorraine Magana
City Clerk

MM/LM/tmm

cc: Chief of Police
Hermann E. Lorenz

REC'D OCT 1 1981

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BEFORE THE CITY COUNCIL

CITY OF SACRAMENTO, STATE OF CALIFORNIA

IN RE APPEAL OF

AGENDA September 29, 1981

WILLIE WOODS

ITEM NO.

FINDINGS OF FACT AND ORDER

The above entitled matter came on regularly for hearing on Thursday, October 22, 1981 at 9:00 a.m. before HERMANN E. LORENZ, JR., duly appointed Hearing Examiner.

Appellant appeared in person and by and through his attorney, DAVID W. McMURTRY. Lt. FRANK B. SILVA appeared for the Sacramento Police Department and the City of Sacramento.

Oral testimony and written evidence and documents were introduced by both parties and after further argument by both parties, the record was kept open for five days for filing of written arguments. The City of Sacramento filed a written document dated October 22, 1981 and the appellant filed a written argument on October 26, 1981. Thereafter the hearing was closed and the matter was submitted.

FINDINGS OF FACT

The Hearing Examiner having heard the evidence makes the following findings:

1. That pursuant to City Ordinance, that on or about June 12, 1981, appellant filed an Application For Taxi Cab Driver's Permit and disclosing all pertinent information including felony convictions. The appellant was issued a temporary taxi cab driver's permit.

2. Because of a change of employment, applicant on June 19, 1981 again filed for a taxi cab driver's permit, indicating

1 he has to be employed by Yellow Cab Company and further disclosing
2 all prior felony convictions. Appellant was issued a temporary
3 taxi cab driver's permit for ninety days that expired on
4 September 19, 1981.

5 3. That on September 21, 1981, the Sacramento City
6 Police Department advised appellant in writing that the Applica-
7 tion For a permanent Taxi Cab Driver's Permit was denied "as per
8 42.35(a) of the Sacramento City Code."

9 4. That appellant timely filed an Appeal to the City
10 Council of the decision of the Sacramento Police Department,
11 under the appropriate provisions of the City Code.

12 5. That at a regular meeting of the Sacramento City
13 Council, on September 29, 1981, the City Council appointed
14 HERMANN E. LORENZ, JR. Hearing Examiner and directed a hearing to
15 be held on October 22, 1981 at 9:00 a.m.

16 6. That appellant pursuant to Section 42.29 etc. of
17 the City Code, on June 12, 1981 and June 1981, applied for a
18 taxi cab driver's permit, and a temporary ninety (90) day
19 permit was duly issued by the Sacramento City Police Department.
20 That appellant properly and truthfully answered all questions on
21 said Applications, including his arrest, conviction, and sentence
22 to State Prison on July 20, 1966 for violation of Section 11,501
23 of the Health and Safety Code. Appellant was paroled on
24 September 8, 1970. On July 19, 1974 appellant was arrested by the
25 Sacramento Police Department for violations of Section 11,352, sale
26 of heroine and other charges and on September 26, 1974 was sent to
27 State Prison for violation of §11,352 of the Health and Safety
28 Code. Appellant Woods was released from prison in 1978 and has not

1 been charged or convicted of any violation of law.

2 7. That appellant is married and has been employed
3 since his release from prison as a bartender and has worked
4 temporarily as a taxi cab driver under permit.

5 8. The Sacramento Police Department in denying the
6 application made no specific written findings for the reason of
7 the denial "as per 42.35(a) of the Sacramento City Code."
8 LT. SILVA testified it was the finding and policy of the
9 Sacramento Police Department that the criminal offenses appellant
10 was convicted of to wit the sale of drugs is substantially related
11 to the qualifications, functions, and duties of a taxi cab driver.
12 Taxi cabs operate in an environment which render it mobile within
13 the community, enables a taxi cab driver to drive and park in
14 areas without arising suspicion. A taxi cab can operate in an
15 environment wherein legal and illegal activity could be carried
16 on particularly the transportation of and sale of contraband and
17 illegal drugs. There is an acceptability by the public that a
18 taxi cab driver is knowledgeable about legal and illegal activities
19 within the community. The crime of which appellant was convicted,
20 to wit the sale of narcotics is substantially related to the
21 qualifications, functions and duties of a taxi cab driver in that
22 the taxi driver's duties and environment as above specified
23 could be conducive to illegal activity to wit the sale and
24 transportation of narcotics.

25 9. City Code Section 42.36 provides as follows:

26 Section 42.36.

27 "Denial; Revocation; Suspension.

28 (a) Driver's permits required by this
Chapter may be denied by the chief of police
upon original application upon the following
grounds:

1 " (1) Applicant has been convicted of a
2 crime, and the time for appeal has elapsed, or
3 when an order granting probation is made sus-
4 pending the imposition of sentence, irrespective
5 of the entry of a subsequent order under Penal
6 Code Section 1203.4. Provided, however, that
7 the permit shall be denied upon this ground
8 only if the crime is substantially related to
9 the qualifications, functions, or duties of a
10 taxicab driver.

11 " (2) The applicant has done any act involving
12 dishonesty, fraud or deceit with the intent to
13 substantially benefit himself, or another, or
14 injure another. Provided, however, that the
15 permit shall be denied upon this ground only
16 if the act is substantially related to the quali-
17 fications, functions, or duties of a taxicab
18 driver...."

19 10. That the Sacramento City Police Department did
20 not make a written finding in the denial of applicant's request
21 for taxi cab driver's permit, on September 21, 1981, but the
22 City Police Department did testify that said finding was made
23 internally within the Department at the time the license was
24 denied and testified of such finding at hearing. To refer this
25 case to the City Police Department for a written finding, would
26 be a useless act.

27 11. That the Sacramento City Police Department acted in
28 a reasonable manner, and did not abuse its discretion in denying
applicant's permit.

CONCLUSION OF LAW

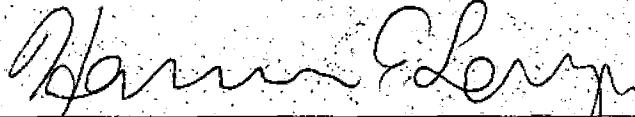
Based on the foregoing findings, and the provisions of
City Code Section 4236, (1). Applicant's request for a taxi cab
driver's permit should be denied and therefore said appeal be
and is hereby denied.

ORDER

Based on the foregoing findings of fact and conclusions

1 of law, the appeal be and is hereby denied, and the action of
2 the Sacramento City Police Department is hereby ratified,
3 approved and confirmed.

4 DATED: November 13, 1981

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7 HERMANN E. LORENZ, JR.
8 Hearing Examiner
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