



MEMORANDUM

TO: Mayor and City Councilors

FROM: Rich Olson, City Manager
Eddie M. Buffaloe, Jr., Chief of Police

DATE: January 7, 2013

SUBJECT: Consideration - Rejection of Mr. Daryl Keith Wood's Application to Drive Taxicab

BACKGROUND:

On December 27, 2012, a letter from the Office of Taxicab Inspector was sent to Mr. Daryl Keith Wood advising him that his application to drive a taxicab in the City of Elizabeth City had been rejected by the Elizabeth City Police Department. Pursuant to the City's Code of Ordinances, Article I (General), Article II (Taxicabs), Section 86-38 (Issuance or denial by inspector and term), failure to meet conditions of the ordinance are grounds for denial of a taxicab permit. Section 86-38 states, "*The taxicab inspector shall be given the authority to issue a permit to the applicant wishing to obtain a permit. If, upon checking the criminal and driving history of the applicant, the inspector finds that the applicant for a permit has not been convicted of a felony, misdemeanors carrying a penalty of at least two years; has not before been convicted of an offense involving drugs, drug paraphernalia, is of good moral character, good physical condition, of sound mind, without infirmities which might render him unfit for the safe operation of a taxicab, that the applicant is not a habitual user of intoxicating liquors or narcotic drugs, and has not been a habitual violator of the traffic laws, the inspector shall issue to the applicant a permit to drive a taxicab within the city. Persons failing to meet the conditions of Sec. 86-38(a) may still be issued a permit upon recommendation of the taxicab inspector and approval of the chief of police after a liability risk review by the city attorney. Failure to meet the conditions of (a) are grounds to deny a permit. Any person denied the permit has the right to appeal to the city council through the use of the form provided by the police department.*"

ANALYSIS:

Upon completing a background check on Mr. Daryl Keith Wood, it was determined that Mr. Wood had been convicted of the following felony charge:

Obtaining Property by False Pretense (NCGS 14-100) – charged on 08/25/2004 and convicted on 08/01/2005 in Pasquotank County.

Because the above listed conviction is a felony, it automatically disqualifies Mr. Wood's application to drive a taxicab for the City of Elizabeth City. Therefore, Mr. Wood's taxicab application was rejected by the Elizabeth City Police Department's Office of Taxicab Inspector. Mr. Wood has exercised his due process rights on January 7, 2013 by stating his wish to appeal the decision of the Taxicab Inspector.

STAFF RECOMMENDATION:

By motion, uphold the Taxicab Inspector's decision to deny Mr. Daryl Keith Wood's application to drive a taxicab pursuant to Section 86-38 of the City Ordinance.

Date December 19, 2012

NEW
APPLICATION FOR PERMIT TO DRIVE A TAXICAB

To the approving entity of the Elizabeth City Police Department:

Full Name Daryl Keith Wood Date of Birth [REDACTED]

Address 1315 A Lincoln Street Driver License No. [REDACTED]

Resided at present address 2 years; 0 month; Phone No. [REDACTED]

Previous address 812 B Roanoke Avenue Elizabeth City, NC 27909

Age 51 Weight 320 Race AA Sex MX F Hair Color Black

Do you have any physical impairment that affects your ability to drive a taxicab? No If so, what are they?

Are you a citizen of the United States? Yes

Have you ever been convicted of a crime or charged with a motor vehicle violation? If so, write in the following space complete information as to the date, place, charge and verdict.
I, Daryl K. Wood have been charged with two (2) DUI (Driving Under Influence) violations. I was found guilty on both charges in the early 90's. I don't have exact dates as requested.

Have you ever been refused a permit to drive a taxicab? No If so, when and where?

Are you currently employed? No Employer's Name Not Applicable
If not, list your previous employer. George Raper & Sons 252-338-8489
404 Interpath Parkway Elizabeth City, NC 27909

List the name of the owner and taxicab business you are to drive for. Donald Smith
(Moore's Taxi)

I HEREBY CERTIFY THAT THE FACTS SET FORTH IN THE ABOVE TAXICAB APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE. YOU ARE HEREBY AUTHORIZED TO MAKE ANY INVESTIGATION OF MY PERSONAL HISTORY AS IT PERTAINS TO THIS APPLICATION.

Daryl K. Wood
Applicant's Signature

Sworn and subscribed before me this
13th day of December, 2012

Carol Bouchett
Notary Signature

Approved
Rejected Carol Bouchett

My Commission Expires: Nov. 12, 2017

690 PASQUOTANK
DISPOSED
INDICTMENT
WOOD, DARYL, KEITH
812 ROANOKE AVE.

ICA INQUIRY 51 05CRS050226 FILM: 0701500069
R S DOB/AGE CRS FILING DATE: 031805
B M [REDACTED] DL#: [REDACTED] NC
CIT#: TRIAL DATE: 031907

ELIZABETH CITY NC 27909 DEF ATTY: CREDLE, DAVID
CHG/ARRN OFFN: F OBTAIN PROPERTY FALSE PRETENSE TYP: P VRA:
COMPLAINANT: MORGAN, B, J 14-100
OFFN DATE: 082504 ARRN DATE: 012207 CPD ISSUED: 020405 SERVED: 020905
CONT. D: 01 S: 00 C: 00 NR: 00 MOTIONS DATE: DISP DATE: 080105
RSONCO: GANG REL: DV CV: N

PLEA VER MOD	FINE	COSTS	WCC	REST	JUDGE	PAID	TO-BE-PAID
GU GU JU	\$ 00200.00	\$ 233.00	\$	1386.45	JRP	R	
CONV OFFN: F OBTAIN PROPERTY FALSE PRETENSE					14-100		
SENT LEN: 008 M - 010 M	SENT TYPE: I				CONS F/JGMT:		
PROB: 024 M	SUPERVISED	WITHDRAWN:			APPEALED TO SUPERIOR:		
AREA CD: ACCD: HWY:		V LIC:			TRANS TO SUPERIOR: 030305		
CDL: N CMV: N HAZ: N	TRP/DIST:	V ST:			V TYP:	APPELLATE:	

ARREST DATE: 020905 CHECK DIGIT: EJ6341J SID: NC0382449A LID: DWBM8240K-690
NEXT#: PF2 - NAME INQUIRY ADDL CHARGES: Y

TYPE OR PRINT IN BLACK INK.

STATE OF NORTH CAROLINA

PASQUOTANK County

In The General Court Of Justice
Before The Clerk

IN THE MATTER OF:

Name(s) By Which Individual To Be Searched May Be Known

WOOD, DARYL, KEITH

CRIMINAL RECORD SEARCH

G.S. 7A-109, -308(a)(17), -343(3)

For DMV Hearing

REQUEST FOR CERTIFIED CRIMINAL RECORD SEARCH

I request that the Clerk of Superior Court conduct a search of the official records of the criminal cases in the courts of the county named above and certify the results of that search for the name(s) listed above. In making this request I understand and acknowledge that:

1. THE CLERK WILL SEARCH THE COURT RECORDS FOR ONLY THE COUNTY NAMED ABOVE. THIS IS NOT A STATEWIDE RECORD SEARCH.
2. Court records are indexed by name only and not by any other identifying characteristics.
3. The name(s) listed above are all the names by which, to my knowledge, the individual for whom I am requesting this search may be known.
4. The Clerk will search for records under all those names, but only for records under those names.
5. The fact that no criminal record is found under any of those names does not mean that the individual does not have a record in this county; the individual may have a record under another name.
6. The fact that a criminal record is found under one or more of those names does not mean that the record is a record for the individual for whom I am requesting this search; the record may be that of another individual with the same or a similar name.
7. I am solely responsible for any interpretation and use I make of the results of this search and I understand the Clerk is not responsible for my interpretation or use of the results.

Name And Address Of Requestor (Including City, State And Zip Code)

DARYL KEITH WOOD
812 B ROANOKE AVENUE
ELIZABETH CITY, NC 27909

Signature Of Requestor

Daryl K. Wood

CERTIFICATION

This is to certify that I have searched the indices to criminal actions in this office from _____ 02/22/1977 to the present and

- I have found that no record was indexed by the name(s) given above.
- I have found the following excerpt(s) from the public records indexed by the name(s) given above as appears in the attached _____ 25 _____ page(s).
- This search is limited as follows: _____

Some automated system information code definitions are included on the back of this form to help you understand the record(s) that may be attached to this form.

Not Valid Without The
Clerk Of Superior Court's Raised Seal
On Each Page

Date Of Search

12/12/12

Signature

Coral S. Blake

Deputy GSC Assistant CSC Clerk Of Superior Court

NOTE: "Any person who without lawful authority intentionally ... alters or changes any ... official case record is guilty of a Class H felony." G.S. 14-221.2.