



*San José Police Department*

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January 24, 2024

Hon. Commission Members  
San Jose Appeals Hearing Board  
City of San Jose  
200 E. Santa Clara Street  
San Jose, CA 95113

Re: Appeal of Denial of Victorio Mendoza Taxi Driver Permit  
Agenda Item: 6b  
Hearing Date: February 8, 2024  
Location: San Jose City Hall, Council Chambers  
200 E. Santa Clara Street

Hon. Commission Members:

Mr. Victorio Mendoza appeals from the City of San Jose Police Department's intended decision to deny his application for a Taxi Driver Permit, pursuant to San Jose Municipal Code (SJMC) Section 6.64.500 M. This Board should uphold the denial.

## **I. INTRODUCTION AND STATEMENT OF THE FACTS.**

On September 28, 2023, Mr. Mendoza submitted an application for a Taxi Driver Permit renewal to drive for IQ Business Connection also known as Yellow/Checker Cab. In his application, Mr. Mendoza in the area of "Have you ever been convicted of any crime?" Mr. Mendoza selected "yes" and specified the assault in Menlo Park on 12/1/2021. His LiveScan results is as follows.  
12/4/2021 – 422 (A) PC- Threaten Crime with Intent to Terrorize  
12/4/2021 – 245 (A) (1) PC – Assault with deadly weapon  
After reviewing Mr. Mendoza's fingerprint results, San Jose Police Permits Unit notified Mr. Mendoza with intent to deny his Taxi Driver Permit Renewal application. A copy of the Notice is shown as **Exhibit A**.

## **II. CONDUCT OF THE HEARING.**

The Rules of the Appeals Hearing Board provide that this is an informal hearing and the technical rules of evidence do not apply. The parties may present witnesses and documents. The standard of proof is a preponderance of the evidence standard pursuant to the Rules of the Appeals Hearing Board.

The Department provides the documents attached to this letter in support of the denial. In addition, testimony will be provided at the hearing.

**III. THE APPEALS HEARING BOARD SHOULD UPHOLD THE DENIAL OF THE PERMIT.**

The Department requests that this Board find that Mr. Mendoza's taxi driver permit be denied per SJMC 6.64.500

Grounds for Denial. The Chief of Police, of the board on appeal may deny an application for a taxicab driver's permit filed by any person:

*M. Who, within five years prior to the date of application, has done any act involving violence, dishonesty or fraud with the intent to substantially injure another, or substantially benefit the applicant or another; which reflects his actions on 12/4/2021 while rendering services as a taxi driver.*

Threaten Crime with Intent to Terrorize and Assault with a Deadly weapon, are acts that are directly related with the duties, qualifications, and functions of a taxi driver in the City of San Jose. In fact, this arrest happened while Mr. Mendoza was performing work as a taxi driver in another jurisdiction. The Police Department reviewed the police report taken in connection with the incident on 12/4/2022, and is concerned about the severity of the event and that such acts of violence while acting as a taxi driver is a public safety issue for residents in the City of San Jose. For these reasons, the Department requests that this Board find that Mr. Mendoza's taxi driver permit be denied.

**IV. CONCLUSION.**

The San Jose Police Department respectfully requests that the Appeals Hearing Board uphold the denial of the Taxi Driver Permit under San Jose Municipal Code Section 6.64.500.M.

Respectfully submitted,

Kamira Dunphy #1475N  
Permits Unit

# **EXHIBIT A**



## CITY OF SAN JOSÉ, CALIFORNIA

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201 W. MISSION STREET  
P.O. BOX 270  
SAN JOSE, CALIFORNIA 95103-0270

POLICE DEPARTMENT  
Permits Unit

November 17, 2023

Victorio Mendoza

\*\*\*\*\* NOTICE OF ACTION \*\*\*\*\*

The purpose of this Notice of Action (“Notice”) is to advise you of the intended denial of your Taxi Driver Permit for the City of San Jose. Please carefully review this document as it contains important information.

**Action to be taken: Denial of Taxi Driver Permit**

**Type of permit/license: Taxi Driver Permit**

### **FACTUAL BACKGROUND**

On September 28, 2023 you applied for a Taxi Driver Permit to work at Yellow Checker Cab Company also known as IQ Business Connection. You turned in all applications, fees and supplemental documents required. As part of a background investigation a livescan was performed. Your fingerprints were submitted to the California Department of Justice in an attempt to determine if you had a criminal history in the State of California. The livescan results revealed the following:

On December 4, 2021 you were arrested for a violation of 422(A) PC, Threaten Crime with Intent to Terrorize and 245(A)(1) (PC), Assault with a Deadly Weapon.

**RELEVANT LAW**

San Jose Municipal Code ("SJMC") provides as follows:

**6.64.500 Grounds for Denial of Taxicab Driver's Permit**

The chief of police, or the board on appeal, may deny an application for a taxicab driver's permit filed by any person:

...

**M. Who, within five years prior to the date of application, has done any act involving violence, dishonesty or fraud with the intent to substantially injure another, or substantially benefit the applicant or another;**

...

**REASON FOR THE ACTION**

Threaten Crime with Intent to Terrorize and Assault with a Deadly weapon, is directly related with the duties, qualifications and functions of a taxi driver in the City of San Jose. In fact, this arrest happened while you were performing work as a taxi driver in another jurisdiction. The Police Department is concerned that such acts of violence while acting as a taxi driver is a public safety issue. For these reasons, the Police Department denies your permit application.

**APPEAL PROCESS**

If you disagree with this denial, you may request a hearing before **the San Jose Appeals Hearing Board** by filing a written request for appeal with the Chief of Police as follows:

Chief of Police Anthony Mata  
201 West Mission Street  
San Jose, CA 95110  
Attn: Kamira Dunphy #1475N

Please also provide a copy of the written request for hearing to Senior Deputy City Attorney Terra Chaffee, Office of the City Attorney, 200 E. Santa Clara Street, 16<sup>th</sup> Floor, San José, CA 95113.

**If a written request for hearing is not received by the Chief of Police within ten (10) calendar days of the date this Notice was served upon you, as reflected in the enclosed Proof of Service, the denial shall become final.**

Upon receiving a timely written request for hearing, the Chief of Police shall, subject to the rules of the San Jose Appeals Hearing Board, set a date for a hearing which shall be held not less than ten (10) days nor more than sixty (60) days after the date such request for hearing was received by the Chief of Police.

You will receive written notice informing you of the date, time, and place of the hearing. You have the right to present evidence and testimony on your behalf and to be represented by an attorney at the hearing.

Anthony Mata  
Chief of Police

By:   
Kamira Dunphy #1475N  
Staff Specialist, Permits Unit

Encl: Proof of Service

DOJ fingerprint returns



1 **PROOF OF SERVICE**

2 CASE NAME: **Re: Denial of Taxi Driver's Permit**

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4 CASE NO.: N/A

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6 I, the undersigned declare as follows: I am a citizen of the United States, over 18 years  
7 of age, a resident of the Santa Clara County, and not a party to the within action. My business  
8 address is 201 West Mission Street, San Jose, CA 95110, and is located in the county  
9 where the service described below occurred.

10 On **November 17, 2023** I caused to be served the within:

11 **Notice of Action: Denial of Taxicab Driver's Permit**

12  by MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with  
13 postage fully prepaid, and causing the envelope to be deposited for collection and mailing  
14 on the date indicated above.


15 I further declare that I am readily familiar with the business' practice for collection and  
16 processing of correspondence for mailing with the United States Postal Service. Said  
17 correspondence would be deposited with the United States Postal Service that same day  
18 in the ordinary course of business.

19  by causing to be personally delivered a true copy thereof to the person at the address set  
20 forth below.

21  by FAX (Telecopier) - as follows: I personally sent to the addressee's telecopier number  
22 a true copy of the above-described document(s). I verified transmission and thereafter, I  
23 placed a true copy in a sealed envelope addressed and mailed as indicated below.

24 **Victorio Mendoza**

25 I declare under penalty of perjury under the laws of the State of California that the  
26 foregoing is true and correct. Executed on **November 17, 2023** at San Jose, California.

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28 Bon Quindiagan #1097N  
Permits Specialist, Permits Unit  
San Jose Police Department

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**PROOF OF SERVICE**

CASE NAME: Re: Denial of Taxi Driver's Permit

I, the undersigned declare as follows:

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is **201 W. Mission St**, San Jose, California 95110, and is located in the county where the service described below occurred.

On January 24, 2024, I caused to be served the within:

**Notice of Hearing**

by MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated above.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

by PERSONAL DELIVERY, with a copy of this declaration, by causing to be personally delivered a true copy thereof to the person at the address set forth below.

by FACSIMILE TRANSMISSION, with a copy of this declaration, to a facsimile machine at the facsimile machine telephone number listed below.

The above-described transmission was reported as complete without error by a transmission report issued by the facsimile machine immediately following the transmission.

by ELECTRONIC TRANSMISSION, with a copy of this declaration, to an electronic address listed below.

I further declare that the electronic transmission was sent on Date (Month/Day/Year), at Time (i.e., 10:30) a.m. or p.m., and that the City of San Jose, City Attorney's electronic address is CAO.Main@sanjoseca.gov.

The above-described transmission was reported as sent by a transmission report available for printing from the computer.

by EXPRESS MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated above.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

by OVERNIGHT DELIVERY, with a copy of this declaration, by depositing them into a sealed envelope/package, with delivery fees fully prepaid/provided for, and



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causing the envelope/package to be deposited for collection  
causing the envelope/package to be delivered to an authorized courier  
or driver to receive the envelope/package

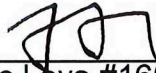
designated by the express service carrier for next day delivery.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for overnight delivery by an express courier service. Such correspondence would be deposited with the express service or delivered to the authorized express service courier/driver to receive an envelope/package for the express service that same day in the ordinary course of business.

Addressed as follows:

**Victor Mendoza**  
**286 Silverlake Drive**  
**Sunnyvale, CA 94089**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **January 24, 2024**, at San Jose, California.



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Josue Loya #1603N  
Office Specialist, Permits Unit  
San Jose Police Department