



City of Santa Barbara
Police Department

Memorandum

DATE: 5/23/2022
TO: Fire and Police Commission
FROM: Lori Pedersen, Business Manager
SUBJECT: Taxi Driver Permit – Roined Vargas

Roined Vargas is seeking to renew his taxi drivers permit for the City of Santa Barbara.

Per Santa Barbara Municipal Code §5.29, applicants must submit a taxi driver permit application with the required supporting documentation.

On 4/20/22, Mr. Vargas delivered his application with a sealed drug test screening from the CADA clinic. The drug test screening was dated on 4/12/22 and tested positive in the Uranalysis for amphetamines. Per Santa Barbara Municipal Code §5.29.185 H. Proof of Compliance with Federal and State controlled substance and alcohol testing requirements, including proof that the driver has tested negative for controlled substances and for alcohol, applicants must provide negative drug test screenings. Mr. Vargas' application was denied on 4/25/22.

Mr. Vargas stated to the Police Technician he had taken unknown medication from Mexico for his sinus infection that could have affected his test results. He did not recall the name at the time but has since stated it is called Ciprofloxacina per his appeal letter.

Mr. Vargas has been a taxi driver since 2003 and has never been denied for submitting positive drug results until now. He has been in good standing for the past 10 years and has followed all the Municipal Code requirements when renewing his taxi driver permit. He is also the current owner of Roy's Cab and is in good standing as a business owner.

RECOMMENDATION:

The Santa Barbara Police Department recommends denying Mr. Vargas' permit in compliance with Santa Barbara Municipal Code §5.29.185 H., due to the type of controlled substance detected and the inability to confirm if the stated medication did affect the drug screening or if Mr. Vargas is consuming any other medications or substances that could be testing positive for amphetamines.



City of Santa Barbara

Police Department

www.sbpd.com

April 25, 2022

Roined Vargas

Re: Application for Taxicab Driver's Permit- **Denied**

Chief's Office

805 897 2395

General Information

805 897 2300

Administrative Services

805 897 3717

Animal Control

805 963 1513

Business Office

805 897 2400

Dispatch

805 897 2410

Investigative Division

805 897 2335

Parking

805 897 2360

Patrol

805 897 2392

Records

805 897 2355

215 E. Figueroa St

Santa Barbara, CA

93101

PO Box 539

Santa Barbara, CA

93102

Pursuant to Santa Barbara Municipal Code Section 5.29.190, **your application has been denied under section 5.29.185 H. Proof of Compliance with Federal and State controlled substance and alcohol testing requirements, including proof that the driver has tested negative for controlled substances and for alcohol.**

You have the right to appeal this denial, according to Santa Barbara Municipal Code Section 5.29.250. Appeals must be submitted in writing to the City Clerk, 735 Anacapa St., during regular office hours, no later than 15 days from the date of this letter. **There is a \$100 filing fee for appeals.**

5.29.250 Appeal Procedure

A. Appeals to the Board of Fire and Police Commissioners.

1. Any decision of the Chief of Police denying a permit, or denying an amendment to a permit, or imposing a suspension or revocation of any owner's or driver's permit shall not become final until 15 days after the date of transmittal of the written notice to the person affected by such decision, during which period the party to the action may appeal the decision in the manner provided herein at any time prior to the expiration date of the 15 day period. If no appeal is taken before the expiration of the 15 day period, the decision of the Chief of Police shall be final.
2. The appeal of any decision shall be in writing signed by the party to the action briefly setting forth the reasons why such decision is not proper, stating an address at which the appellant will receive notices, and filed with the Clerk of the City.
3. Upon filing an appeal, the party to the action shall be entitled to a hearing by the Board of Fire and Police Commissioners at the next regular meeting.
4. The appellant or appellant's representative shall have the right to present his or her case in person.
5. The Board of Fire and Police Commissioners shall consider the case record as well as any statements offered by interested parties. The hearing will be conducted according to administrative rules relating to evidence and witnesses as adopted by the Commission.
6. If the Board of Fire and Police Commissioners refuses to issue, amend or restore a license or an owner's permit, the party to the action or such party's agent shall not file a new application within 365 days from the date of final action by the Board of Fire and Police Commissioners.
7. If the Board of Fire and Police Commissioners suspends an owner's permit or a license, the Chief of Police shall determine a period of suspension of not more than 30 days, which is in accordance with the schedule of penalties developed by the Chief of Police.
8. If the Board of Fire and Police Commissioners' action is to grant or restore a certificate or a license, the Commission shall direct the Chief of Police to issue or restore the certificate or license.

Sincerely,

Bernard Melekian
Interim Chief of Police

Kenneth Kushner
Commander, Strategic Operations