Mr. Levy called the meeting to order at 1:00 pm. The Board received as Exhibit 1 the contents of the City's file on each case.

**CASES:**

1. 20-06-041
   Kyle Haase
   E & A Consulting Group, Inc.
   10909 Mill Valley Road, Suite 100
   Omaha, NE 68154
   **REQUEST:** Appeal of Public Works Department denial of a site plan dated June 5, 2020. (Re: 157th & Kansas Avenues)

At the Administrative Board of Appeals meeting held on June 22, 2020, Kyle Haase appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas explained that the site was a single-family type of project with multiple family units that was consolidated onto two lots. He noted that if the lots were separate they would have complied with the driveway regulations. He stated that Public Works did not have any issues with the waiver request since they more or less complied with the single-family driveway regulations.

Mr. Haase explained the plans for the site.

Mr. Levy confirmed that the applicant was requesting a driveway for each of the attached, residential units.

Mr. Bucher moved to GRANT the appeal. Mr. Kuehl seconded the motion.

**AYES:** Kuehl, Bucher, Bessmer, Kruse, Levy

**MOTION CARRIED:** 5-0.
At the Administrative Board of Appeals meeting held on June 22, 2020, George Burtin III appeared before the board. Sgt. Angie Deihm appeared on behalf of the Omaha Police Department.

Sgt. Diehm explained that the applicant’s firearm registration was revoked due to protection orders that were filed against him. Mr. Levy recalled that the case had been laid over to give the applicant the opportunity to take care of the protection order.

Mr. Burtin stated that he was served the protection order on March 4, 2020. He indicated that there was no Request for a Hearing form in the packet he received. He stated that on May 21, 2020 he filed a protection order for his children; on May 25th he filed a second motion so that he could appear in court to protest the protection order against him; on May 28th he was arrested because of a dispute with his neighbor, but other neighbors explained the situation and the charges were dropped. He went to court on June 8th to present his case for the protection order he initiated for his children but was not successful; on June 12th he filed another motion for reconsideration but received a letter from the court on June 15th stating that time for him to file had expired. He indicated that the statements made in the protection order against him had never been proven. Mr. Burtin added that he had in his possession reference letters from his neighbors that supported his innocence in the situation regarding his neighbor.

There was some discussion about the protection order that was issued against Mr. Burtin. The protections order was in effect until February 2021. Mr. Bucher stated that he did not believe that he was in a position to question or challenge the decision of a court.

In response to Mr. Levy, Mr. Burtin stated that his sister was currently in possession of his handgun.

Mr. Himes (City Attorney) explained to Mr. Burtin that if the board decided to deny the appeal he had the option of retaining an attorney and appealing the decision to the district court. In response to Mr. Bessmer, Mr. Burtin stated that he was not financially able to take his case to district court.

After some discussion, Mr. Levy stated that he was considering laying the case over for 8 months and letting the gun remain in the possession of Mr. Burtin’s sister so that he would not have to deal with having his registration revoked and then re-registering his handgun.

The board acknowledged that Mr. Burtin would not have the option of going to the district court if a layover was granted because a decision had not been made. After further discussion, Mr. Bucher stated that he could support the 8-month layover.

Mr. Bucher moved to LAYOVER until March 2021. Mr. Bessmer seconded the motion.

Mr. Bessmer stated that during the layover the applicant could decide that he wanted to retain an attorney and go to district court. He asked that the applicant be given the option to come back before the board and have the appeal denied so that he could do so.

Mr. Bucher amended his motion to LAYOVER until the March 2021 meeting unless the applicant decided that he wanted the board to reconsider the case. If the board reconsidered the case and voted to deny the request the applicant would be able to appeal the matter to the District Court. Mr. Bessmer seconded the amended motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy

Gary D. Hall
9706 Ohern Plz. #1
Omaha, NE 68127

At the Administrative Board of Appeals meeting held on June 22, 2020, Gary D. Hall appeared before the board. Sgt. Angie Deihm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that the applicant’s firearm registration was revoked and also denied due to a concealed weapons charge from February 2008 for which he received 2 days in jail. There was nothing else on his record that would prevent him from owning a handgun.

Mr. Hall explained the circumstances surrounding the 2008 incident.

Mr. Levy clarified that the revocation was for a gun that the applicant no longer possessed.

Mr. Bucher moved to GRANT the appeal. Mr. Bessmer seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy

MOTION CARRIED: 5-0. Appeal granted.


Kenneth B. Anderson
6235 Park Lane Dr.
Omaha, NE 68104

At the Administrative Board of Appeals meeting held on June 22, 2020, Kenneth B. Anderson appeared before the board. Sgt. Angie Deihm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that Mr. Anderson’s registration was denied due to marijuana less than an ounce convictions from July 2000 and December 2013. There was nothing else on his record that would disqualify him from owning a handgun.

Mr. Anderson stated that he wanted the handgun for the protection of himself and his family.

Mr. Kruse moved to GRANT the appeal. Mr. Bucher seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy

MOTION CARRIED: 5-0. Appeal granted.
5.  
20-6-044  
Cory A. Kitchen  
10164 Grand Plz.  
Omaha, NE 68134  

At the Administrative Board of Appeals meeting held on June 22, 2020, Cory A. Kitchen appeared before the board. Sgt. Angie Deihm appeared on behalf of the Omaha Police Department.

Sgt. Deihm stated that Mr. Anderson’s registration was denied due to a marijuana less than an ounce conviction from May 2012. There was nothing else on his record that would disqualify him from owning a handgun.

Mr. Kitchen stated that he wanted a gun to go to the shooting range without borrowing his friends’ guns.

Mr. Kruse moved to GRANT the appeal. Mr. Bessmer seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy

MOTION CARRIED: 5-0. Appeal granted.

6.  
20-06-045  
Jamar B. Walker  
5326 N. 100th Plz. #8  
Omaha, NE 68134  
REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated May 18, 2020.

At the Administrative Board of Appeals meeting held on June 22, 2020, Jamar B. Walker appeared before the board. Sgt. Angie Deihm appeared on behalf of the Omaha Police Department.

Sgt. Deihm stated that Mr. Anderson’s registration was denied due to being a multi-state offender. He was guilty of possession of two ounces of marijuana in Texas in August 2018. There was also a marijuana less than an ounce conviction in Omaha from 2006.

Mr. Walker explained that friends were helping him move to Texas when they were pulled over. Police searched the car, found marijuana and charged everyone inside. He stated that he wanted the handgun for protection. Sgt. Deihm questioned the applicant for a Carrying a Concealed Weapon charge in Texas. Mr. Walker explained that that he was no longer on probation for that charge. In response to Mr. Kruse, Mr. Walker stated that the concealed weapon charge was because the driver of the vehicle had a registered firearm resulting in them both being charged. There was additional discussion about the charges.

Mr. Kruse moved to GRANT the appeal. Mr. Bucher seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy

MOTION CARRIED: 5-0. Appeal granted.

At the Administrative Board of Appeals meeting held on June 22, 2020, Toni Lindsey appeared before the board. Sgt. Diehm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that Ms. Lindsey had a Carrying a Concealed Weapon charge in December 1988 for which she received 60 days in jail which more than likely included probation.

Ms. Lindsey denied ever having done 60 days in jail. Sgt. Diehm stated that if that were the case the applicant would need to have her record cleared. Ms. Lindsey stated that she wanted a handgun to protect her home. In response to Mr. Bucher, Ms. Lindsey stated that she remembers pleading “No Contest” and being on parole for a year. She briefly explained the incident.

Mr. Kruse moved to GRANT the appeal. Mr. Bucher seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy

MOTION CARRIED: 5-0. Appeal granted.


At the Administrative Board of Appeals meeting held on June 22, 2020, Mark A. Karaus appeared before the board. Sgt. Diehm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that Mr. Anderson’s registration was denied due to a marijuana less than an ounce conviction from May 2011, June 2011 and October 2017.

Mr. Karaus stated that he wanted a handgun to protect his family. He stated that the 2017 charge was reduced to paraphernalia.

Mr. Bucher moved to GRANT the appeal. Mr. Kuehl seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy

MOTION CARRIED: 5-0. Appeal granted.
At the Administrative Board of Appeals meeting held on June 22, 2020, Joseph F. Engles appeared before the board. Sgt. Diehm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that Mr. Engles’ permit was denied due to being charged with no valid registration and plates in April 2019. There was also an assault and battery charge from June 2018 for which he received probation until June 2019; five driving violations in the period of one year; violation of probation; and an arrest in May 2019 for a domestic violence assault for which he was sentenced in February 2020 to 12 months’ probation.

Mr. Engles wanted to be approved for his permit since the traffic violations were not moving violations. He also indicated that his probation concluded in April 2020. In response to Mr. Kruse, Mr. Engles briefly explained the domestic violence incidents. He explained to the board that he was in the process of moving on from that situation.

Mr. Bucher moved to GRANT the appeal. Mr. Levy seconded the motion.

AYES: Kuehl, Bucher, Levy
NAYES: Bessmer, Kruse
MOTION CARRIED: 3-2. Appeal granted.

At the Administrative Board of Appeals meeting held on June 22, 2020, Christopher W. Cork (11407 Corby Plaza) appeared before the board on behalf of the applicant. Officer Stokes appeared on behalf of the Omaha Police Department.

Officer Stokes stated that a complaint was received through the Mayor’s Hotline about a vehicle being stored in the backyard of the applicant’s home without being on a paved surface. He stated that he could not inspect the property without obtaining a warrant.

Mr. Cork explained that his mother planned to build onto the existing garage to create a two-car garage. He added that the car was currently covered and on a paved surface. The applicant requested 60 – 90 days to have the garage completed. The board agreed that additional time may be needed. In response to Mr. Levy, he stated that the car was parked next to a shed and was not visible from the street.

Mr. Bessmer moved to DENY with 120 days to comply. Mr. Bucher seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy
MOTION CARRIED: 5-0. Appeal denied with 120 days to comply.
11.
20-06-049
Joel W. Daggett  
6117 S. 149th St.  
Omaha, NE 68137  
REQUEST: Appeal of Permits & Inspections denial of a First Grade Stationary Engineer certificate dated April 30, 2020.

At the Administrative Board of Appeals meeting held on June 22, 2020, Joel W. Daggett appeared before the board. Tom Phipps appeared on behalf of the Planning Department.

Mr. Phipps stated the applicant was informed that he could not renew his license this year because it was not renewed in 2019. There were no outstanding violations against the applicant and Mr. Phipps requested that if the appeal was granted the applicant be required to pay the renewal fees for 2019 and 2020 prior to receiving his license.

Mr. Daggett stated that he just forgot to renew his license.

Mr. Bessmer moved to GRANT the appeal subject to the applicant paying the renewal fees for 2019 and 2020. Mr. Kuehl seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy  
MOTION CARRIED: 5-0. Appeal granted.

RECONSIDERATION:

12.
20-03-021 (Originally heard at the March 23, 2020 meeting)
Benjamin Bossung  
5037 Binney Street  
Omaha, NE 68104  

At the Administrative Board of Appeals meeting held on June 22, 2020, Benjamin Bossung appeared before the board.

Mr. Levy briefly explained the reconsideration process. In response to Mr. Levy, Mr. Bossung stated that he had new information about his case that he wanted to present to show that he should be reimbursed for the tow of his vehicle.

Mr. Kruse moved to ALLOW the RECONSIDERATION of the case at the July 27, 2020 meeting. Mr. Bessmer seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy  
MOTION CARRIED: 5-0. Appeal granted.
MINUTES:

Mr. Bucher moved to APPROVE the minutes of the May 18, 2020 meeting. Mr. Kruse seconded the motion.

AYES: Kuehl, Bucher, Bessmer, Kruse, Levy

MOTION CARRIED: 5-0.

ADJOURN:

It was the consensus of the board the ADJOURN the meeting at 2:42 p.m.