Minutes  
Administrative Board of Appeals  
April 25, 2011

MEMBERS PRESENT: Ann O’Connor, Chair  
David Levy, Vice Chair  
Jim Weaver  
Steve Simmonds, Alternate  
Jama Samiev, Alternate

MEMBERS ABSENT: Jose Lopez  
Bode Labode

OTHERS PRESENT: RoseMarie Horvath, Law Department  
Kevin Denker, Planning Department  
Debbie Hightower, Recording Secretary

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I. Roll Call

Ms. O’Connor, called the meeting to order at 1:05 pm.

Mr. Denker asked that the board receive as Exhibit 1 in each of this meeting's cases the contents of the City's file on each case.

Ms. O’Connor acknowledged the contents of the City's file as Exhibit 1 in each case.

II. Cases

11-4-017  
Appeal Omaha Police Department denial of firearm registration: Charles Harvey Fisher, 2412 Ellison Avenue 68111

Charles Harvey Fisher appeared before the board. Mr. Fisher stated he would like to own a handgun to protect his family and to use at the fire range.

Sgt. Jeremy Christensen, Omaha Police Department, stated the reason for the denial was that on November 22, 2009, Mr. Fisher was charged and convicted with a CCW. Sgt. Christensen stated Mr. Fisher has had several other arrests but no convictions.

Mr. Fisher added that his handgun was owned and registered. He indicated that when he was charged with the CCW he had been to the gun range earlier in the day.

Mr. Levy pointed out that Mr. Fisher’s conviction was recent and granting the appeal would be contrary to the ordinance.

Mr. Levy made a motion to deny the appeal. Second by Mr. Weaver.

AYES: Levy, Weaver, Simmonds, O’Connor

NAYS: Samiev

Motion carried 4-1. Appeal denied.
**11-4-018**
Appeal Omaha Police Department denial of firearm registration: John A. Goynes, 13131 C Plaza 68144

John A. Goynes appeared before the board. Mr. Goynes stated he would like to register a handgun for protection and to go hunting with his father.

Sgt. Jeremy Christensen, Omaha Police Department, stated the reason for the denial was that on March 29, 2008, Mr. Goynes was charged and convicted with a CCW. Sgt. Christensen stated a bullet was found on Mr. Goynes.

Mr. Weaver questioned why Mr. Goynes had a bullet. Mr. Goynes denied having any ammunition.

Mr. Levy stated the CCW incident was too recent and the ordinance does not allow for much discretion.

Mr. Simmonds made a motion to deny the appeal. Second by Mr. Levy.

AYES: Weaver, Simmonds, Samiev, Levy, O'Connor

Motion carried 5-0. Appeal denied.

**11-4-019**
Appeal Omaha Police Department denial of firearm registration: Clifford E. Brye, Jr., 6336 N 68th Street 68104

Justin Quinn, 209 South 19th Street, Suite 540, appeared before the board to represent Clifford Brye, Jr. Mr. Quinn provided proof of dismissal of charges for a pending felony for sexual assault (Exhibit 2). At the time of the alleged sexual assault on June 20, 2010, Mr. Brye was charged with a CCW. Mr. Brye plead guilty to the CCW charges. The permit for a CCW dated 1986 (Exhibit 3) and the permission to purchase a firearm document (Exhibit 4) was also submitted.

Sgt. Jeremy Christensen, Omaha Police Department, stated the reason for the denial was that on June 20, 2010, Mr. Brye was charged with a felony sexual assault and CCW.

Mr. Quinn verified the felony charges were the charges that were ultimately dismissed.

In response to Mr. Levy, Sgt. Christensen stated Mr. Brye had 35 entries on his record up until the June 20, 2010 date.

Mr. Simmonds made a motion to deny the appeal. Second by Mr. Levy.

AYES: Simmonds, Samiev, Levy, O'Connor

NAYS: Weaver

Motion carried 4-1. Appeal denied.

**11-4-020**
Appeal Omaha Police Department denial of firearm registration: Brian Hall, 8902 Westridge Drive 68124

Brian Hall did not appear before the board.
Mr. Hall’s secretary called to indicate that Mr. Hall has obtained a CCW and has received his property.

Sgt. Jeremy Christensen, Omaha Police Department, stated the gun registration for Mr. Hall was denied based on an incident when he was placed in emergency protective custody and treated at Bergan Mercy Hospital. Sgt. Christensen stated that his lieutenant does not have a problem granting an appeal because Mr. Hall fits the criteria to have a CCW by the county but not by the city. A writ of replevin has been received and Mr. Hall’s weapons have been returned.

Mr. Levy made a motion to deny the appeal. Second by Ms. O’Connor.

AYES: Samiev, Levy, Weaver, Simmonds
NAYS: O’Connor

Motion carried 4-1. Appeal denied.

11-4-015
Appeal Omaha Police Department notice of nuisance: Mark J. Shaw, 12424 C Street 68144

Mark J. Shaw did not appear before the board.

Mr. Levy made a motion to deny the appeal. Second by Mr. Weaver.

AYES: Levy, Weaver, Simmonds, Samiev, O’Connor

Motion carried 5-0. Appeal denied.

11-4-016
Appeal Omaha Police Department notice of nuisance: Britney L. Stamm, 11265 Evans Street #2 68164

Britney L. Stamm appeared before the board. Ms. Stamm stated she is recently out of the military and is in the process of licensing her vehicle in either Texas or Nebraska. She indicated she is in the inactive ready reserve and will return to Texas after completing school in Omaha.

Sgt. Jim Murphy stated that a full-time student is not required to register their license plates in Nebraska but an exempt sticker can be purchased at the DMV after proof of being a full-time student.

Mr. Weaver suggested giving Ms. Stamm time to decide which state she would need to register her license plates.

Motion to lay this case over for 30 days until the May 23, 2011 meeting by Mr. Weaver. Seconded by Mr. Levy.

AYES: Weaver, Simmons, Samiev, Levy, O’Connor

Motion carried 5-0. Appeal laid over for 30 days until the May 23, 2011 meeting.
11-4-021
Appeal denial of renewal for Third Grade Stationary Engineer certificate: Michael R. Carlson, 4009 N 210th Street, Elkhorn, NE 68022

Michael R. Carlson appeared before the Board. Mr. Carlson stated that he did not receive his renewal license because he had moved. He submitted the notice that was returned to sender (Exhibit 2) and was never forwarded by the post office. He realized, after it was too late, that the 60-day renewal grace period had expired. He stated he presently does not use his Third Grade Stationary Engineer license but would like to maintain the license for future use.

Tom Phipps, Chief Mechanical Inspector for the City of Omaha, stated that Mr. Carlson’s license, according to code, is invalid because the license was not renewed before March 1, 2010.

In response to Mr. Levy, Mr. Phipps stated that there have been no complaints against Mr. Carlson.

Mr. Weaver made a motion to grant the appeal. Second by Mr. Levy.

AYES: Simmonds, Samiev, Levy, Weaver, O’Connor
Motion carried 5-0. Appeal granted.

III. Approval of Minutes from January 31, 2011 and March 28, 2011

Motion to approve the minutes from the January 31, 2011 meeting by Mr. Simmonds. Second by Mr. Samiev.

AYES: Samiev, Simmonds, O’Connor
Motion carried 3-0.

Motion to approve the minutes from the March 28, 2011 meeting by Mr. Weaver. Second by Mr. Samiev.

AYES: Levy, Weaver, Samiev
Motion carried 3-0.

IV. Adjournment

Motion to adjourn meeting by Mr. Samiev. Second by Mr. Simmonds.

AYES: Weaver, Simmonds, Samiev, Levy, O’Connor
Motion carried 5-0. Meeting adjourned at 1:45 PM.

Debbie Hightower, Planning Department
Recording Secretary

Visit the Planning Department’s Site on the Internet at http://co.douglas.ne.us/omaha/planning/boards/administrative-board-of-appeals