

**Minutes**  
**Administrative Board of Appeals**  
**March 28, 2011**

MEMBERS PRESENT: David Levy, Vice Chair  
Jim Weaver  
Jose Lopez  
Bode Labode  
Jama Samiev, Alternate

MEMBERS ABSENT: Ann O'Connor, Chair  
Steve Simmonds, Alternate

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

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**I. Roll Call**

Mr. Levy, Vice Chair, called the meeting to order at 1:00 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.

Mr. Levy acknowledged the contents of the City's file as Exhibit 1 in each case.

**II. Cases**

**11-3-010**

Appeal Omaha Police Department denial of firearm registration: Armand L. Collins, 14605 Pratt Court #301 68116

Armand L. Collins appeared before the board.

Sgt. Jeremy Christensen, Omaha Police Department, stated the reason for the denial was that on June 18, 2009, Mr. Collins was charged with a CCW. Mr. Collins was concealing a 40-caliber high point pistol with a round in the chamber when he was stopped. Mr. Collins also had an active warrant for failure to appear for various driving offenses that has since been resolved.

Mr. Collins stated that he would like a handgun for protection and would like to register a gun the right way. He indicated that he had recently been jumped and robbed at the mall.

In response to Mr. Levy, Sgt. Christensen stated the gun was not registered to Mr. Collins when he was charged with the CCW on June 18, 2009. He verified that a CCW is a misdemeanor.

In response to Mr. Weaver, Mr. Collins stated he is a criminal justice student and has been employed at FDR for approximately four months.

Sgt. Christensen stated Mr. Collins has had driving offenses and a locate for a burglary.

Mr. Samiev made a motion to grant the appeal. Second by Mr. Labode.

Mr. Levy stated the conviction was very recent and involved a loaded weapon.

AYES: Labode, Samiev

NAYS: Weaver, Lopez, Levy

Motion failed 3-2.

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

AYES: Weaver, Lopez, Levy

NAYS: Labode, Samiev

Motion carried 3-2. Appeal denied.

**11-3-011**

Appeal Omaha Police Department denial of firearm registration: Kathy A. Bond, 1020 North 45<sup>th</sup> Street 68132

Kathy A. Bond appeared before the board.

Sgt. Jeremy Christensen, Omaha Police Department, stated Ms. Bond was denied a handgun registration based on a misdemeanor assault conviction in Norfolk, Virginia on October 19, 2006. The police report stated the victim had an argument with Ms. Bond and was shoved while holding an infant daughter.

Ms. Bond stated the assault conviction was almost five years ago. She indicated she has lived in Omaha for approximately three years. She stated she is single and has been robbed twice recently and would like a gun for protection.

In response to Mr. Levy, Sgt. Christensen stated Ms. Bond had a shoplifting conviction on November 16, 2010 and another shoplifting charge in August 17, 2010 that was dismissed because of diversion. Ms. Bond also has some traffic offenses pending.

Mr. Samiev made a motion to grant the appeal. Second by Mr. Labode.

AYES: Labode, Samiev, Levy

NAYS: Lopez, Weaver

Motion carried 3-2. Appeal granted.

**11-3-012**

Appeal Omaha Police Department denial of firearm registration: Michael Miller, 1708 Walnut Creek Drive, Papillion, NE 68046

Michael Miller appeared before the board.

Sgt. Jeremy Christensen, Omaha Police Department, stated the reason for the gun registration denial was based on past criminal history. On March 15, 1998, Mr. Miller overdosed after taking hydrocodone pills and was admitted to the hospital for treatment. A statement from a doctor in 1998 stated he believed that Mr. Miller was a risk to himself.

Mr. Miller stated that he is a senior manager at Sol's Pawn Shop and he would like to register a handgun for self-protection.

In response to Mr. Weaver, Sgt. Christensen verified there have been no other criminal charges against Mr. Miller.

Mr. Labode made a motion to grant the appeal. Second by Mr. Samiev.

Mr. Weaver questioned Mr. Miller if he checked the box indicating that he had ever been under the care of a mental health professional. Mr. Miller stated he is not sure if he checked the box or not. Sgt. Christensen verified that it was not filled out on the Omaha Police form.

Ms. Horvath asked Sgt. Christensen to read the mental health question. Sgt. Christensen stated the question reads, "Have you now or ever been treated for a mental disorder?"

Mr. Miller stated that in 1998 he was going through some hard times. He lost his father and brother within four months of each other and at the same time he was homeless after leaving his wife who was cheating on him. He stated he did not feel like he had anything to live for but since that time he has recently remarried and has been taking care of two sons on his own. He indicated he has never thought of hurting himself or anyone else since that time.

AYES: Labode, Samiev, Weaver, Lopez, Levy

Motion carried 5-0. Appeal granted.

**11-3-013**

Appeal Omaha Police Department notice for the revocation of a concealable firearm registration:  
Larry Duff, 8214 Hillside Drive 68114

Larry Duff appeared before the board.

Sgt. Jeremy Christensen, Omaha Police Department, stated Mr. Duff was issued a revocation of his firearm because he was issued a protection order on September 17, 2010.

Mr. Duff stated that on March 17, 2011 the protection order was dismissed and a document was submitted as requested by Ms. Horvath. Ms. Horvath verified the validity of the protection order dismissal document.

Sgt. Christensen indicated that Mr. Duff does not have anything else on his record.

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

AYES: Samiev, Weaver, Lopez, Labode, Levy

Motion carried 5-0. Appeal granted.

**10-12-101** *(over from 12/27/10, 1/31/11)*

Appeal Omaha Police Department notice of nuisance: Rafiu Braimah, 4904 Curtis Avenue 68104 for Alasa Braimah d/b/a Brama Auto, 4200 Redman, Omaha, NE 68111

Rafiu Braimah appeared before the board.

Mr. Denker indicated that Mr. Braimah applied for a certificate of occupancy and is scheduled for inspections in late April. Mr. Denker suggested laying over until the certificate of occupancy is obtained.

Motion to lay this case over for 60 days until the May 23, 2011 meeting by Mr. Samiev. Seconded by Mr. Weaver.

AYES: Weaver, Lopez, Labode, Samiev

NAYS: Levy

Motion carried 4-1. Appeal laid over for 60 days until the May 23, 2011 meeting to allow additional time to obtain a certificate of occupancy.

**11-1-001** (*Over from 1/31/11, 2/28/11*)

Appeal Omaha Police Department notice of nuisance: Chris P. Matt, 2211 South 8<sup>th</sup> Street 68105

Chris P. Matt appeared before the board.

Officer William Shaw, Omaha Police Department, stated he continues to be concerned with the unlicensed vehicles on the property.

Mr. Matt stated there is a lot more involved in getting a certificate of occupancy which is out of his realm at the present time. He stated there is a three garage at the back of the property that can house the three unlicensed vehicles. He indicated he is cleaning up the site and has taken out four loads of scrap metal.

Mr. Weaver stated he was concerned about further complaints from the neighbors. Mr. Samiev questioned Mr. Matt as to the additional time needed. Mr. Denker verified there is still a need for a certificate of occupancy classifying the use of the building with regard to any type of commercial use as defined in Chapter 55 of the municipal code.

Motion to deny the appeal with 60 days to comply by Mr. Samiev. Seconded by Mr. Lopez.

AYES: Lopez, Labode, Samiev, Weaver, Levy

Motion carried 5-0. Appeal denied with 60 days to comply.

**11-3-009**

Appeal Omaha Police Department notice of nuisance: Mark Ratzlaff, 506 South 84<sup>th</sup> Street 68114

Mark Ratzlaff appeared before the board.

Officer Casey Shannon, Omaha Police Department, stated a notice of nuisance was issued after a Mayor's Action Complaint with regard to vehicles being parked in the yard.

Mr. Denker stated Mr. Ratzlaff has applied for a driveway permit.

Mr. Ratzlaff stated he would like to request more time to allow for the issuance of the permit and warmer weather.

Motion to deny the appeal with 60 days to comply by Mr. Weaver. Seconded by Mr. Samiev.

AYES: Labode, Samiev, Weaver, Lopez, Levy

Motion carried 5-0. Appeal denied with 60 days to comply.

**11-3-014**

Appeal denial of renewal for Third Grade Stationary Engineer certificate: T. Mark Sullivan, 10431 Valley View Drive, Plattsmouth, NE 68048

Mark Sullivan appeared before the Board.

Tom Phipps, Chief Mechanical Inspector for the City of Omaha, stated that Mr. Sullivan's license is invalid because the license was not renewed due to failure to pay the license fee before March 1, 2010.

Mr. Sullivan stated he received and misplaced the notice for renewal of his license. He realized, after it was too late, that the grace period had passed. He stated he has held a Third Grade Stationary Engineer license for 15 years.

In response to Mr. Weaver, Mr. Phipps stated there have been no complaints against Mr. Sullivan.

Mr. Labode made a motion to grant the appeal. Second by Mr. Samiev.

AYES: Samiev, Weaver, Lopez, Labode, Levy

Motion carried 5-0. Appeal granted.

**III. Approval of Minutes from February 28, 2011**

Motion to approve the minutes from the February 28, 2011 meeting by Mr. Weaver. Second by Mr. Labode.

AYES: Weaver, Labode, Levy

Motion carried 3-0.

**IV. Adjournment**

Motion to adjourn meeting by Mr. Labode. Second by Mr. Weaver.

AYES: Labode, Samiev, Weaver, Lopez, Levy

Motion carried 5-0. Meeting adjourned at 2:00 PM.

Debbie Hightower, Planning Department  
Recording Secretary