MINUTES
Administrative Board of Appeals
September 29, 2014

MEMBERS PRESENT:
Ann M. O’Connor, Chair
Jim Weaver
Jose Lopez-Nuno
Bode M. A. Labode
Marty Conboy, Alternate

MEMBERS NOT PRESENT:
David C. Levy, Vice Chair
John R. Barrett, Alternate

STAFF PRESENT:
Timothy Himes, Jr., Law Department
Kevin Denker, Planning Department
Rikki Flott, Recording Secretary

ROLL CALL:
Ms. O’Connor called the meeting to order at 1:00 pm. The Board received as Exhibit 1 in each of this
meeting's cases the contents of the City's file on each case.

Cases:

1. 14-9-064
Kenneth Bigley
13106 Grand Avenue
Omaha, NE 68164
REQUEST: Appeal Police Department Denial of
Firearm Registration

Kenneth Bigley appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that
Mr. Bigley applied to register a firearm on August 7, 2014 and was denied due to 3 possession of
marijuana less than 1 ounce convictions on September 18, 2005, March 10, 2006 and October 3, 2006.

Mr. Bigley stated that he was aware of his wrong-doing many years ago. In response to Mr. Conboy, Mr.
Bigley stated that he worked at Champion Windows but that his employer did not participate in random
drug testing. Lt. Sedlacek responded to the Board that no other items were on his record.

In response to further questioning by the Board, Mr. Bigley stated that he was not drug tested upon his
hire date, but he no longer smoked marijuana. He then stated that he had a 6 year old son, a two year old
daughter and a child on the way and wanted to protect his family with an increase in crime in the
neighborhood. He added that he did not have firearm training and was in the process of purchasing a lock
for the firearm. Mr. Weaver commented that 8 years had passed since Mr. Bigley’s convictions.

Motion to APPROVE by Mr. Weaver. Second by Mr. Labode.

AYES: Conboy, Labode, Lopez-Nuno, Weaver, O’Connor

Motion carried 5-0. Appeal granted.
Lavelle Henderson appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Henderson applied to register a firearm on August 15, 2014 and was denied due to 1 marijuana less than 1 ounce charge on May 9, 2005.

Mr. Henderson stated that the reason for his appeal was to register his firearm and potentially obtain a Carry Concealed Weapon permit. In response to the Board, Mr. Henderson stated that he was an IT Specialist for Boys & Girls Club of the Midlands and traveled for his job. He also mentioned he purchased a historic-type gun that he only used at the shooting range and guns have become a hobby. He stated that he registered a firearm before the ordinance changed, was not aware the ordinance changed when he tried to register another firearm in August this year; otherwise, he would have waited 9 months when he was beyond the time limits of the ordinance. Mr. Henderson responded to the Board that he was aware of the carry concealed weapon regulations.

In response to Mr. Weaver, Lt. Sedlacek stated that since 2005, Mr. Henderson only had minor traffic citations on his record.

Motion to APPROVE by Mr. Conboy. Second by Mr. Lopez-Nuno.

AYES: Conboy, Labode, Lopez-Nuno, Weaver, O’Connor

Motion carried 5-0. Appeal granted.

Christopher Henderson appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Henderson applied to register a firearm on September 2, 2014 and was denied due to 4 marijuana less than 1 ounce convictions dated March, 15, 2005, August 14, 2006, March 19, 2007 and May 2, 2011.

Mr. Henderson stated that the reason for his appeal was that the safety of the neighborhood was deteriorating and he wanted a firearm to protect his family. In response to the Board, Mr. Henderson then stated that he currently was employed at Wilbur Construction, but hoped to find a security position in the future. He then explained that since 2011, he went back to school and was now trying to do things the right way. In response to further questioning by the Board, Mr. Henderson stated that he did not have firearm safety training and wanted to eventually take a carry concealed weapon course.

Mr. Weaver commented that Mr. Henderson was still within a 5 year period since his last conviction and had concern with the short time frame.

Motion to DENY by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Labode, Lopez-Nuno, Weaver, O’Connor

NAYS: Conboy

Motion carried 4-1. Appeal denied.
4.  
14-9-067  
Nathan Frink  
19605 Decatur Street  
Omaha, NE 68022  
REQUEST: Appeal Police Department Revocation of Firearm Registration

Nathan Frink was not present at the meeting. Kevin Denker, City Planning, stated that Mr. Frink’s attorney requested to hold over the case until the October 27, 2014 meeting due to pending litigation regarding a protection order. Lt. David Sedlacek, Omaha Police Department, stated that he was in agreement to hold over the case.

Motion to hold over the case until the October 27, 2014 meeting by Mr. Weaver. Second by Mr. Labode.

AYES: Conboy, Labode, Lopez-Nuno, Weaver, O’Connor

Motion carried 5-0. Case held over until the October 27, 2014 meeting.

5.  
14-9-068  
Roberto Franco Jr.  
4308 South 17th Street  
Omaha, NE 68107  
REQUEST: Appeal Police Department Denial of Firearm Registration

Roberto Franco Jr., appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Franco applied to register a firearm on September 12, 2014 and was denied due to an explosive device conviction dated January 30, 2014. Lt. Sedlacek explained that the event occurred on the evening of January 1, 2014; Mr. Franco fired a shot into the air one time.

Mr. Franco stated that the reason for his appeal was to register a recently purchased firearm. He explained that on the evening of January 1, 2014 he fired at raccoons that were in his garbage. He then explained that a Police Officer arrived, checked the serial number and he received a fine during his court appearance.

In response to the Board, Mr. Franco explained that he had problems with raccoonsrummaging through his trash in the past, so he shot into the pile of garbage and the animals left. He continued that when police arrived he was cooperative and was issued a citation. Mr. Franco stated that he grew up in Omaha, served a 4 year term in the Marine Corps beginning in 1994, and was called again to serve from 2001 until 2007. He then stated that he was previously a security contractor for the Department of State in Afghanistan and Iraq, and was currently employed for IBS. He added that he moved back to Omaha approximately May of 2013. In response to Mr. Weaver, Mr. Franco mentioned that he was currently on medical leave and awaiting surgery due to an injury that occurred in Afghanistan. After further questioning he responded that he fired his weapon because he was annoyed with the continued rummaging of the raccoons but that he realized shooting his weapon was a mistake. He then responded to Mr. Conboy that he did not have an attorney present during his court appearance.

Motion to APPROVE by Mr. Weaver. Second by Mr. Conboy.

AYES: Conboy, Labode, Lopez-Nuno, Weaver, O’Connor

Motion carried 5-0. Appeal granted.
APPROVAL OF MINUTES:

Motion by Mr. Lopez-Nuno to approve the minutes from June 29, 2014. Second by Mr. Weaver.

AYES: Lopez-Nuno, Weaver, O’Connor

ABSTAIN: Labode, Conboy

Motion carried 3-0-2.

ADJOURN:

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

AYES: Laobde, Lopez-Nuno, Weaver, Conboy, O’Connor

Motion carried 5-0. Meeting adjourned at 1:25 pm.