MINUTES
Administrative Board of Appeals
January 26, 2015

MEMBERS PRESENT:
Ann M. O’Connor, Chair
David C. Levy, Vice Chair
Jim Weaver
Jose Lopez-Nuno
Bode M. A. Labode

MEMBERS NOT PRESENT:
John R. Barrett, Alternate
Marty Conboy, 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. 15-01-001
Casey A Henderson
742 North 78th Street
Omaha, NE 68114

REQUEST: Appeal Police Department denial of firearm registration

Casey Henderson appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Henderson applied to register a firearm on December 23, 2014 and was denied due to marijuana less than 1 ounce conviction dated December 22, 2009.

Mr. Henderson stated that he completed a conceal carry weapon class and that he is now a father and has matured since the conviction. In response to the Board, Mr. Henderson briefly discussed a drug and paraphernalia charge which occurred in a Cumings County, Westpoint, Nebraska and also a charge from 2009 which occurred in Sarpy County, Nebraska. Lt. Sedlacek stated that he did not have record of the charge from 2010 and was possibly dismissed. Mr. Henderson stated that he was now a member of a work union, he purchased his home 5 years prior and that he was now a responsible father. He confirmed to the Board that he has passed the state requirement to apply for conceal carry weapon permit. He also stated he was an advised by an attorney to appeal the denial of firearm registration prior to taking steps to having his charges set aside.

Mr. Weaver explained that if the State Patrol granted an appeal to issue Mr. Henderson a conceal carry weapon permit, registration of firearms within the City was not required.

Motion to DENY by Mr. Weaver. Second by Mr. Lopez-Nuno.
AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal denied.

2. 15-01-002
Matthew Gibbons
5240 South 51st Avenue
Omaha, NE 68114

REQUEST: Appeal Police Department denial of firearm registration

Matthew Gibbons appeared before the Board. Lt. David Sedlacek, Omaha Police Department stated that Mr. Gibbons applied to register a firearm on January 2, 2015 and was denied due to false information provided on the gun registration card regarding treatment for a mental disorder. He added that a record check revealed a BMH order on December 22, 2014, confirmed with the Douglas County Attorney, but that Mr. Gibbons was not formerly committed.

Mr. Gibbons stated that he assumed the BMH order was dismissed. Lt. Sedlacek stated that Mr. Gibbons had no other items on his record.

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

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

Motion carried 5-0. Appeal granted.

3. 15-01-003
Michael J Smith
4456 South 61st Avenue
Omaha, NE 68117

REQUEST: Appeal Police Department denial of firearm registration

Michael J Smith appeared before the Board. Lt. David Sedlacek, Omaha Police Department stated that Mr. Smith applied to register a firearm on December 22, 2014 and was denied due to a carry concealed weapon conviction dated December 1, 2009. He added that the weapon was a knife.

Mr. Smith stated that he was unaware of the laws for carrying a pocket knife at the time and that he was now aware the knife was required to be less than a 3.5 inch blade. In response to Mr. Levy, Mr. Smith stated the knife at the time of conviction was a folding knife with a 4 inch blade, which he used for his construction job.

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

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

Motion carried 5-0. Appeal granted.

4. 15-01-004
Robert L Kincaid
3602 North 52nd Street
Omaha, NE 68104

REQUEST: Appeal Police Department Notice of Nuisance (RE: 3602 North 52nd Street)

Robert L. Kincaid appeared before the Board. Officer James Stokes, Omaha Police Department, and Mr. Scott Benson, Planning Department appeared before the Board. Officer Stokes stated that he received a
complaint for unlicensed vehicles stored on non-pavement at the subject address. He added that the complaints were justified and that Mr. Kincaid requested additional time to comply.

Mr. Benson submitted photos of the property (Exhibit 2) and that the white Mercury convertible was for sale, the green vehicle was inside a carport, the 1951 Ford had historical license plates, which do not expire, and the red Mercury convertible needed to be removed. Mr. Benson added that 3 vehicles at the property were in compliance, and all other vehicles at the property were not in compliance.

Mr. Kincaid stated that he requested more time to comply. He added that he planned to clean up the property.

Motion to DENY with 60 days to comply by Mr. Levy. Second by Mr. Weaver.

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

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

5.

15-01-005
Linda Hill
1212 Beaver Court
Plattsmouth, NE 68048

REQUEST: Appeal Police Department Notice of Nuisance (RE: 2602 South 61st Street)

Linda Hill appeared before the Board. Officer James Stokes, Omaha Police Department, and Mr. Joe Adriano, Planning Department appeared before the Board. Officer Stokes stated that he received a complaint for unregistered vehicles at the property. Ms. Hill informed Officer Stokes her husband recently passed away and that she needed more time to remove the vehicles.

Mr. Adriano stated that after inspecting the property, the vehicles were still unregistered and that debris needed to be removed. Ms. Hill also informed him that she needed additional time to comply.

Ms. Hill stated that she was overwhelmed with removing items from her deceased husband’s storage unit and taking care of two properties after the recent death of her husband and her parents. She requested more time to comply to sell, remove or store the vehicles. Mr. Adriano added that unlicensed trailers also needed to be removed. Ms. Hill briefly discussed with the Board and the Department suggestions for proper removal of items from her property.

Motion to DENY with 90 days to comply by Mr. Levy. Second by Mr. Lopez-Nuno.

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

Motion carried 5-0. Appeal denied with 90 days to comply.

APPROVAL OF MINUTES:

Motion by Mr. Levy to approve the minutes from October 27, 2014. Second by Mr. Weaver.

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

ABSTAIN: Labode

Motion carried 4-0-1.
Motion by Mr. Lopez-Nuno to approve the minutes from November 24, 2014. Second by Mr. Weaver.

AYES: Labode, Lopez-Nuno, Weaver, Levy

ABSTAIN: O'Connor

Motion carried 4-0-1.

**ELECTION OF OFFICERS**

Motion by Mr. Levy to retain Ann O'Connor as Chairperson. Second by Mr. Weaver.

AYES: Labode, Lopez-Nuno, Weaver, Levy

ABSTAIN: O'Connor

Motion carried 4-0-1.

Motion by Mr. Weaver to retain David Levy as Vice Chair. Second by Mr. Lopez-Nuno.

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

ABSTAIN: Levy

Motion carried 4-0-1.

**ADJOURN:**

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

AYES: Labode, Lopez-Nuno, Weaver, Levy, O'Connor

Motion carried 5-0. Meeting adjourned at 1:46 pm.