

**BOARD OF ADJUSTMENT  
OFFICIAL MINUTES  
August 3, 2009**

Members Present:

Michael Gallagher  
Andrew Ozuna  
Liz Victor  
Edward Hardemon  
Helen Dutmer  
George Britton  
Rolando Briones  
Mary Rogers  
Maria Cruz  
Mimi Moffat  
Pete Vallone

Staff:

Fernando De León, Assistant Director  
Rudy Niño, Jr., Senior Planner  
Jacob Floyd, Planner  
Michael Farber, Planner  
Paul Wendland City Attorney

**Call to Order**

Pledge of Allegiance to the U.S. and Texas Flags.

Mr. Gallagher, Chairman, called the meeting to order and called roll of the applicants for each case.

**Case No. A-09-074 has been postponed until August 17, 2009.**

**Ms. Moffat arrived at 1:05 p.m.**

**Ms. Dutmer arrived at 1:28 p.m.**

**CASE NO. A-09-070 cont.**

Applicant – Jeff & Mary Grace Ketner  
The East 50 feet of Lot 11, Block 1, NCB 2966  
109 Fir Street  
Zoned: "H RM-4" Residential Mixed King William District

The applicant is requesting a 2-foot, 10-inch variance from the requirement that a minimum 5-foot side setback be maintained in order to erect an accessory structure 2 feet 2 inches from the west side property line.

Jacob Floyd, Planner, presented background and staff's recommendation of denial of the requested variances. He indicated 32 notices were mailed, 1 was returned in favor and none were returned in opposition and no response from the King William Neighborhood Association.

Mary Grace Ketner, applicant, stated when she first purchased she was planning to build a two-car garage but because of the way the houses were built a long time ago, the driveways were made narrow. She also stated she changed her plans to have a rear entry through the alley so she can have her two-car garage but because a contractor informed that her garage had to be 16-feet away from the back property line to have a rear-entry she had to drop those plans. She stated her contractor suggested they repair their existing garage instead of building a new one because it would require them to comply with the current setback line. She was in the process of repairing when a neighbor's tree fell on top of the garage and her contractor informed that she couldn't repair the garage and informed her that she had to go before the Board of Adjustment because if she moved the garage over a bit she would only be able to drive into the garage and not back out. She further stated the Historic Department informed that they would not be able to support her decision to support to take the eaves off the side of the building.

Shannon Wasielewski, Historic Preservation Officer, stated the lots are narrow and historically garages were built on lot lines because of space constraints and because it was the pattern of development. She also stated they would like to have these garages maintained and the eaves are important and required because it is typical of the neighborhood.

**The following citizens appeared to speak:**

Jim Poteet, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-09-070 cont. closed.

**MOTION**

A motion was made by **Ms. Rogers**. Re Appeal A-09-070 cont., variance application for a **2-foot 10-inch variance from the requirements of Section 370 of the UDC, that accessory structures exceeding thirty inches in height be located a minimum distance of 5 feet from any side or rear property line, in order to build an accessory structure 2 feet 2 inches from the west side property line**, subject property description is **the east 50 feet of Lot 11, Block 1, NCB 2966**, subject property such described, the applicant being **Jeff & Mary Grace Ketner**. I move that the Board of Adjustment regarding the subject appeal. Specifically we find that such variance will not be contrary to the public interest in that **it does not appear that the granting of this variance would be contrary in any way to the public**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **a garage positioned differently on the lot would not allow driving in and out as safely**. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done in that **HRDC and King William Association have both signed off on the location**. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is located in that **the granting of this variance would not authorize the operation of any use other than those specifically permitted in "H RM-4" zoning districts**. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in

which the property is located in that **it does not appear that the granting of this variance would influence any way the appropriate use of the adjacent conforming properties, nor does it alter the essential character of the district in which the property is located. Detached garages are prevalent throughout the district, with several appearing to non-conform to modern development standards.** The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of the general conditions in the district in which the property is located in that **the placement of the house creates a problem in getting a vehicle in and out and the applicant at the time being has a small vehicle. I can certainly appreciate that part of the problem therefore I would want to approve this.** The motion seconded by Mr. Briones.

**AYES: Rogers, Briones, Moffat, Cruz, Vallone, Britton, Ozuna, Hardemon, Victor, Gallagher, Dutmer**

**NAY: Moffat**

**THE VARIANCE WAS GRANTED.**

**CASE NO. A-09-072**

Applicant – Jim Poteet

Lots 23 and 24, Block 6, NCB 747

410 and 414 Madison Street

Zoned: "H HS IDZ" Infill Development Zone King William Historic District Historic Significant with uses permitted in the "RM-4" Mixed Residential District

The applicant is requesting a 2-foot variance from the requirement that front yard solid screen fences not exceed 3 feet in height in order to build a 5-foot tall solid screen fence in the front yards.

Jacob Floyd, Planner, presented background and staff's recommendation of denial of the requested variance. He indicated 22 notices were mailed, 5 were returned in favor and 1 was returned in opposition and no response from the Eden Neighborhood Association.

Jim Poteet, applicant, stated this would help to screen the ac units and the garbage reciprocals. He also stated these walls would be an ecstatic scene and it would screen anybody that would be in the courtyard. They also have approval from CPS to have the houses to intrude into their setback. He further stated this project has a lot backing from the neighborhood and HDRC members seem to like the project. This going to be masonry and have very high levels of green construction and insulated concrete form are going to be used.

Shannon Wasielewski, Historic Preservation Officer, stated in general there is a height restriction because front yard fences tend to be fairly transparent which it tends to be more of a public kind of view and a back yard is more of a private kind of view. She also stated from an overall

neighborhood standpoint there are not a whole of 5-foot tall solid masonry fences in the front yard because it kind of does change how one relates their front yard, the street, and the sidewalk.

**The following appeared to speak:**

Ismail Jaber, citizen, spoke in opposition.

Barbara Whithowell, San Antonio Conservation Society, spoke in opposition.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-09-072 closed.

**1<sup>st</sup> MOTION**

A motion was made by **Mr. Ozuna**. Re Appeal **A-09-072**, variance application for **Madison Townhomes L.P.**, subject property description is **Lots 23 and 24, Block 6, NCB 747**, situated at **410 and 414 Madison Street**, the variance request is for a **2-foot variance**. **The applicant request a variance from the front-yard fence height standards (Section 514) to allow a 5-foot tall, solid fence in the front yard of the subject properties, basically a 2-foot variance**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No **A-09-072**, application for a variance to the subject property as described above, because the testimony presented to use, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship. Specifically we find that such variance will not be contrary to the public interest in that **it appears that the granting of this variance would not be contrary to the public interest because the applicant has provided evidence today to show where there are similar fences in the neighborhood that provide the continuity of the neighborhood that is not contrary to the public interest**. Additionally the Historic Review has reviewed the applicant's application. For the most part the variance requested has met **design criteria**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the applicant for marketing for ecstastic reasons will not be able to build a fence as his requirement which provides a screening to the multi-family project in the back which is very important for the neighborhood, the King William neighborhood, to provide that screening as the applicant has presented to us**. The spirit of the ordinance is observed and substantial justice is done in that **by granting the variance the applicant will be able to complete the project as required by the neighborhood association and required for the development of the property**. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **the granting of the variances will not authorize a use other than those permitted by right in "RM-4" zoning districts, as specified by the Ordinance 99561 of the City of San Antonio**. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located in that **the granting of the variance will not injure the appropriate use of adjacent conforming properties, it may alter the streetscape of the neighborhood with the fence but will not essentially change the character of the neighborhood**. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the

unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located in that **again the circumstances are unique in that what the applicant is trying to protect is the screening of the property behind them, provide screening for trash reciprocals, for screening off the side yard which is an important factor in the project given that the depth of the lot do not provide for a backyard enjoyment of the property. They are using the side yard as kind of the outdoor entertainment area for the project of which the requested fence is a critical piece of the design element for the project. Mr. Ozuna amended the motion to include the limits of the variance to the specific design site plan that we are reviewing today. The motion seconded by Mr. Briones.**

No action taken on the first motion.

**2<sup>nd</sup> MOTION**

Ms. Dutmer made a motion to table this item to the next regularly scheduled meeting on August 17, 2009. The motion seconded by Ms. Victor.

**AYES: Dutmer, Victor, Moffat, Britton, Vallone, Hardemon, Ozuna  
NAY: Briones, Rogers, Cruz, Gallagher**

**THE 2<sup>nd</sup> MOTION WAS GRANTED. THE VARIANCE HAS BEEN TABLED TO AUGUST 17, 2009.**

**CASE NO. A-09-073**

Applicant – Tommy Campos  
Lot 11, Block 223, NCB 3950  
403 Viendo  
Zoned: “R-4” Residential Single-Family District

The applicant is requesting 1) a 2-foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height in order to keep an existing 6-foot tall predominantly open front-yard fence, 2) a complete variance from the requirement that a minimum 5-foot side setback be maintained in “R-4” zoning districts in order to keep an existing structure on the east property line, and 3) a complete variance from the requirement that a minimum 10-foot front setback be maintained in “R-4” zoning districts in order to keep an existing structure on the south side property line.

Michael Farber, Planner, presented background and staff’s recommendation of denial of the requested variance. He indicated 37 notices were mailed, none were returned in favor and none were returned in opposition and no response from the Los Angeles Heights-Keystone Neighborhood Association.

Tommy Campos, representative, stated he lives alone and has a tight budget with his social security checks which took him four years with installments to build this fence. The fence was not constructed until he finished paying for it. He also stated there is a convenience that is down from his house which has a lot traffic at night. The pedestrian traffic from the store passes by his house and they throw beer bottles and other trash in his yard. There have been two instances where people have jumped the fence. He further stated the carport protects his truck from debris that comes from rain and leaves and bird droppings from the big oak tree.

**The following citizens appeared to speak:**

Richard Acosta, citizen, spoke in favor.

Patricia Doria, citizen, spoke in opposition.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-09-073 closed.

**MOTION**

A motion was made by **Ms. Cruz**. Re Appeal **A-09-073**, variance application for **Tommy Campos**, property description is **Lot 11, Block 223, NCB 3950**, situated at **403 Viendo**, applicant is **Tommy Campos**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No. **A-09-073**, application for a variance to the subject property as described above, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship. Specifically we find that such variance will not be contrary to the public interest in that **it meets the welfare and security of the applicant due to the hardship the applicant is stating at the present time**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **due to the security of the present owner of the property**. By granting the variance the spirit of the ordinance is observed and substantial justice would be done. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **this granting of the variance would not authorize a use other than those specifically permitted in "R-4" zoning districts**. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located in that **the current fence does not distract from the property and it does not block any of the stop sign or any another driving distances in the area**. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located. The applicant variance is requesting **1) a 2-foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height, in order to keep an existing 6-foot tall predominantly open front yard fence; 2) a complete variance from the requirement that a minimum 5-foot side setback be maintained in "R-4" zoning districts, in order to keep an existing structure on the ease side property lien and 3) a complete**

**variance from the requirement that a minimum 10-foot front setback be maintained in "R-4" zoning districts, in order to keep an existing structure on the south side property line. The motion seconded by Mr. Hardemon**

**AYES: Cruz, Dutmer, Britton**

**NAY: Hardemon, Vallone, Victor, Rogers, Briones, Ozuna, Moffat, Gallagher**

**THE VARIANCE WAS NOT GRANTED.**

**Board members recessed for 10 minutes.**

**CASE NO. A-09-075**

Applicant – Cesar A and Alicia M Silva  
Lot 8A, Block 2, NCB 16823  
5904 Spring Valley  
Zoned: "R-6" Residential Single-Family District

The applicant is requesting 1) a 1-foot 9-inch variance from the requirement that side yard fences not exceed 6 feet in height in order to keep an existing 7-foot 9-inch tall fence in the west side yard, 2) a 1-foot variance from the requirement that side yard fences not exceed 6 feet in height in order to keep an existing 7-foot tall fence in the east side yard, 3) a 6-inch variance from the requirement that rear-yard fences not exceed 6 feet in height to keep an existing 6-foot 6-inch tall fence in the rear yard, and 4) a complete variance from the requirement that a minimum 5-foot side setback be maintained in "R-6" zoning districts in order to keep an existing structure on the west side property line.

Jacob Floyd, Planner, presented background and staff's recommendation of approval of the variances #2 and #4 and staff's recommendation of denial of variances #1 & 3. He indicated 28 notices were mailed, 7 were returned in favor and 1 was returned in opposition and no response from Spring Creek Neighborhood Alliance.

Cesar Silva, applicant, stated he put the fence on the retaining wall to cover the garbage and junk that the neighbor has on his property. He also stated the southwest side of the house gets hot and the fence protects the kitchen from the heat. He further stated the fence was already existing when he moved into the house.

**The following appeared to speak:**

Shawn Babb, citizen, spoke in favor.

Cesar Silva, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-09-075 closed.

**MOTION**

A motion was made by Ms. Victor. Re Appeal A-09-075, variance application for 5904 Spring Valley, Lot 8A, Block 2, NCB 16823, situated at 5904 Spring Valley, the applicant requests the following variances 1) a complete variance from the side setback requirement, in order to keep an existing patio cover on the west side property line, 2) a 1-foot 9-inch variance from the requirement that fences in side yards not exceed 6 feet in height, in order to keep an existing fence 7 feet 9 inches tall in the west side yard, 3) a 1 foot variance from the requirement that fences in side yards not exceed 6 feet in height, in order to keep an existing fence at a height of 7 feet in the east side yard, and 4) a 6 inch variance from the requirement that rear yard fences not exceed 6 feet in height, in order to keep an existing fence at a height of 6 feet 6 inches. Specifically we find that such variance will not be contrary to the public interest in that **there are other like and similar properties and fences and coverings in the neighborhood.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the fences were already built when the applicant bought the house twenty something years ago and it is not anything that he built against code or anything like that.** The spirit of the ordinance is observed and substantial justice is done in that **the fence is not out of character of the neighborhood and it is very nicely built.** Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **it will stay completely regarding the fences that already put up in this residential area.** Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located in that **the fence was on the adjacent property when the current owners bought the house and as far as altering the essential character of the district there are other fences that are like this and it is not out of character of for the neighborhood.** The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located in that **the fence was already there and there is nothing that the owner has done that is out of code or without permits. As far as the patio cover it does create an energy savings and that is very keeping with the green initiatives in San Antonio because of the shade it provides.** The motion seconded by Ms. Rogers.

**AYES: Victor, Rogers, Hardemon, Vallone, Britton, Cruz, Dutmer, Briones, Ozuna, Gallagher**

**NAY: Moffat**

**THE VARIANCES WERE GRANTED.**

**CASE NO. A-09-076**

Applicant – Brown & Ortiz, P.C.  
Lot 26, Block 6, NCB 747  
1111 South Alamo Street

Zoned: "H HS IDZ" Infill Development Zone King William Historic District, Historic Significant with uses permitted in "C-2" Commercial District and "RM-4" Mixed Residential District and a hotel with related bar, restaurant, and health club services.

The applicant is requesting a 1-foot 1 and 3/8 inch variance from the requirement that a minimum 5-foot rear setback be maintained in Infill Development Zone districts in order to erect an addition that will sit approximately 3 feet 10 5/8 inches from the rear property line.

Michael Farber, Planner, presented background and staff's recommendation of denial of the requested variance. He indicated 38 notices were mailed, 3 were returned in favor and 1 was returned in opposition and no response from the Highland Hills Neighborhood Association.

Patrick Christiansen, representative, stated they are trying to do an adapt reuse of a building that was never built to be used as a restaurant. He also stated they are proposing to do an addition to the back to house the ventilator machines for the kitchen that they want to locate in the building. In order to put the buildings inside the scholastic convent structure they would have to do significant remodeling of the building to allow the air to escape and be pumped into the building. They are trying to keep this structure as sound and structurally intact they decided to locate this ventilator machines in back of building inside the basement of this two-story building they are requesting. These machines do require some protection from the elements and theft issue so decided to enclose them in a structure and in doing that they decided to put a couple of stories for kitchen space above that. They could not locate these ventilator machines on the roof of the building without having to do significant modifications of the structure. He further stated they are asking for this request because they believe this would be in the public interest in the sense that are doing an adapted reuse of an existing structure to its highest and best purpose.

David Sprinkle, architect, stated the noise should be minimal since it is not open at all. They are a number of precast concrete vents around to let that air in. There will dampers on the equipment to isolate vibration. He also stated the fumes will go up into and remitted through the rooftop.

**The following citizens appeared to speak:**

Barbara Whithowell, San Antonio Conservation Society, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-09-076 closed.

**MOTION**

A motion was made by **Ms. Rogers**. Re Appeal **A-09-076**, variance application for a **1-foot 1 3/8-inch variance from the requirement that a minimum 5-foot rear setback be maintained in "IDZ" zoning districts, in order to erect an addition that would sit approximately 3 feet, 10 5/8 inches from the rear property line**, subject property description **Lot 26, Block 6, NCB 747**, situated at **1111 South Alamo Street**, the applicant being **Brown & Ortiz P.C.** I move that the Board of Adjustment grant the applicant's request regarding this appeal and variance to the subject property as described above, because the testimony presented to us and the facts that we

have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship. Specifically we find that such variance will not be contrary to the public interest in that **it appears that the granting of this variance would not be contrary to the public interest in that this request involves the adaptive re-use of an existing historic structure. The use as proposed has been approved by HDRC and there is no other opposition, even the Conservation Society as well as King William approves.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **it does appear that the literal enforcement of the ordinance would result in unnecessary hardship. Although the re-plat created the hardship in this case, it was not initiated by the current owner, and thus the hardship present is topographic in nature.** The spirit of the ordinance is observed and substantial justice is done in that **it appears that due to the physical constraints of the lot, the applicant may not be able to make reasonable use of the property while meeting the required rear setbacks and the purpose that it is being used for would be required.** Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **the granting of this variance would not authorize a use other than those specifically permitted in "IDZ" zoning districts and permits and requirements that are required will be met.** Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located in that **it does not appear that the granting of these variances would negatively influence or alter the character of the district.** The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located in that **there do not appear to be any unique topographic circumstances existing on the subject property.** However, as the recent re-plat of the property was initiated by a previous owner, it appears that the hardship was not self-created. The motion seconded by **Mr. Briones.**

**AYES: Rogers, Briones, Victor, Vallone, Hardemon, Cruz, Dutmer, Moffat, Ozuna, Britton, Gallagher**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

**Board recessed for 10 minutes.**

**CASE NO. A-09-078**

Applicant – City of San Antonio

Lot 19, Block 15, NCB 7689

3127 Mission Road

Zoned: "H C-3 NA" General Commercial, Non-Alcoholic Sales, Mission Historic District

The applicant is requesting in accordance with Section 406 of the Unified Development Code (Chapter 35), is recommending that the Board of Adjustment revoke the Certificate of Occupancy (No. 1333927) for the Hacienda Club.

Rudy Niño, Senior Planner, presented background and staff's recommendation to revoke the Certificate of Occupancy.

Jim Degeer, representative, stated it is correct that a Sexually Oriented Business is one in which a significant portion of the entertainment is devoted to dancing without the nipples covered. There is nothing wrong with sitting or dancing with customers without their tops off as long as their nipples or areola are covered. The clubs usually have latex coverings that are opaque for the purpose of the club to appear that the dancer doesn't have anything on and for the purpose of the law it is sufficient because it is opaque around the areola. The city only mentions one in 2007 and that was CofO violation for violating the Sexually Oriented Business ordinance. On April 10, 2009, one was given to the manager and one to the entertainment in one night which meant only citation was means that they were only two citations in 2009 instead of three. There have not been any convictions. The citations in 2007 were dismissed and the ones in 2009 are still pending. The club provides dancing with the dancers have their nipples covered and not violating the Sexually Oriented Business ordinance.

**The following citizens appeared to speak:**

Carmen Rodriguez, citizen, spoke in favor.

Dolores Garcia, citizen, spoke in favor.

Jacklyn Del Toro, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-09-078 closed.

**MOTION**

A motion was made by **Mr. Ozuna**. Re the Board of Adjustment Case No **A-09-078**, applicant is **City of San Antonio**, the owner being the **Hacienda Club, LLC**, the location **3127 Mission Road**, legal description **Lot 19, Block 15, NCB 7689**, with the zoning "**C C-3 NA**" **General Commercial, Non-Alcoholic Sales, Mission Historic District**. I move the **Board of Adjustment supports the Director of Planning & Development Services in accordance with Section 406 of the Unified Development Code**. The **Director of Planning & Development Services Department is recommending that the Board of Adjustment take action to terminate the Certificate of Occupancy of the Hacienda Club**. The motion seconded by **Ms. Cruz**.

**AYES: Ozuna, Cruz, Hardemon, Vallone, Victor, Britton, Briones, Dutmer, Rogers, Gallagher**

**NAY: Moffat**

**THE REVOCATION OF THE CERTIFICATE OF OCCUPANCY WAS GRANTED.**

**Approval of the July 20, 2009 Minutes**

**The July 20, 2009 minutes were approved with all members voting in the affirmative.**

There being no further discussion, meeting adjourned at 5:43 p.m.

APPROVED BY: Michael R. Gallagher OR Andrew Ozuna  
Michael Gallagher, Chairman Vice-Chair

DATE: 8-17-09

ATTESTED BY: [Signature] DATE: 8/17/09  
Executive Secretary