

Xi Cui

To: Julie Cozzi
Subject: RE: Postponement of Planning Commission Appeal

From: Julie Cozzi
Sent: Monday, October 07, 2013 9:20 AM
To: Xi Cui
Cc: Mark Earnest
Subject: FW: Postponement of Planning Commission Appeal

Hi, Tracy...

Please make sure the planning commission gets this letter AND the email below since they pertain to one of this Thursday's agenda items. Thank you.

Julie

From: Julie Cozzi
Sent: Monday, October 07, 2013 9:17 AM
To: 'Fred Einspruch'
Subject: RE: Postponement of Planning Commission Appeal

Hi, Fred...

Attached is a response to your October 1 request for postponement of your appeal to the planning commission.

Julie

Julie Cozzi, MMC

Borough Clerk
Haines Borough
P.O. Box 1209
Haines, AK 99827
907-766-2231, ext.31
907-766-2716 (fax)
www.hainesalaska.gov

"The most wasted day of all is that in which we have not laughed."

From: Fred Einspruch [<mailto:einspruc@yahoo.com>]
Sent: Tuesday, October 01, 2013 11:39 AM
To: Julie Cozzi
Subject: Postponement of Planning Commission Appeal

Dear Clerk Cozzi,

I am hereby requesting that my appeal of my after the fact fine be postponed until the November Planning Commission Meeting. The reason for the postponement is that I am currently out of the state for the winter and I will have to make a presentation to the planning commission that can be delivered to the planning commission in advance of the meeting.

I cannot prepare this presentation and deliver it to the planning commission before the October 10th Planning Commission Meeting. In addition, I will be traveling out of town during the time period, and will not be able to call into the October meeting.

I will also be seeking additional access to the public records of the borough, to locate supporting information for my defense of my after the fact penalty.

In addition, I may seek legal counsel to represent me in front of the planning commission.

For these reasons, I am requesting that my appeal of the after the fact penalty be rescheduled for the November Planning Commission Meeting.

Thank you very much,

Fred Einspruch



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Police Dept. 907.766.2121 • (fax) 907.766.2128
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October 7, 2013

Fred Einspruch
via email: einspruc@yahoo.com

Re: October Planning Commission Hearing

Dear Fred:

Your request for postponement of consideration of your appeal from the manager's decision imposing a fine will be placed before the Planning Commission for consideration at the October meeting, however, your appeal will remain on the agenda. The Borough Clerk does not have authority to grant or deny requests for postponement.

The Borough Attorney does not believe the Commission has authority to grant a postponement. HBC 18.30.050(A) requires the Commission to decide whether to consider your appeal at the October meeting. ("The commission shall decide at its next regularly scheduled meeting whether to rehear the manager's decision."). If the Commission does decide to hear the appeal HBC 18.30.050(B) requires the Commission make a decision at the October meeting as well. ("If the commission decides to rehear a decision, or any portion thereof, it shall then immediately do so at that meeting and make its decision."). The word "shall" is mandatory.

If you do have additional material you wish the Commission to consider at the October meeting it should be submitted to my office by 5 p.m. October 10. I will also inquire of the Commission if they will allow you to appear by telephone and let you know in advance of the meeting whether and how this could occur.

Sincerely,

A handwritten signature in cursive script that reads "Julie Cozzi".

Julie Cozzi, MMC
Borough Clerk