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Hills man sues to change concealed weapon rules

By Bill Coutant
STAFF WRITER

A complaint by a former Farmington Hills resident that he was unfairly denied a permit to carry a concealed weapon has mushroomed into a lawsuit and has even spilled over into the city council chambers.

Joseph A. Ditzhazy Jr., 44, of Wixom, said his lawsuit is more than an effort to get a permit to carry a concealed weapon, it's a case that challenges an "unconstitutional" Michigan law and is a fight for his reputation.

In particular, the Oakland County Concealed Weapon Licensing Board, which determines eligibility for a permit, and the Farmington Hills Police Department have characterized him as "unstable," Ditzhazy said.

"I don't know of anyone in the Farmington Hills Police Department who is qualified to make that judgment," Ditzhazy said.

Ditzhazy filed lawsuits April 15 and 18 in the 6th Circuit Court charging the board, its members, the city of Farmington Hills and an unnamed officer with distorting records to deny him a concealed weapons permit and requiring correction of errors in the board's memorandum of findings.

Farmington Hills Police Chief Bill Dwyer wrote a letter in March to Charles Spiekerman, assistant Oakland County prosecutor and weapons board member, to say that Hills police never characterized Ditzhazy as "unstable," and asking that that reference be deleted from the board's memorandum of findings.

"It (memorandum) has us notifying the gun board with information that we never did provide them," Dwyer said.

Dwyer added that he investigated allegations that his officers characterized Ditzhazy as unstable and found no truth to them.

But Ditzhazy, who was a salesman for Guardian Alarm of Southfield at the time of his request for a permit in May of 1993, said he thought the investigation into his background was "shoddy."

Ditzhazy, who now operates The Apparition Agency, a research company in Novi, said he had applied for the concealed weapons permit because his alarm sales job often took him to high crime areas. He also said he

suffers from adult diabetes, which has left him weakened and vulnerable at times.

Police and the board have questioned Ditzhazy's law enforcement background, finding inconsistencies. But Ditzhazy has maintained that those are because of errors during the board's investigation.

"It makes me wonder how many people might be in jail because of (the investigator) that shouldn't be," he said.

Ditzhazy, whose mother Helen is a former Farmington Board of Education member, showed up at the Farmington Hills City Council meeting Monday to complain about inaction on his freedom of information requests from the city, only to learn that council members were not aware of the case.

He criticized the fire and police departments, saying they had characterized him as dangerous. City attorney John Donohue advised the council not to discuss the case at the open meeting.

Ditzhazy said he hopes the lawsuits will result in a change in Michigan law that will allow anyone to carry a weapon.

Expansion from page 1A

City Manager Frank Lauhoff asked that a trash bin in the parking lot be moved to the north side of the building. Residents complained at the Board of Zoning Appeals meeting of debris coming into their back yards.

Planning commission board member Mary Bush said she understands how the residents might feel they received the run-around. The planning commission, though, only approves site plans to see if they meet city ordinances.

The commission doesn't decide how such projects affect residents.

Residents' concerns would have been better addressed at a council or downtown development authority meeting, Bush said.

"It sounds like they were given misdirection on who to talk to," Bush said. "As a member of city council, I would always welcome

citizens to bring their concerns at any time."

If they had spoken up earlier, their concerns would have been considered, Bush said.

Ebratt said he and other residents weren't aware of the expansion until receiving the notice for the Board of Zoning Appeals meeting April 6. At that meeting, the board granted a variance for parking.

Farmington City Council met April 4 and 18. The planning commission's approval came April 11, which gives the go-ahead for the addition.

"Unfortunately, I don't think there is much that can be done now," Bush said.

The city is required by law to notify residents within 300 feet on any variance request. Commissions have limits on what they rule on, according to law.

"If the commission didn't do that," Lauhoff said, "the owner of these (private) properties can turn around and sue the city."

Residents don't have a say, but have a chance to give information, Lauhoff said. Their opinions count at such commission and board meetings, he said.

The request to move the trash bin was the result of a resident's complaint, he said.

"Those are the opinions that count, and we're going to work on those things," Lauhoff said. "The owner promised he's going to take care of those things."

Ebratt said he'll make an appearance before city council, but not to complain about the T.J. Maxx addition.

"If for nothing else, for the sake of education and learning about how the system runs," he said.

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