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12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 EDWARD PERUTA, MICHELLE ) **CASE NO: 09-CV-2371 IEG (BGS)**  
15 LAXSON, JAMES DODD, DR. ) **EXHIBITS “A” THROUGH “WW” IN**  
16 LESLIE BUNCHER, MARK ) **SUPPORT OF PLAINTIFFS’**  
AND CALIFORNIA RIFLE ) **MOTION FOR PARTIAL SUMMARY**  
17 FOUNDATION ) **JUDGMENT**

18 Plaintiffs, ) Date: November 1, 2010  
19 v. ) Time: 10:30 a.m.  
20 ) Location: Courtroom 1  
COUNTY OF SAN DIEGO, ) Judge: Hon. Irma E. Gonzalez  
21 WILLIAM D. GORE, ) Date Action Filed: October 23, 2009  
INDIVIDUALLY AND IN HIS )  
22 CAPACITY AS SHERIFF, )  
Defendants. )

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**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

EDWARD PERUTA,  
MICHELLE LAXSON, JAMES  
DODD, DR. LESLIE  
BUNCHER, MARK CLEARY,  
and CALIFORNIA RIFLE  
AND PISTOL ASSOCIATION  
FOUNDATION

Plaintiffs,

v.

COUNTY OF SAN DIEGO,  
WILLIAM D. GORE,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS SHERIFF,

Defendants.

) **CASE NO. 09-CV-2371 IEG (BGS)**  
) **CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

**EXHIBITS "A" THROUGH "WW" IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

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San Diego, CA 92101  
Telephone: (619) 231-0401  
Facsimile: (619) 231-8759  
pneuharth@sbcglobal.net

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on September 3, 2010.

/s/ C.D. Michel  
C. D. Michel  
Attorney for Plaintiffs



**EXHIBIT “A”**



# San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

Thomas J. Cooke, Undersheriff

SUBJECT: CONCEALED WEAPONS LICENSE

**POLICY STATEMENT:**

*The Sheriff may issue a concealed weapon license to law-abiding residents of San Diego County who comply with the provisions of Penal Code Section 12050.*

*In accordance to PC 12050 and subject to department procedure, any resident of San Diego County may submit an application to the Sheriff's License Division.*

*Each applicant will be interviewed by License Division Staff to determine initial eligibility. Applications accepted will be individually investigated to determine residency, moral character, and good cause. Applicants will be required to submit documentation to support and demonstrate their need.*

**APPLICATION PROCESS:**

Enclosed is an application for a concealed weapons license. Please review it carefully. If you choose to submit this application, complete all sections with the exception of the three signature areas. This is a two-part interview process.

Applications must be submitted to Sheriff's License Division in person. Please call Sheriff's License Division at 858-974-2020 to schedule an appointment for your initial interview. The first part of your interview will determine your need and the required documentation. Appointments may be set between the hours of 9:00 a.m. to 3:00, Monday through Friday. You will need to allow an hour for the interview. You will be given additional information and instructions to bring with you for your second interview.

The Department of Justice and San Diego County Sheriff's Department are both involved in the processing of this application, each agency requires certain fees. Fees will be collected at the end of your second interview.

The current fee schedule is as follows:

*Initial Application Fees*

Cash or check made payable to San Diego Sheriff's Department for **\$12.63** (the remainder **\$50.51** to be submitted at the time of issuance) PLUS a money order made payable to DOJ as shown below:

Standard (Two-year) license	<b>95.00</b>	money order
Judicial (Three-year) license	<b>117.00</b>	money order
Reserve Peace Officer (Four-year)	<b>139.00</b>	money order

*Renewal Fees*

A single payment in the form of cash or check made payable to San Diego Sheriff's Department shall be submitted for renewal of a CCW permit as shown below:

Standard (Two-year) license	73.52
Judicial (Three-year) license	95.52
Reserve Peace Officer (Four-year)	117.52

Fees are subject to change as allowed by law. They are processing fees and as such are not refundable regardless of the decision made on the application.

*Documentation*

All new applicants must demonstrate they are residents of San Diego County, have good cause and good moral character, pursuant to PC 12050. For purposes of this application, applicants must submit proof of residency in the form of two current, unpaid utility bills that list their name, service address and mailing address (or other similar type proof). Three character reference letters are required to assist in substantiating good moral character. These letters must be written by local residents and contain a local address and phone number. Letters will not be accepted from any relatives. The writer must also acknowledge he or she understands the letter is for an application for a concealed weapons license.

Good cause is an individual issue; however, if applying for business purposes, proof that you are a legitimate and fully credentialed business will be required as well as having to demonstrate that good cause for carrying a firearm exist. The same applies for those wanting to apply strictly for personal protection; the required documentation will be discussed at the time of the initial first interview, additional documentation may be requested. Valid California identification is also required.

Law Enforcement/Criminal Justice employees are exempt from certain requirements. Please call for information on this.

Other verifications will be requested on an individual basis. Residence verifications, proof of good cause and proof of training class are required with subsequent (renewal) applications.

If there are other questions, please call Sheriff's License Division @ 858-974-2020.

Sincerely,

WILLIAM D GORE, SHERIFF

*Blanca Pelowitz*

Blanca Pelowitz, Licensing Manager  
License Division

**EXHIBIT “B”**



# COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

## STANDARD OPERATING PROCEDURES FOR CONCEALED WEAPONS LICENSE APPLICATIONS

Reference: Sections 12050-12054 California Penal Code  
Sheriff's Policy and Procedures Manual, Division Standard Operating Procedures

Applications Submitted To: Sheriff's License Division – San Diego County Residents

Approved By: Sheriff License Manager or Commander, LESB

Issued By: Sheriff's License Division – Sheriff's Department

Investigation: Sheriff's License Backgrounds and other investigators as necessary

Fee: Local, see Sheriff's fee schedule  
State, see State fee schedule

Renewal: See fee schedules. Sheriff collects both local and State fees for renewals. At the end of each ARMS period, Financial Services will prepare a check made payable to DOJ for the amount due the State.

Note: §12054 PC only collect 20% retention of local processing fee – remainder of fee will be collected when issued

.....  
**ADMINISTRATIVE PROCEDURES:**

The State Standard CCW Application is available through the Sheriff's Department Web page [www.sdsheriff.net](http://www.sdsheriff.net) Site Index under "L" or can be mailed to any interested person along with the list of recognized training instructors. Applicants are required to schedule an appointment for a 1<sup>st</sup> interview to determine and establish the need and necessary documentation. Application, fees, fingerprints and all supporting documentation will be collected at the 2<sup>nd</sup> interview process. The conditions and release and waiver pages (sections 6 and 8) will be completed at the time of the interview.

### APPLICATION 1<sup>ST</sup> INTERVIEW

1. Have applicant fill out 1<sup>st</sup> interview request form with name and dob
2. Assigned applicant to interview clerk to discuss need and documentation
3. Complete information on form and file in accordion folder at counter for 2<sup>nd</sup> interview. (1<sup>st</sup> interview should be 2<sup>nd</sup> interview/process clerk).

#### APPLICATION 2<sup>nd</sup> INTERVIEW

4. GP # assigned at 2<sup>nd</sup> front counter by reception clerk. This # should be written in at the top of pages 3-5 and 10-14 of the application who will also photograph applicant.
5. Review application CAREFULLY to be sure all questions have been answered. No lines are to be left blank or filled in N/A (all items are applicable) If a question does not apply, have the applicant answer none. If used, all names must be included (e.g, Ted or Bill for William, Jim for James, Bob for Robert etc) including maiden, and all, married names.
6. Review the Conditions page with the applicant, have him/her sign, and date it. Clerk will countersign and date it.
7. Review the Release and Waiver page with the applicant and have him/her sign and date it. Clerk will countersign and date it.
8. Verify that all required supporting documentation is submitted with the application. If additional items are required, provide the applicant with a written list of them making a copy of the list for the file in a comment sheet. 2<sup>nd</sup> interview applicants should not be turned away because they lack certain information (@ clerks' discretion using good judgment). It will be the responsibility of the applicant to submit the requested additional information. If not received by the completion of the backgrounds applicants should be informed it could result in grounds for denial and considered an incomplete process.
9. Explain that the applicant must qualify at the Sheriff's Weapons Training Facility at the Miramar Range with the weapons they wish to carry. Fill out the top portion of the Firearms Safety/Range Test form, include the information pertaining to the 8 hr firearms training and give it to the applicant. Inform applicant he/she has only 30 days to complete the Sheriff's Qualification and written test.
10. Complete the CCW Licensing Program with applicant information and print out license for applicant to sign and get thumbprints on white and yellow (State) copies. Collect 20% of initial local processing fees (currently \$12.63 of 63.14 – collect \$50.51 at time of issuance) and State livescan fees. See fee schedules for amounts.
11. Fingerprint applicant via Livescan. Have applicant sign one hard copy fingerprint card for file. Attach DOJ MO to Livescan form and place in livescan according file. Inform applicant that application and supporting documentation will be forwarded to the Background Unit for investigation (investigating the truth of the matter) notification of approval or denial will be done by mail, usually in 10-12 weeks. Also, explain we do not answer questions about status of permits over the telephone. Tell them any outstanding documents must be mailed to this office within 30 days. If they fax anything, they must follow up with originals for our records.
12. Write out any comments necessary for investigator's use.
13. Submit file to corresponding (Alpha A-M or N-Z) investigator for further processing.
14. If applicant has answered yes to any of the "Additional CCW Question" questions relating to former law enforcement or law enforcement academy refer file to the investigative deputy for follow-up before submitting to corresponding licensing specialist.

FINAL REVIEW  
MANAGER RECOMMENDATION

The License Manager will:

1. Review the file for completeness. If there are outstanding concerns, the file will be referred to Background Supervisor for answers or the Manager will research the question.
2. Make a decision whether or not the applicant meets the established criteria. If so, the file will be given back to original interview clerk via supervisor for issuance. If not, Manager will prepare statement of denial and forward file to Commander for concurrence.
3. If Commander concurs with decision to deny, Manager will prepare letter of denial listing reason for decision and explaining appeal rights.
4. If Commander does not concur, consideration and instructions will be provided for either follow up or for license to be issued (file will be given to original interview clerk via supervisor for issuance).

ISSUANCE:

Interview clerk will:

1. Complete typing and/or updating the license program with issue dates, add the weapons and comment dates accordingly and laminate.
2. Print PIN form from program and place in box for filing.
3. Update computer (SR04/SR14) with class, status, issue and expiration dates and CII number.
4. Contact applicant to have them pick up license and collect remainder of initial local processing fee.
5. File jacket in active files.

SUBSEQUENT (renewals):

Interview Clerk will:

1. Print renewal application from program and have applicant review carefully. Be sure all questions have been answered. No lines are to be left blank. If a question does not apply, have the applicant write in none.
2. Review the Conditions page with the applicant, have him/her sign, and date it. Clerk will countersign and date it.
3. Review the Release and Waiver page with the applicant and have him/her sign and date it. Clerk will countersign and date it.
4. Verify that all required supporting documentation is submitted with the application. If applicant does not have all required documentation, tell him/her it must be collected before the application can be accepted; provide applicant with the information needed. Terminate the interview
5. If reasons have changed, is a suspect in ARJIS case or recent arrest within the two year standard period, tell applicant file will go for review before issuance.
6. Continue to process and run all other queries for background.

If everything is okay:

7. Update Licensing program with proper dates (date of issue will be date applicant comes into renew)
8. Print completed/updated PIN and renewal license from program.
9. Collect fees, both local and State. See fee schedules for amounts.
10. Take updated photos of applicant.
11. Roll applicant's thumbprint on white and yellow copies of license.
12. If file does not have to be reviewed, laminate new license and give to applicant.
13. Place PIN in box for filing. (public information notice)
14. Update computer SR14 screen.
15. Write out any comments necessary.
16. File jacket in active files.
17. If file is to be reviewed, forward it to appropriate review level with comment sheet outlying why file is to be reviewed.

#### MODIFICATIONS:

Any changes to the CCW license or reasons stated on application will require the licensee to notify this office within 10 days of the change. In accordance to PC12050, (f) (1) changes to residency and weapons will be required in writing within 10 days. Failure to do so can result in the suspension or revocation of the license for failure to notify this office under the terms and conditions under which the license was granted.

#### REVIEWS/INVESTIGATIONS:

By the authority granted in §12050 THE Sheriff's Department conducts a comprehensive and detailed investigation to determine the qualifications of the applicant and to verify the truth-of the-matter stated by the applicant on the standard application.

§12051 also address the issue of *False Statements* on the application for a concealed weapon. Knowingly making false or misleading statements on certain section of the application can be considered a felony or misdemeanor

Acceptance of the application by the licensing authority does not guarantee the issuance of a license; DOJ fees and costs are non-refundable. The license if issued is subject to restrictions placed upon it and any misuse of the license/weapon will cause an automatic suspension or revocation. Arrest or contacts of a negative nature will any law enforcement agency may cause the license to be suspended or revoked. Other Law Enforcement agencies are authorize by this department at their discretion to confiscate the license if negative contact is made and returned to the Sheriff's Department for review.

Furthermore, the authority is given to the Issuing Officer by the licensee to investigate, as they deem necessary, the licensee's record and character to ascertain any and all information which may concern his/her qualifications and justification for the issuance of a license to carry a concealed weapon. Applicant also releases said agency of any liability arising out of such investigation. (Statement and released made on State Uniform CCW Application)



**EXHIBIT “C”**

***CCW KEY POINTS TO REMEMBER WHILE INTERVIEWING OR GIVING OUT INFORMATION ON CCW'S***

- The authority and guidelines for CCW comes from Penal Code § 12050 et al.
- California is NOT a “shall issue State” (may issue)
- Each County in the State approves CCW privileges based upon its own definition of “good cause”
- In SD County, “good cause” has been determined to be “circumstances which would make a person a specific target in contrast to a random one.
- Applicants are requires to demonstrate the specific situation that places them in danger and submit evidence of current incidents which documents their claim. Licenses are NOT issued based on “fear” alone.
- The Sheriff’s policy statement states... “Any resident of San Diego County may submit an application to carry a concealed weapon to the Sheriff’s License. Each applicant is individually interviewed and investigated to establish good moral character, residency in San Diego County and that good cause exist for issuance.
- CCW licenses issued in San Diego County primarily are related to business purposes. All applicants must produce proof they are an actual legitimate business; by this we mean fully credentialed. Business ownership does not automatically constitute granting of the license and must demonstrate how it places them in danger. The same applies for licenses issued for personal protection; applicants must provide documentation e.g., restraining orders, law enforcement referrals, documented victim case incidents or threats. A single random act of violence may not necessarily be considered good cause for issuance. The determination for issuance or recommendation to deny is based on the results of the background investigation.
- Background investigation is to investigate the truth-of-the-matter listed on the application. Withholding or providing misleading information on the CCW application is considered an unlawful act and depending on which section of the application can either be considered a misdemeanor or felony.
- Penal Code § 12051 (b) Any person who file an application required by subdivision (a) knowing that statements contained therein are false is guilty of a misdemeanor.
- Penal Code § 12051(c) Any person who knowingly makes a false statement on the application regarding any of the following shall be guilty of a felony.
  1. The denial or revocation of a license, or the denial of an amendment to a license.
  2. A criminal conviction
  3. A finding of not guilty by reason of insanity
  4. The use of a controlled substance
  5. A dishonorable discharge from military service
  6. A commitment to mental institution
  7. A renunciation of US citizenship

The Department will deny, suspend/revoke the requestor license, rather than charge the applicant with a crime

Pages # 6 and #10 of state standard CWW application provides specific details regarding conditions, restrictions and applicants’ agreement to hold harmless

**EXHIBIT “D”**



# SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

License Division, 9621 Ridgeway Court, PO Box 939062  
San Diego, CA 92193-9062

William D. Gore, Sheriff

## CCW 1<sup>ST</sup> INTERVIEW QUESTIONNAIRE - SECTION ONE

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 AKA: \_\_\_\_\_ DOB: \_\_\_\_\_  
 OCCUPATION: \_\_\_\_\_ PHONE: \_\_\_\_\_

.....  
TO BE COMPLETED BY LICENSE DIVISION INTERVIEWING STAFF

REASONS FOR CCW: \_\_\_\_\_  
\_\_\_\_\_

1. Bus Owner \_\_\_\_\_ Partnership \_\_\_\_\_ Corporation \_\_\_\_\_

a. Name of Company or Corp? \_\_\_\_\_  
 b. How long have you been in business? \_\_\_\_\_ Any employees? \_\_\_\_\_

2. Employee \_\_\_\_\_

a. How long have you been employed? \_\_\_\_\_  
 b. Duties? \_\_\_\_\_  
 c. Full time or part time? \_\_\_\_\_

3. Security Guard \_\_\_\_\_ P.I. or Private Patrol Operator \_\_\_\_\_

a. How long have you been employed/in business? \_\_\_\_\_  
 b. Do you have a state Exposed Firearms Qualification Card? \_\_\_\_\_ Guard Card? \_\_\_\_\_  
 c. How many hours a week do you work? \_\_\_\_\_ a month? \_\_\_\_\_

4. Personal Protection \_\_\_\_\_

a. Restraining Orders? \_\_\_\_\_ b. Documentation/Reports? \_\_\_\_\_  
 c. What is the threat? \_\_\_\_\_ d. On going or random? \_\_\_\_\_

5. Law Enforcement \_\_\_\_\_ Former Law Enforcement \_\_\_\_\_ Reserve Officer \_\_\_\_\_

a. Agency working for or retired from? \_\_\_\_\_  
 b. How long? \_\_\_\_\_  
 c. Have you completed probation? (SDSO Reserves must complete 1yr probation)

1. Do you have any other full or part-time employment? \_\_\_\_\_
2. Are you currently on any form of probation (formal or summary)? \_\_\_\_\_
3. Have you ever held or applied for a CCW? \_\_\_\_\_ Where? \_\_\_\_\_
4. Have you ever applied or worked with a law enforcement agency? \_\_\_\_\_

Interviewed By: \_\_\_\_\_

Meets CCW Criteria \_\_\_\_\_  
Pending completion of background  
(Copy of DTS attached)

DOES NOT meet CCW Criteria \_\_\_\_\_  
(Please read comments)

Scheduled 2<sup>nd</sup> interviewed on \_\_\_\_\_ Will Call to schedule 2<sup>nd</sup> interview \_\_\_\_\_

Comments (please elaborate):

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# **EXHIBIT “E”**



**SAN DIEGO COUNTY SHERIFF  
LICENSE DIVISION**

9621 Ridgeway Court, P.O. Box 939062, San Diego CA 92193-9062

William D. Gore, Sheriff

**DOCUMENTATION TO SUPPORT  
REQUEST TO CARRY CONCEALED WEAPONS**

Applicants are required to submit all items checked below at the time of the **SECOND INTERVIEW**. **Additional items may be requested when applicable.** Applications will not be processed until all necessary paperwork has been submitted.

**ALL APPLICANTS MUST PROVIDE THESE ITEMS:**

- Fees from FEE SCHEDULE. Note: Initial DOJ fee must be in the form of a money order made payable to DOJ. Renewal fees and initial County fees may be in the form of cash or a check made payable to San Diego Sheriff. (\$\_\_\_\_\_ MONEY ORDER & \$12.63 CASH/CHECK- initial processing fee- with an additional amount of \$50.51 to be paid at the time the issued CCW is picked up).
- Two proofs of residency must have the applicant's name, such as unpaid utility bills, receipts, etc. Post Office box numbers are not accepted as permanent residence addresses.
- 8 Hour Certificate of Firearms Safety Training, dated within thirty days.
- CA Driver's License or other acceptable CA identification.
- \_\_\_\_ Three personal reference letters:
  - \*Family Member or employer letters are not acceptable
  - \*Must be local San Diego county residents
  - \*Must state writer is aware applicant is applying for a CCW
  - \*Must specify applicant's moral character
  - \*Dated within 30 days of 2<sup>nd</sup> interview
  - \*Must have writer's full name, address, phone & signature. They will be contacted.

**ITEMS REQUIRED IF APPLYING FOR BUSINESS RELATED PURPOSES.**

- \_\_\_\_ Licenses required by local, State and/or Federal Business and Profession Codes  
(\*Note-Only weapon calibers on State Firearms Exposed License will be on CCW-if applicable)
 

1.	3.	5.
2.	4.	6.
- \_\_\_\_ Fictitious Name Registration / Statement of Domestic Stock / Partnership / LLC documentation.
- \_\_\_\_ Partner(s)/Corporate Officers statement providing authorization.(Partner letter should state if partnership dissolves they will notify this office immediately upon separation).
- \_\_\_\_ Employer's authorization specifying duties/assignments which establish need.  
(Employer letter should state they will notify this office immediately upon separation or need no longer exist).
- \_\_\_\_ Employee- last two paychecks stubs/proof of employer-employee relationship
- \_\_\_\_ Cash Transactions-Copy of bank receipts/Statements showing cash deposits
- \_\_\_\_ Other

**ADDITIONAL ITEMS IF APPLYING STRICTLY FOR PERSONAL PROTECTION ONLY**  
(Threats or Harassment)

- \_\_\_\_ Current Police reports and/or other documentation supporting need (i.e. such as restraining orders or other verifiable written statements).
- \_\_\_\_ Other \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Date: \_\_\_\_\_ Class: \_\_\_\_\_

**EXHIBIT “F”**





# **EXHIBIT “G”**



# San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William B. Kolender, Sheriff

William D. Gore, Undersheriff

March 17, 2009

Edward Peruta  
3151 Driscoll Drive  
San Diego, CA 92117

Dear Mr. Peruta:

The application investigation for a license to carry a concealed weapon has been completed. After considerable review, the determination has been made to deny your request.

California Penal Code §12050 (a) (1) (A) requires the County Sheriff be satisfied that the person applying is of good moral character, that good cause exists and the person applying has satisfied any one of the conditions specified in subparagraph (D) relating to residency.

The background investigation reveals you have not satisfied this Department in meeting the primary criteria for issuance. The reasons and documentation you have provided do not substantiate that good cause exists.

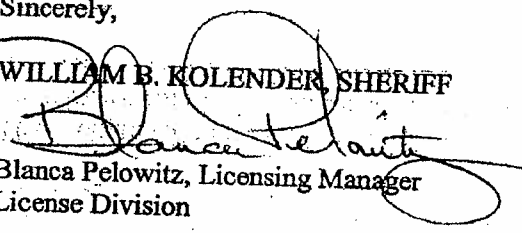
While I understand your concern for safety as you travel in your motor-home throughout the Country, there are other alternatives for personal protection we urge you to explore while you travel the State of California.

Therefore, based on the results of the background investigation and lack of good cause, your request is denied.

You may request a review of this decision by writing to Assistant Sheriff Cooke, Law Enforcement Service Bureau at P.O. Box 939062; San Diego, CA 92193-9062. Assistant Sheriff Cooke's decision will be final and there is no further appeal.

Sincerely,

WILLIAM B. KOLENDER, SHERIFF

  
Blanca Pelowitz, Licensing Manager  
License Division

Cc: File  
DOJ

"Keeping the Peace Since 1850"

# **EXHIBIT “H”**

Friday, March 20, 2009

San Diego County Sheriff's Department  
Assistant Sheriff Cooke  
Law Enforcement Service Bureau  
P.O Box 939062  
San Diego, CA 92193-9062

**NOTICE OF INTENT TO APPEAL AND REQUEST FOR ACCESS TO INFORMATION**  
**HAND DELIVERED**

I have received by denial letter from the San Diego Sheriff's Department dated March 17, 2009 and will be taking the steps necessary to appeal the decision to the Assistant Sheriff.

The letter of denial, a copy of which is attached to this appeal, states that I have the right to appeal the denial to Assistant Sheriff Cook, Law Enforcement Services Bureau without any stated time period in which the appeal must be made.

The notice of denial received is extremely vague as to the reason(s) given for the denial, and seems to imply in the second paragraph that "residency" may be one of the reasons for the denial.

In paragraphs three and five of the denial letter, Ms. Pelowitz appears to imply that the background investigation failed to validate an unspecified "primary criteria for issuance" together with statements that the "background investigation" and "lack of good cause" are also reasons for the denial.

In the interest of due process full disclosure of the investigative file is requested to formulate a proper and informative appeal.

The appellant Edward Peruta therefore requests access to the complete investigative file so that a proper and meaningful appeal may be prepared for presentation to Assistant Sheriff Cook in a timely fashion at some point in the future.

Without access to the full investigation file and findings of the investigator(s) (and any other relevant information), the appellant is left to guess regarding the specific reasons on which to address any appeal of the initial denial.

It is without question that the appellant Edward A. Peruta is currently unable to offer or present information or documents without first knowing the exact reasons for the denial.

In the interest of timeliness, I request that any response be made via email so that I may take advantage of the final administrative appeal of this decision in a timely manner.

Respectfully,

*Edward Peruta*

Edward A. Peruta [edperuta@amcable.tv](mailto:edperuta@amcable.tv)  
3151 Driscoll Drive  
San Diego, CA 92117

Cc: Attorney Paul Neuharth via email

# **EXHIBIT “I”**

**PAUL H. NEUHARTH, JR., APC**  
ATTORNEY AT LAW

1140 UNION STREET, SUITE 102  
SAN DIEGO, CALIFORNIA 92101  
Tel: (619) 231-0401 Fax: (619) 231-8769  
email: [pneuharth@sbcglobal.net](mailto:pneuharth@sbcglobal.net)

March 24, 2009

Assistant Sheriff Cooke  
Law Enforcement Service Bureau  
P.O. Box 939062  
San Diego, CA 92193-9062

RE: Edward Peruta  
Application No.: GP-25466

Dear Assistant Sheriff Cooke,


Please be advised that I am the attorney of record for Edward Peruta with regard to his CCW application process and other CCW related matters. I have previously spoken with Sanford Toyon regarding this matter.

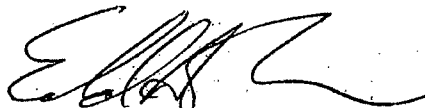
At this point and time Mr. Edward Peruta is requesting your review of the decision to deny his application to carry a concealed weapon and we would like the opportunity to meet with you in person during this review process. Specifically, we do not know why Mr. Peruta's application was denied as we believe he has shown good cause in his one page declaration, does not have any disqualifying events in his background, has a CCW from other states, and should meet the residency requirements.

In addition, none of the personal references, including: Police Chief T. William Knapp, Retired Executive Director of Post for the State of Connecticut, Police Chief James Cetran, Wethersfield, Connecticut, Police Chief Michael Custer Rocky Hill, Connecticut, Police Chief Anthony Salvatore Cromwell, Connecticut and currently the President of the New England Association of Chiefs of Police, in addition to local references that were provided in the application process, as requested by the San Diego County Sheriff's Department were never contacted and are willing to provide declarations to this effect.

Please contact my office to schedule a date and time to meet with you at your office.

Sincerely,

  
Paul H. Neuharth, Jr.  
Attorney at Law

  
Edward Peruta

cc: Sanford Toyon

# **EXHIBIT “J”**





# San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William B. Kolender, Sheriff

William D. Gore, Undersheriff

May 5, 2009

Mr. Edward Peruta  
3151 Driscoll Drive  
San Diego, CA 92117

Dear Mr. Peruta:

## CONCELAED WEAPONS PERMIT

Thank you for taking the time to come to my office and present your perspective pertaining to the Department's decision to deny your application for a concealed weapons permit. After considering the information provided by you and your attorney and after further consultation with my staff, the decision to deny your application remains unchanged and your application is denied. This decision is final and there is no further appeal.

Because your application was not approved, you are entitled to a refund of \$50.51 of the application fees you posted at the beginning of the process. If you would please sign the enclosed claim and voucher form, then return it to our License Division at 9621 Ridgehaven Court, San Diego, CA 92123, we will process your refund and mail it to the Driscoll Drive address.

Sincerely,

WILLIAM B. KOLENDER, SHERIFF

Jim Cooke, Assistant Sheriff  
Law Enforcement Services Bureau

cc: Paul H. Neuharth, Jr.  
Sheriff's License Division

enclosure

"Keeping the Peace Since 1850"

# **EXHIBIT “K”**



**EXHIBIT “L”**



# **EXHIBIT “M”**



## San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062

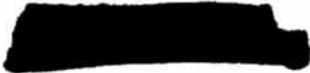


William B. Kolender, Sheriff

Barry R. Zuniga, Undersheriff

July 25, 2005

Mark S. Cleary



Dear Mr. Cleary:

After thorough review of your application for a license to carry a concealed weapon (CCW), the determination has been made to deny your request.

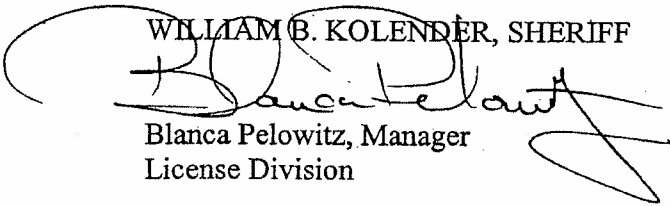
California Penal Code §12050(a)(1)(A) requires the County Sheriff be satisfied that good cause exists before the license can be issued. Although you claim you are a target of repeated threats and provide some documentation, they do not rise to the level to establish good cause for issuance. There will always be risks when dealing with individuals who are unstable, as you do in your position as a nurse assigned to a mental ward. Additionally, your employer has made it clear that their policy prohibits firearms anywhere on their premises, including weapons stored in personal vehicles on company property.

The decision to deny your request is not meant to minimize your situation or concerns; however, fear for one's safety alone is not acceptable justification to carry a concealed weapon. There are legitimate alternatives to carrying a firearm, which I encourage you to explore.

You may request a review for reconsideration of this decision by writing to Assistant Sheriff William D. Gore, Law Enforcement Services Bureau, P.O. Box 939062, San Diego, CA 92193-9062. Assistant Sheriff Gore's decision will be final and there will be no further appeals.

Sincerely,

WILLIAM B. KOLENDER, SHERIFF

  
Blanca Pelowitz, Manager  
License Division

cc: file

"Keeping the Peace Since 1850"

Mark S. Cleary

**EXHIBIT “N”**





**EXHIBIT “O”**



# **EXHIBIT “P”**



# **EXHIBIT “Q”**



# **EXHIBIT “R”**





**EXHIBIT “S”**



# **EXHIBIT “T”**



**EXHIBIT “U”**



**EXHIBIT “V”**





**EXHIBIT “W”**



**EXHIBIT “X”**



**EXHIBIT “Y”**



# **EXHIBIT “Z”**





**EXHIBIT “AA”**



**EXHIBIT “BB”**



**EXHIBIT “CC”**



**EXHIBIT “DD”**





**EXHIBIT “EE”**



**EXHIBIT “FF”**



**EXHIBIT “GG”**



**EXHIBIT “HH”**





**EXHIBIT “II”**



**EXHIBIT “JJ”**



**EXHIBIT “KK”**



**EXHIBIT “LL”**





**EXHIBIT “MM”**



**EXHIBIT “NN”**



**EXHIBIT “OO”**

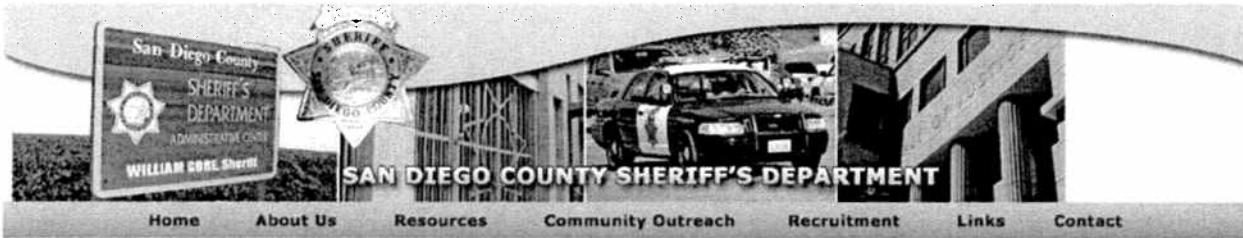


**EXHIBIT “PP”**





**EXHIBIT “QQ”**



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**2008 YEAR IN REVIEW**

**San Diego County Honorary Deputy Sheriffs' Association**

The goal of the San Diego County Honorary Deputy Sheriffs' Association (HDSA), founded in 1974 by former Sheriff John F. Duffy, is to assist the Sheriff of San Diego County with the duties and responsibilities of his office, as well as promote all law enforcement activities in San Diego County.

The HDSA continues to focus on providing the much-needed funds for education, training and equipment for all our law enforcement agencies in the County. In the thirty-four years the HDSA has been serving the San Diego County law enforcement community, it has contributed more than \$4.8 million through projects and donations.

The HDSA is comprised of approximately 720 local business and community leaders, committed to supporting law enforcement throughout the county. Through the generous donations of time and money from our members, the HDSA is uniquely positioned to offer assistance to local law enforcement agencies, enabling them to carry out their missions safely and efficiently.

The 2008 Board of Directors was able to make significant strides toward its goal of supporting local law enforcement and collectively raised or contributed more than \$287,000 to the law enforcement community:

- \$37,000 – for education tuition for Sheriff's personnel
- \$130,000 – for 100 new Motorola Radios for Search and Rescue
- \$40,000 – for repairs and maintenance for the Miramar Tactical Training Facility, also known as Duffy Town
- \$80,000 – raised to support the Sheriff's Museum and Educational Center

Additionally, the HDSA owns and operates the Sheriff's Museum in Old Town, which educates and provides a historical perspective of local law enforcement to the thousands of children and citizens who visit each year.

The HDSA is the premier law enforcement support organization in the country, and we are proud to be considered partners with our Sheriff's Department. We are looking forward to another successful year in 2009, as we continue to look for opportunities to serve and support their mission.

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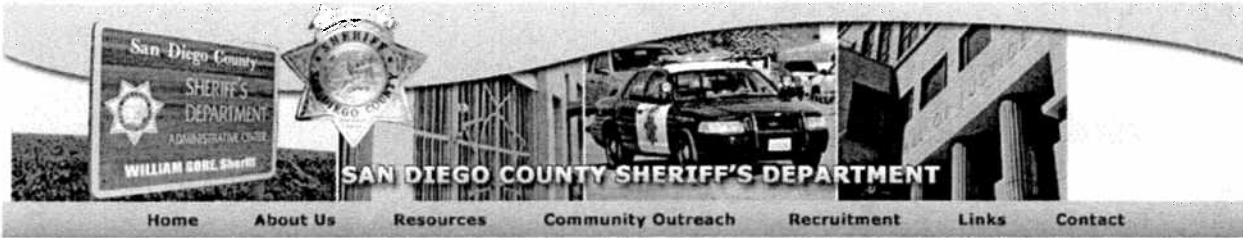
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**EXHIBIT “RR”**



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**MARY WALSH, CHIEF OF STAFF**

Mary Walsh was appointed Chief of Staff to Sheriff Kolender when he was first elected in 1994. She serves as the Sheriff's confidante, facilitating special requests involving the Sheriff.

Walsh oversees the Executive Staff, office procedures and protocols. She is responsible for reviewing all informational and action items that come into the Office of the Sheriff. She works closely with the Sheriff, Undersheriff and Command Staff on operational and management issues.

Walsh represents the Sheriff on various internal and external committees. She is the Sheriff's liaison to the Honorary Deputy Sheriffs' Association, Law Enforcement Foundation, and Sheriff's Museum.

Walsh is a member of the California State Sheriffs' Association (CSSA) and San Diego Deputy Sheriffs' Association. She is also a graduate of LEAD San Diego.

Walsh possesses a lifetime teaching credential from San Diego Community Colleges. Currently, she teaches newly elected sheriffs on the "Transition to the Office of Sheriff". She also provides administrative assistants training.

Ms. Walsh has been with the San Diego County Sheriff's Department since 1973. She has worked in various areas of the department, including Licensing, Internal Affairs and Personnel. For nearly 10 years, she worked as a Confidential Assistant to Sheriff John Duffy who served 20 years as Sheriff.

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**COMMAND STAFF**

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- [Jim Cooke, Undersheriff](#)
- [Robert Ahern, Assistant Sheriff](#)
- [A. H. Guerin II, Assistant Sheriff](#)
- [Ed Prendergast, Assistant Sheriff](#)
- [Kim Quaco, Assistant Sheriff](#)
- [Chuck Gaines, Executive Director](#)
- [Patricia Duke, Commander](#)
- [John Ingrassia, Commander](#)
- [Michael McNally, Commander](#)
- [Rich Miller, Commander](#)
- [Glenn Revell, Commander](#)
- [Jill Serrano, CFO](#)
- [Brian Sampson, Director of Support Services](#)

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**EXHIBIT “SS”**

# San Diego County Honorary Deputy Sheriffs' Association



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## Joining the HDSA

Membership to the Honorary Deputy Sheriffs' Association is offered to those individuals who have an interest in supporting law enforcement and specifically the San Diego County Sheriffs' Department.

Members must be of both high character and ethics as well as willing to spend time to support San Diego Law enforcement.

Membership is available at 5 levels

Rank	Donation	Includes:
Honorary Deputy	\$325	Annual Dues All regular membership luncheon meetings Badge Plaque Dues after the first year, \$200
Honorary Sergeant	\$500	Annual Dues All regular membership luncheon meetings, Recognition Plaque with badge Dues after the first year, \$250
Honorary Lieutenant	\$750	Annual Dues All regular membership luncheon meetings, recognition Plaque with badge Dues after the first year, \$375
Honorary Captain	\$1,000	Annual Dues All regular membership luncheon meetings, recognition Plaque with badge Dues after the first year, \$500
Honorary Commander	\$1,500	Annual Dues All regular membership luncheon meetings, recognition Plaque with badge Dues after the first year, \$1000

To join the HDSA, you must be a resident of San Diego County or the immediate surrounding counties.

You must be sponsored by someone in the organization who can speak to your good standing as well as provide three letters of reference from friends or business associates.

You must also be at least 21 years of age and pass a thorough background check.

Finally, after review and an interview by our Membership committee, the HDSA Board of Directors will review your application before acceptance.

## Membership Benefits

All members of the HDSA are welcome to attend the five membership luncheons every year, as well as the many special events that are scheduled also.

Members receive the quarterly 10-5, a newsletter giving updates to changes in law enforcement and the activities of law enforcement.

Members may also serve on committees which will interact in the development of the needs of the different departments within the Sheriffs' Department. Once those needs are established, the HDSA will work to fill those needs through its own resources.

## Basic Handgun Safety

The 2010 Basic Handgun Safety class schedule is as follows:

- December 04, 2010
- (Rescheduled) Sept 25, 2010

Click on any of the above dates that best suits your schedule.

### Join our Mailing List

Add your email and be a part of our list of announcements and reminders. *Beats snail mail!*



## How to Apply

Applicants to the HDSA must be nominated and sponsored by a current member, in good standing. The applicant's sponsor can provide the necessary forms by contacting the HDSA administrator.

*... A prestigious organization  
of business and community leaders ...*

Our group is limited in number, open by invitation only and reserved for those of distinguished character and notable contributions to business and our community.

*HDSA Officers and  
Board Personnel*

Meet this year's lineup.

*Contact  
The Honoraries*

**The Honorary Deputy Sheriffs' Association**  
PO Box 421260  
San Diego, CA 92142-1260  
Ph. (858) 974-2296 FAX (858) 974-2186

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**EXHIBIT “TT”**

# San Diego County Honorary Deputy Sheriffs' Association



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## Please meet this year's lineup

Michael Nesbit	President
Wayne Hanson	Vice-President
Marilee Reina Howe	Secretary
Min Leonard	Treasurer

Jeff Basford	Board Member	Arnold Korey	Board Member
Robin Callaway	Board Member	Mike McCutcheon	Board Member
Ray Crouse	Board Member	Mark Nesbit	Board Member
Wayne Hanson	Board Member	Mike Nesbit	Board Member
Steve Higgins	Board Member	Tom Prendergast	Board Member
Charles Kopp	Board Member		

Advisory Committee	Jeff Basford
Advisory Committee	Fred Grand
Advisory Committee	Steve Higgins
Advisory Committee	Gil Klecan
Advisory Committee	Roger McKee
Advisory Committee	Tom Prendergast
Advisory Committee	Hugh Willner
A-Range	Jeff Basford, Ken Miles
Administration	Virginia Rader
Advisory	Gil Klecan
Auditor	James Kuhn
Awards	Wayne Hanson
Credential Recovery	Mike Nowlan
Emergency Services	Wayne Hanson and Mark Lyons
Facility Tours	Mark Lyons
Finance	Steve Higgins
Fund Raising	Tom Prendergast
Golf Tournament	Dave Jackson, Mark Nesbit, Mike Nesbit
Handgun Safety Course	Bob O'Neill
Jurisprudence	Steve Wittman, Randy Wittman and Roger McKee
Liason	John Madigan
Lunch Speakers	John Madigan
Membership	Charles Kopp

## Basic Handgun Safety

The 2010 Basic Handgun Safety class schedule is as follows:

- December 04, 2010
- (Rescheduled) Sept 25, 2010

Click on any of the above dates that best suits your schedule.

### Join our Mailing List

Add your email and be a part of our list of announcements and reminders. *Beats snail mail!*

Subscribe

Memorial Events

Military Liason	Doug Robert
Museum	Fred Grand, Robin Callaway, Hugh Willner and Ken Miles
Nominating	Mike McCutcheon, Arnold Korey
Policy and Procedures	Arnold Silva
Public Relations	Charles Kopp
Publication 10-5	Marilee Reina-Howe and Tom Keck
Roster	Virginia Rader and Tom Prendergast
Sunshine	Virginia Rader
Webmaster	Pete Quintanilla

*... A prestigious organization  
of business and community leaders ...*

Our group is limited in number, open by invitation only and reserved for those of distinguished character and notable contributions to business and our community.

*HDSA Officers and  
Board Personnel*

Meet this year's lineup.

*Contact  
The Honoraries*

**The Honorary Deputy Sheriffs' Association**  
PO Box 421260  
San Diego, CA 92142-1260  
Ph. (858) 974-2296 FAX (858) 974-2186

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**EXHIBIT “UU”**

# San Diego County Honorary Deputy Sheriffs' Association



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## Giving back to the community ...

In 1974, 25 like-minded San Diego businessmen began the Honorary Deputy Sheriffs' Association with a single mission - to support law enforcement.

We are non-profit and non-political, governed by our members and an elected board of directors. Our bylaws set the conditions of membership, dues and other matters, and limit our membership to 1,000. We meet at least quarterly and are privy to insider briefings about what's really happening in criminal justice. Each of us values the opportunity to be part of a group willing and able to support those who protect us.

While our efforts are focused largely on providing specialized equipment and essential support for law enforcement, we are also involved in education and training.

Our accomplishments include construction of the Tactical Training Facility, a Canine Training course and a S.W.A.T. obstacle course at MCAS Miramar. These training facilities, valued at more than \$500,000, serve every law enforcement agency in San Diego and were constructed at no cost to taxpayers.

We have purchased law enforcement training and safety equipment that the agencies are not budgeted for or could not otherwise afford, such as hundreds of trauma kits for the San Diego Police Department's patrol cars. We established a foundation to provide scholarships for management and technology training for local law enforcement officers.

We award a handgun to the top shooter graduation from the San Diego Regional Law Enforcement Training Center. And we make scholarships possible for Explorer Scouts interested in law enforcement.

## Basic Handgun Safety

The 2010 Basic Handgun Safety class schedule is as follows:

- December 04, 2010
- (Rescheduled) Sept 25, 2010

Click on any of the above dates that best suits your schedule.

### Join our Mailing List

Add your email and be a part of our list of announcements and reminders. *Beats snail mail!*

### *... A prestigious organization of business and community leaders ...*

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sig-PEFC's Custom Code Shoppe

**EXHIBIT “VV”**





**EXHIBIT “WW”**

2006-CURRENT CCW DENIALS

Garrahan, Vincent – GP25062  
Occupation - Retired

Davis, Andrew – GP25137  
Occupation - Owner

Brown, Shawn – GP25124  
Occupation - Process Server

Patton, James – GP25153  
Occupation – Security

Brown, Frederick – GP25166  
Occupation – Owner

Rivas, Joe – GP25150  
Occupation – Security

Davidson, Curt – GP 25147  
Occupation – Contractor

Binno, Joe – GP25180  
Occupation – Owner/CEO

Archibald, David – GP25191  
Occupation – Firefighter/EMT

Daghlian, George – GP24926  
Occupation - Security

Pamilton, Peter – GP23705  
Occupation – Security

Lusink, Richard – GP5296  
Occupation – Owner

Landini, Massimiliano – GP25286  
Occupation – Owner

Peruta, Edward –GP25466  
Occupation – Retired, Motorcross Track Owner,  
News Media, legal Investigator

Williams, Michelle – GP25532  
Occupation – Security

Lemler, Lawrence – GP25541  
Occupation – Retired

Jeangauenat, Albert – GP25581  
Occupation – Retired

Mark Cleary – GP25046  
Occupation - Nurse

**EXHIBIT “XX”**

**COPY**

1 JOHN J. SANSONE, County Counsel  
2 Answering Defendant of San Diego  
3 By JAMES M. CHAPIN, Senior Deputy (SBN 118530)  
4 1600 Pacific Highway, Room 355  
5 San Diego, CA 92101  
6 Telephone: (619) 531-5244  
7 [james.chapin@sdcounty.ca.gov](mailto:james.chapin@sdcounty.ca.gov)

8 Attorneys for Defendants County of San Diego and William D. Gore

9 **UNITED STATES DISTRICT COURT**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 EDWARD PERUTA, MICHELLE  
12 LAXSON, JAMES DODD, DR. LESLIE  
13 BUNCHER, MARK CLEARLY and  
14 CALIFORNIA RIFLE AND PISTOL  
15 ASSOCIATION FOUNDATION,

16 Plaintiffs,

17 v.

18 COUNTY OF SAN DIEGO, WILLIAM D.  
19 GORE, INDIVIDUALLY AND IN HIS  
20 CAPACITY AS SHERIFF,

21 Defendants.

USSD No. 09-CV-2371 IEG (BLM)

**WILLIAM D. GORE'S RESPONSE TO  
REQUESTS FOR ADMISSION**

22 PROPOUNDING PARTY: PLAINTIFF EDWARD PERUTA

23 RESPONDING PARTY: DEFENDANT WILLIAM GORE

24 SET NUMBER: ONE

25 REQUEST FOR ADMISSION NO. 3:

26 Admit that YOU deemed PLAINTIFF to lack GOOD CAUSE because he did not  
27 provide YOU with sufficient documentation of "circumstances which [made him] a  
28 specific target in contrast to a random one.

RESPONSE TO REQUEST NO. 3:

Admitted.

///

1 REQUEST FOR ADMISSION NO.8:

2 Admit that YOU have denied CCWs to APPLICANTS who cited self-defense as  
3 their GOOD CAUSE because they did not provide “documentation e.g., restraining  
4 orders, law enforcement referrals, documented victim case incidents or threats . . .” of  
5 “circumstances which [made them] a specific target in contrast to a random one.”

6 RESPONSE TO REQUEST NO. 8:

7 Objection. The request is vague and ambiguous. Without waiving the objection,  
8 it is admitted that applicants have been denied who did not provide documentation.

9 REQUEST FOR ADMISSION NO. 11:

10 Admit that YOU have issued a CCW to every member of the San Diego  
11 Honorary Deputy Sheriff’s Association who has formally applied or reapplied for a  
12 CCW from YOU between January 1, 2006 and the present.

13 RESPONSE TO REUEST NO. 11:

14 Without knowledge. Membership is not considered.

15 REQUEST FOR ADMISSION NO. 12:

16 Admit that YOU have issued a CCW to members of the San Diego Honorary  
17 Deputy Sheriff’s Association who did not provide “documentation e.g., restraining  
18 orders, law enforcement referrals, documented victim case incidents or threats . . .” of  
19 “circumstances which [made them] a specific target in contrast to a random one.”

20 RESPONSE TO REQUEST NO. 12:

21 Objection. The request is vague and ambiguous because the type of application  
22 may not require such documentation. Without waiving the objection, it is unknown  
23 because membership is not considered.

24 REQUEST FOR ADMISSION NO. 20:

25 Admit that YOU do not consider an APPLICANT’s desire for general self-  
26 defense to necessarily constitute GOOD CAUSE.

27 ///

28 ///

1 RESPONSE TO REQUEST NO. 20:

2       Objection. The request is vague and ambiguous as to “general self-defense.”  
3 Without waiving the objection, it is admitted that many types of applicants must  
4 provide documentation of a high risk occupation or specific threats of harm.

5 REQUEST FOR ADMISSION NO. 21:

6       Admit that the document attached hereto as Exhibit ‘A’ accurately describes both  
7 YOUR current policy statement for issuing a CCW and the application process therefor.

8 RESPONSE TO REQUEST NO. 21:

9       It is admitted that Exhibit A is a brief description of the policy statement and  
10 application process.

11 REQUEST FOR ADMISSION NO. 22:

12       Admit that the document attached hereto as Exhibit ‘B’ accurately describes  
13 YOUR current standard operating procedures for determining whether to issue a CCW  
14 to an APPLICANT.

15 RESPONSE TO REQUEST NO. 22:

16       Admitted.

17 REQUEST FOR ADMISSION NO. 23:

18       Admit that the Document attached here to as Exhibit ‘C’ accurately describes  
19 YOUR current guidelines for determining whether to issue a CCW.

20 RESPONSE TO TEQUEST NO. 23:

21       Denied.

22 REQUEST FOR ADMISSION NO. 24:

23       Admit that the Document attached hereto as Exhibit ‘D’ is an accurate copy of  
24 YOUR current questionnaire for people who attend the mandatory initial interview  
25 portion of YOUR CCW application process.

26 RESPONSE TO REQUEST NO. 24:

27       Denied.

28 ///

- 22?

1 REQUEST FOR ADMISSION NO. 25:

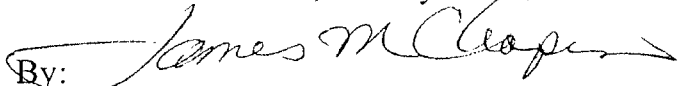
2 Admit that the Document attached hereto as Exhibit 'E' accurately describes  
3 YOUR current requirements for documentation to be produced by APPLICANTS in  
4 order to receive a CCW.

5 RESPONSE TO REQUEST NO. 25:

6 It is admitted that Exhibit E describes the minimum requirements for applicants.

7 DATED: August 25, 2010

JOHN J. SANSONE, County Counsel

8 *James M. Chapin*  
9 By: 

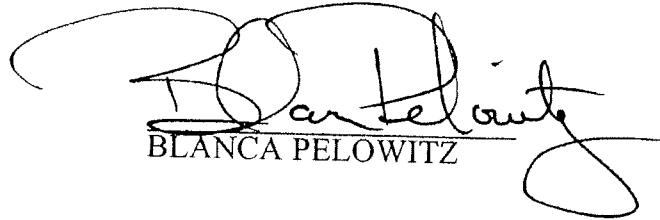
10 JAMES M. CHAPIN, Senior Deputy  
11 Attorneys for Defendants County of San Diego  
12 and William D. Gore  
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VERIFICATION

I, BLANCA PELOWITZ, declare under penalty of perjury that I am the Licensing Manager for the License Division of the San Diego County Sheriff's Department, that I am authorized to and do execute this Verification for and on behalf of Sheriff William D. Gore. I have read the foregoing **WILLIAM D. GORE'S RESPONSE TO REQUESTS FOR ADMISSION** and know the contents thereof and am informed and believe that the responses given are correct and complete, and based upon such information and belief I certify that I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed under penalty of perjury on August 25, 2010, at San Diego, California



BLANCA PELOWITZ

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### Declaration of Service

I, the undersigned, declare:

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California, where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On August 25, 2010, I served the following documents: **WILLIAM D. GORE'S RESPONSE TO REQUESTS FOR ADMISSION** in the following manner:

By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.

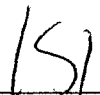
By electronic filing, I served each of the above referenced documents by E filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

Paul H. Neuharth, Jr., Esq.  
Law Offices of Paul H Neuharth  
1140 Union Street, Suite 102  
San Diego, CA 92101  
T: (619) 231-0401  
F: (619) 231-8759  
E-mail: [pneuharth@sbcglobal.net](mailto:pneuharth@sbcglobal.net)  
(Attorney for Plaintiff)

C. D. Michael, Esq.  
Michael & Associates, P.C.  
180 East Ocean Boulevard, Suite 200  
Long Beach, California 90802  
T: (562) 216-4444  
F: (562) 216-4445  
E-mail: [cmichael@michaellawyers.com](mailto:cmichael@michaellawyers.com)  
(co-counsel for Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on August 25, 2010, at San Diego, California.

By: \_\_\_\_\_

  
Rosanna Lonero

27 AUG 10 PM 1:52