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

14 JONATHAN BIRDT,
15 Plaintiff,

16 v.

17 CHARLIE BECK, LEE BACA, THE LOS ANGELES POLICE DEPARTMENT and
18 THE LOS ANGELES COUNTY SHERIFFS DEPARTMENT, DOES 1 to
19 50, *inclusive*,
20 Defendants.

CASE NO. CV10-8377 RGK (JEM)

DECLARATION OF RICHARD TOMPKINS IN SUPPORT OF DEFENDANTS LOS ANGELES POLICE DEPARTMENT AND CHARLIE BECK'S MOTION FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY JUDGMENT AND OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; EXHIBITS

21 I, RICHARD TOMPKINS, declare as follows:

22 1. I am a Detective III with the Los Angeles Police Department (hereinafter
23 "LAPD"), currently assigned as the Officer in Charge, Gun Unit, Gang and Narcotics
24 Division. I have over 20 years of service with the Los Angeles Police Department, the
25 last eight of which have been with the Gun Unit. Prior to that I worked as a gang
26 detective for five years, where I dealt with firearms on a regular basis.

27 2. In my capacity as Officer in Charge of the Gun Unit, I supervise all Gun Unit
28 activities which includes receiving and investigating all the concealed weapons permit
applications that come into the Los Angeles Police Department. Additional Gun Unit

1 responsibilities include receiving firearms shipped to LAPD from outside agencies,
2 inspecting all licensed firearm dealer locations in the City to ensure compliance with
3 federal, state, and local licensing requirements, seek prosecution of individuals violating
4 firearm laws, firearm tracing for LAPD, maintain communication with Area detectives on
5 gun matters and investigate and seek criminal filings on gun traffickers. The Gun Unit is
6 also responsible for regulating firearms and ammunition purchases by convicted felons and
7 those prohibited from owning firearms such as individuals under orders of a criminal
8 protective order, civil restraining order, or orders from the court while as a condition of
9 bail. The Gun Unit conducts gun trafficking investigations with ATF on firearm sales
10 between local gang members and greater organized crime circuits. We train district
11 attorneys and attorneys from the California Attorney General's office regarding firearm-
12 related prosecutions. The Gun Unit participates in the APPS (Armed Prohibited Persons
13 System) task force with the California Department of Justice for prohibited persons that are
14 not authorized to carry, own, or possess firearms or ammunition. We provide expertise on
15 guns in court cases, and assist the 21 LAPD divisions by providing expertise or handling
16 the entire case as appropriate. The Gun Unit also maintains special files on machine gun
17 permits, destructive device permits, and federal aviation administration regulations,
18 requirements, and procedures regarding the carrying of firearms on commercial aircraft
19 flights.
20
21

22 3. As the Officer in Charge of the Gun Unit, I have completed staff projects
23 related to firearm issues and developed strategies to combat gun trafficking. I interface
24 with the United States Marshalls, Federal Bureau of Investigations, and the Bureau of
25 Alcohol Tobacco and Firearms ("ATF"). In addition, I complete projects for LAPD
26 which may include conducting analysis of proposed legislation and coordinating with
27 other agencies to develop appropriate legislation on firearm legislation. I have testified
28 while representing LAPD in Sacramento when working with lawmakers and analysts in

1 order to answer questions on behalf of LAPD and ensure appropriate legislation for
2 LAPD is proposed.

3 4. In 1994, the case of *Assenza v. City of LA, et al*, BC115813, changed and shaped
4 the policies of LAPD regarding CCW permit issuances. In the *Assenza* case, pursuant to a
5 stipulation for Entry of Judgment, the “good cause” policy was changed to reflect the
6 following “good cause” definition:

7 “Good cause exists if there is convincing evidence of a clear and present danger to
8 life or of great bodily injury to the applicant, his (or her) spouse, or dependent child, which
9 cannot be adequately dealt with by existing law enforcement resources, and which danger
10 cannot be reasonably avoided by alternative measures, and which danger would be
11 significantly mitigated by the applicant’s carrying of a concealed firearm.”
12

13 Good cause is deemed to exist, and a license will issue in the absence of strong
14 countervailing factors, upon a showing of any of the following circumstances:

15 (a) The applicant is able to establish that there is an immediate or continuing threat,
16 express or implied, to the applicant’s, or the applicant’s family, safety and that no other
17 reasonable means exist which would suffice to neutralize that threat.

18 (b) The applicant is employed in the field of security, has all requisite licenses, is
19 employed by a security firm having all requisite licenses, and provides satisfactory proof
20 that his or her work is of such a nature that it requires the carrying of a concealed weapon.

21 (c) The applicant has obtained, or is a person included within the protections of a court
22 order which establishes that the applicant is the on-going victim of a threat or physical
23 violence or otherwise meets the criteria set forth in California Penal Code Section
24 12025.5.

25 (d) The applicant establishes that circumstances exist requiring him or her to
26 transport in public significant amounts of valuable property which it is impractical or
27 impracticable to entrust to the protection of armored car services or equivalent services for
28

1 safe transportation of valuables.

2 (e) The applicant establishes that he or she is subject to a particular and unusual
3 danger of physical attack and that no reasonable means are available to abate that threat.

4 The above policy is still the policy LAPD uses to determine "good cause" today;
5 simply fearing for one's personal safety alone is not considered good cause. This same
6 policy was used to evaluate Jonathan Birdt's CCW permit application. An exact copy of
7 the LAPD policy on "good cause" which was mailed to Jonathan Birdt is attached hereto,
8 as Exhibit 1.

9
10 5. Good cause is evaluated on an individual basis. Reasons applicants request a
11 license should fall within one of the Assenza-defined criterion outlined in number 3
12 above. In 1999 the State of California standardized the application process and required
13 additional mandates. As a result, LAPD updated its policies and procedures which
14 created additional scrutiny and more responsibility in processing CCW applications. For
15 instance, all applicants must provide supporting documentation of their "good cause"
16 declaration. For example, if applying for a permit because the person is a security guard,
17 that person needs to show verification of employment and elaborate good cause for
18 carrying a firearm. If the applicant deals with large sums of money, that person needs to
19 show verification of employment in that particular field. If the applicant is applying for
20 personal protection reasons based on a clear and present danger, the same rule of
21 documentation applies, and the person needs to show documentation such as police
22 reports, restraining order copies, letters from law enforcement agencies or the district
23 attorney familiar with the case, etc.

24 6. Initial Application Process/Investigative Background/Review. In 1998,
25 AB2022 was introduced, standardizing the CCW application process statewide, and
26 became effective in 1999. As a result of AB2022 and the *Assenza* agreement, LAPD
27 reorganized and adopted the process currently in place as defined below, in a 9 step
28 process.

1 Step 1: Applicant calls the Gun Unit to request application, downloads an
2 application from the DOJ website or visits one of the Department divisions to obtain a
3 copy of the application. Once the application is received at the Gun Unit, a designated
4 sworn officer known as the CCW Coordinator reviews all the necessary information with
5 the applicant telephonically, including the training requirement, required documentation,
6 and review process. Specifically, the CCW Coordinator will inform the applicant to
7 bring the following materials to the interview: The standard DOJ CCW application,
8 completed; a letter from his or her attorney if applicable; declaration or statement of good
9 cause; crime reports and any additional supportive documentation; reference letters if
10 submitted; firearm training certificate; copies of drivers' license, utility bill, guard cards,
11 exposed gun cards, or any other applicable certificates. The Coordinator also explains to
12 the applicant the CCW protocol, which includes the application process, what will
13 happen if his or her application is approved or denied, and the review process if the
14 applicant wishes to have their denial reviewed. The coordinator then immediately sends
15 the LAPD CCW Application packet to the interested individual, which consists of the
16 standardized DOJ application (if not already received) and a copy of LAPD's policy
17 (titled "Carry a Concealed Weapon Application Guidelines") which contains LAPD
18 policy and procedure regarding CCW permits. The interested individual then schedules
19 an appointment to come in and interview with the coordinator which is wholly dependent
20 upon the applicant's availability. Los Angeles Police Department does not charge a fee
21 to process CCW applications and sends an application packet to all persons requesting
22 one.

23 Step 2: The CCW Coordinator then interviews the applicant who signs his or her
24 application in front of the Coordinator or another available officer from the Gun Unit. The
25 applicant is then photographed and answers any questions pertaining to the CCW
26 application the CCW coordinator may have.

27 Step 3: The CCW coordinator then sends a "90 day letter." This confirms to the
28 applicant that LAPD has received the application and informs him or her that per

1 California law, the Department has up to 90 days to process the application, after which
2 time they will receive notice of the Department's decision.

3 Step 4: The CCW coordinator will run a preliminary background check in NECS
4 which includes a driver's license inquiry, address verification, wants/warrant check, and
5 gun history. The coordinator will conduct additional investigation which may include
6 personally verifying the address and place of employment, and contacting other law
7 enforcement agencies throughout the county, state, or country as appropriate.

8 Step 5: A preliminary "good cause" determination is made regarding whether or not
9 the applicant appears to meet the Department's policy for finding good cause to issue the
10 permit. If it is unclear whether or not a particular individual appears to meet the LAPD
11 standard for "good cause", the CCW coordinator will speak to a Deputy City Attorney in
12 the Police General Counsel Division, to confirm that a particular recommendation is
13 consistent with department policy and state law. If the applicant does appear to meet
14 LAPD's "good cause" standard, the CCW Coordinator goes through the process defined in
15 Step 6 below. Otherwise, the CCW Coordinator moves to Step 7.

17 Step 6: Once it is determined that the applicant may meet LAPD's "good cause"
18 standard, he or she pays a fee to be fingerprinted by an approved "livescan" agency. Said
19 fingerprints are sent to the California DOJ to complete a full background check which
20 either approves or disapproves firearm ownership for the individual based on his or her
21 criminal history. The DOJ charges LAPD for this process, and the individual must
22 reimburse LAPD for those charges in the amount of \$52.00. Thereafter, the tentative
23 approval will be sent to myself for review, and then reviewed by the Officer in Charge,
24 Gang Support Section (GSS), Gang and Narcotics Division (GND), the Assistant
25 Commanding Officer, Gang and Narcotics Division, Commanding Officer of the Gangs
26 and Narcotics Division, the Assistant Commanding Officer of Detective Bureau, the Chief
27 of Detectives, the Office of Special Operation, and finally by the Chief of Police himself.
28

1 The Chief of Police makes a final determination of whether to approve or deny a CCW
2 permit application. The approved applicant will then be given a CCW permit which details
3 which firearms he or she is allowed to carry concealed, and contains his or her thumbprint
4 for accuracy.

5 Step 7: If it is found that the applicant likely does not have "good cause" as
6 defined in Number 5 above, the Gun Unit will make an initial recommendation to deny
7 the CCW permit application. The CCW recommendation is then given to me for review,
8 and I submit it to the Officer In Charge, Gang Support Section, then to the Assistant
9 Commanding Officer, Gangs and Narcotics Division, Commanding Officer, Gang and
10 Narcotics Division, then the Assistant Commanding Officer, Detective Bureau who
11 reviews the tentative recommendation and forwards it to the Chief of Detectives. The
12 Chief of Detectives has ultimate authority to deny permits, vested in him by Police Chief
13 Charlie Beck, during this initial application process. The Chief of Detectives, or the
14 individual who is acting in his stead if the Chief is out of the office, will sign the denial
15 letter if he or she agrees with the recommendation. The CCW coordinator then sends the
16 letter to the applicant informing him or her why the application was denied. Within the
17 contents of the letter, the applicant is advised that he or she can seek a review by an
18 independent citizen review board, and if he or she desires to seek that review, he or she
19 must notify the Department in writing.

20 Step 8: The applicant then submits a written request for his or her application to be
21 reviewed by the citizen advisory board, as constructed in *Assenza*. I am informed and
22 believe that said board waits until there are a number of reviews (I have seen anywhere
23 between 6 to 10), and then convenes and reviews each application independently and
24 makes a recommendation. The time for this process varies and is usually anywhere from
25 1-10 months long. Because this process is completely independent from LAPD, we have
26 no control over the timing of this review. This panel is purely advisory to the Los
27 Angeles Police Department, and has no direct review power or any actual authority to
28 make determinations. If the review board makes a recommendation against issuing the

1 applicant a CCW permit, the applicant is notified and the process ends. If the review
2 board makes a recommendation in favor of issuing the applicant a CCW permit, LAPD
3 proceeds with Step 9.

4 Step 9: After the citizen advisory board's recommendation, the CCW Coordinator
5 re-visits and reviews the application for any substantial changes to the application or new
6 information provided by the applicant in the initial application decision process. If there
7 have been changes since the Coordinator last reviewed the application, or important
8 information had been overlooked, the Coordinator proceeds back to Step 5 above. If
9 nothing has changed, the packet is then given to me for review, and continues along the
10 same chain of command as outlined in Step 7 for review. During this second round of
11 denials, the Chief of Detectives no longer has ultimate authority to deny the CCW permit
12 application, and forwards the application, so it will go through the chain of command to
13 the Chief of Police for an ultimate decision. If the Chief of Police decides to deny the
14 CCW permit, he will sign the denial letter personally, the letter will be sent to the
15 applicant, and the application process is denied.

16 7. Every person who submits an application is treated equally. There is no special
17 treatment for celebrities, high profile persons, or any other classification. Additionally,
18 individuals can apply as often as they want, but unless there are different or additional
19 circumstances not previously considered, the applicant is likely to get the same result.

20 8. "Resident" in this context is defined as a person who maintains his or her
21 permanent residence within the City of Los Angeles. Documentation for residency
22 includes, but is not limited to, two proofs of documentation such as utility bills listing
23 applicant's name, lease agreements, property tax bills, etc. Residency site verification
24 may also be conducted by officers of the Gun Unit on applicants.

25 9. Good Moral Character in this context is defined to be the applicant's overall
26 background, e.g. arrest, convictions, negative law enforcement contacts, field interviews,
27 citations, DOJ/FBI fingerprint and firearms eligibility clearance as well as input from
28 other law enforcement agencies throughout the county. Letters of reference from

1 personal friends or associates who can attest to the applicant's good moral character are
2 accepted in support of the applicant. On a case-by-case basis, additional investigation is
3 conducted as required.

4 10. Firearms Safety Course. In 1999, the State of California enacted a mandatory
5 firearms safety course for new license applicants. The course of training for new
6 applicants may be any course acceptable to the licensing authority, no less than 16 hours,
7 and shall include instruction on at least firearm safety and the law regarding permissible
8 use of a firearm in complying with the California Penal Code. For renewal applicants,
9 the course of training may be any course acceptable to the licensing authority, shall be no
10 less than 8 hours, and shall include instruction on at least firearm safety and the law
11 regarding permissible use of a firearm. Los Angeles Police Department does not have its
12 own set curriculum but uses the California Penal Code as a guideline for such
13 requirements and does not mandate which firearms course the applicant must take.
14 Rather, the CCW coordinator will refer the applicant to the DOJ website which lists
15 approved firearms courses, or to the applicant's local gun range most of which have
16 approved courses that the applicant can take. The applicant must also qualify as part of
17 the instruction. The applicant will be issued a certificate of completion of training by the
18 instructor, which he or she must provide to the CCW coordinator. Additionally we
19 require applicants to present the firearm(s) they desire to be listed on their CCW permit
20 in person to the CCW coordinator for inspection of the make, model, and serial number,
21 in order to confirm accuracy of information.

22 11. CCW Renewal Process. CCW license holders can renew up to 90 days prior
23 to the expiration date on their permit. The renewal process is exactly the same as the
24 initial application process and they are still required to submit necessary documentation
25 substantiating their "good cause" need. All renewals must comply with the 8-hour
26 firearms course requirement from the list of approved instructors, qualify-shoot, and
27 bring in the certificate of completion. They also must bring in their firearms to the CCW
28 coordinator for inspection to verify make, model, and serial number. Assuming the

1 renewal applicants still resident within the City of Los Angeles and still meet the good
2 cause requirement, their application will be granted. If it is determined that the individual
3 no longer has good cause for a CCW permit as defined in LAPD policy (for example if
4 the person from whom protection was necessary was subsequently imprisoned or killed),
5 his or her permit will not be renewed. A local criminal history check is against
6 conducted, fees are collected to reimburse LAPD for the livescan/DOJ costs, and a new
7 photograph and thumbprint are obtained. Once the process is complete, the applicant is
8 given his or her new license valid for another term.

9 All applicants are informed that should any changes occur during the term of the
10 license, he or she must notify the Division within 10 days of the change. Otherwise he or
11 she may be in violation of the terms and conditions under which the license was issued.
12 Administrative action may be considered. If LAPD is noticed of a disqualifying arrest
13 and/or conviction of a CCW permit-holder, LAPD will immediately contact the permit-
14 holder and rescind the permit.

15 12. California is not a "shall issue" or "right to carry" state. California Penal Code
16 Sections 12050-12054 sets forth the general criteria that applicants for concealed weapon
17 licenses must meet. This requires applicants to be of good moral character, a resident of
18 the County or City they apply in, demonstrate good cause and take a firearms course. Of
19 these four requirements, only the one pertaining to "good cause" affords the Sheriff or
20 Police Chief broad discretion. In Los Angeles County, persons interested in a CCW
21 permit can apply for one through their local city police station (such as LAPD) or the Los
22 Angeles County Sheriff's Department. Most Los Angeles County prosecutors and
23 judges desiring a CCW permit apply for one through the Los Angeles County Sheriff's
24 Department. There are currently 24 active CCW permits issued through and maintained
25 by the Los Angeles Police Department. On average, the LAPD Gun Unit receives and
26 processes less than 100 finalized (meaning completed applications where all prerequisites
27 are met) applications per year, and only 76 finalized applications in 2010. We evaluate
28

1 each application on the merits and treat every applicant equally regardless of ethnicity,
2 gender, religion, or social status. We have had so-called “celebrities” apply for CCW
3 permits and have denied their applications for failure to demonstrate good cause. No
4 “celebrities” have active CCW permits with the LAPD. All retired and reserve peace
5 officers applying for a CCW permit go through a different process and are not included in
6 this list.

7 13. Many citizens of Los Angeles, and of California as a whole, have opposed the
8 State’s stance regarding concealed weapon laws. The State of California is still one of the
9 strictest gun law states in the nation and Los Angeles Police Department is bound by what
10 the laws dictate. Although several bills have been introduced trying to change the State
11 criteria, there has been no success in moving California to a “shall-issue state.” California
12 is the most populous state in the United States, with a population of approximately
13 37,253,956 according to 2010 Census data, and therefore has a vested interest in
14 controlling the percentage of the population that can legally carry a concealed weapon in
15 public.
16

17 14. Jonathan Birdt’s CCW permit application was reviewed, analyzed, and
18 processed in the exact same manner in which every application is processed, as outlined
19 in Number 6, above. A true and correct copy of Jonathan Birdt’s application, absent
20 attachments, is attached hereto as Exhibit 2 (redacted to conceal personal identifying
21 information). After reviewing Mr. Birdt’s declaration, and supporting documentation
22 which consisted of copies of his California and Nevada state bar cards, California drivers
23 license, his Nevada and Utah CCW permits, National Rifle Association (“NRA”)
24 membership card, and copies of certificates of completion of a firearms safety course,
25 Jonathan Birdt’s CCW permit application was denied solely because he demonstrated no
26 “good cause” for the issuance of a permit beyond mere self-defense purposes.
27 Specifically, convincing evidence was not established of a clear and present danger to life
28 or of great bodily injury to himself or his family, which could not be adequately dealt

1 with by existing law enforcement resources, and which danger could not be reasonably
2 avoided by alternative measures. He did not provide proof that his work is of such a
3 nature that it requires carrying a concealed weapon.

4 Mr. Birdt was sent a letter on March 18, 2010 indicating that his CCW permit
5 application was denied for lack of good cause. Exhibit 3, attached, is a true and accurate
6 copy of the letter that was sent to Mr. Birdt on that date. The letter notified him that if he
7 wished to challenge this decision, he needed to request in writing a hearing by the citizen
8 advisory board. He simply sent the original letter back with the handwritten words "Yes,
9 I contest your decision." He was then contacted by the CCW coordinator Police Officer
10 Kosal Bun by telephone and told that he needed to write a formal letter requesting a
11 hearing and the current letter would not suffice.

12 In October, 2010 Mr. Birdt finally sent in a formal letter indicating that if he was
13 not issued a CCW permit, he would be filing a lawsuit. Even though this was not
14 technically a letter requesting a hearing by the citizen advisory board, it was treated as
15 such, and his name and information was forwarded to the citizen advisory board.

16 15. On March 24, 2011, LAPD received notice from the CCW Citizens Advisory
17 Board indicating that they had reviewed Plaintiff Jonathan Birdt's application, and they
18 recommended AGAINST the issuance of a CCW permit to Mr. Birdt because he failed to
19 establish good cause for licensure. A copy of the letter received by LAPD from the
20 Citizens' Advisory Review Board is attached hereto as Exhibit 4.

21 I swear under penalty of perjury under the laws of the United States that the
22 foregoing is true and correct. Executed this 18th day of April 2011, at Los Angeles,
23 California.

24 
25 _____
26 RICHARD TOMPKINS

LAPD CONCEALED WEAPON LICENSE POLICY

Pursuant to California Penal Code Section 12050, in the City of Los Angeles, the Chief of Police of the Los Angeles Police Department ("LAPD") may issue a license to a person to carry a pistol, revolver, or other firearm capable of being concealed upon the person upon proof that the person applying for the license is of good moral character, that good cause exists for the issuance of the license, that the person is a resident of the City of Los Angeles, and that the person has completed a required course of training.

The policy LAPD has adopted is that good cause exists if there is convincing evidence of a clear and present danger to life or of great bodily injury to the applicant, his (or her) spouse, or dependent child, which cannot be adequately dealt with by existing law enforcement resources, and which danger cannot be reasonably avoided by alternative measures, and which danger would be significantly mitigated by the applicant's carrying of a concealed firearm.

The following further rules and guidelines are provided for the interpretation and implementation of this policy:

INTRODUCTORY

The department recognizes that Penal Code Section 12050 requires the issuance of licenses to persons of good character who have good cause to carry a concealed firearm for the defense of themselves or others or in pursuing their livelihood. These guidelines are designed to implement that requirement.

Good cause is more likely to be found if the applicant has a demonstrated record of responsible handling of firearms as indicated by voluntarily having taken firearms training and/or long-term participation in the shooting sports. While lack of such a demonstrated record is not a disqualification if the applicant is otherwise qualified to use a firearm properly, licenses will not issue if there is substantial, articulable reason to believe that issuance would be contrary to public safety or if the applicant does not have good character. Among other criteria to be considered are: the applicant's record and history in accidents with firearms, automobiles or other dangerous instrumentalities; and association with persons having a criminal record or who are reliably known to lack good character. The expression of dangerous or irresponsible attitudes, or threats, toward or regarding the use of firearms or other dangerous instrumentalities shall be grounds for denial or revocation of a license.

CRITERIA FOR LICENSURE

Training. A new license applicant must furnish proof to the department that he or she has successfully completed a course of training in the carrying and use of firearms established pursuant to Section 7585 of the California Business and Professions Code or some other course acceptable to the department which includes the following subjects of training: knowledge of California laws regarding weapons and deadly force use; safe handling, carriage, use and storage of concealable firearms; and competency with the types of firearms to be listed on the license.

LAPD CONCEALED WEAPON LICENSE POLICY

Such course does not need to exceed 16 hours. For license renewal applicants, the course of training may be any course acceptable to the department, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

Good Cause. Good cause shall be deemed to exist, and a license will issue in the absence of strong countervailing factors, upon a showing of any of the following circumstances: a) The applicant is able to establish that there is an immediate or continuing threat, express or implied, to the applicant's safety, or the applicant's family's safety, and that no other reasonable means exist which would suffice to neutralize that threat. b) The applicant is employed in the field of security, has all requisite licenses, is employed by a security firm having all requisite licenses, and provides satisfactory proof that his or her work is of such a nature that it requires the carrying of a concealed weapon. c) The applicant has obtained, or is a person included within the protections of, a court order which establishes that the applicant is the on-going victim of a threat or physical violence or otherwise meets the criteria set forth in Penal Code Section 12025.5. d) The applicant establishes that circumstances exist requiring him or her to transport in public significant amounts of valuable property which it is impractical or impracticable to entrust to the protection of armored car services or equivalent services for safe transportation of valuables. e) The applicant establishes that he or she is subject to a particular and unusual danger of physical attack and that no reasonable means are available to abate that threat.

Favorable Factors. Among facts upon which the department will, in the exercise of its discretion, look favorably in considering applications are whether: a) the applicant has a demonstrated record of responsible handling of firearms; b) the applicant has a commitment to safe and responsible handling of firearms as shown by having voluntarily taken firearms training; c) the applicant has a record of good citizenship in general as evidenced, for instance, by service to the community through such activities as creditable service in the armed forces, including the National Guard and state militia or in the police reserves, or of active participation in charitable or public service organizations or activities or in political affairs; d) the applicant is trustworthy and responsible as evidenced, for instance, by employment history, positions held in civic, political, religious or secular achievements or record of personal accomplishment in other areas of endeavor; e) that the applicant suffers under a disability or physical handicap, including age or obesity, which hinders the applicant's ability to retreat from an attacker.

Unfavorable Factors. Factors which will bear negatively on issuance (unless they appear to be in the remote past) are: a) the applicant has a long-term history of mental or emotional instability, alcoholism, drug use or addiction to controlled substances; b) the applicant has a history of fault in serious accidents with firearms, automobiles or other dangerous instrumentalities; c) the applicant has had a permit to own or carry a concealed weapon denied, suspended or revoked for good cause by any issuing authority; d) the applicant has had a driver's license denied, suspended or revoked for good cause by any issuing authority; e) the applicant has a long-term record of irresponsible and dangerous behavior with automobiles as indicated by numerous convictions of serious driving offenses; f) the applicant has a long-term history of

LAPD CONCEALED WEAPON LICENSE POLICY

conduct from which it appears that he or she is not now of good moral character, trustworthy or responsible. While none of the foregoing disqualify an applicant per se, a license will be denied if it appears, in the discretion of the department, that the applicant does not now have good character or that issuance of a license to him/her is not consistent with public safety.

FURTHER INFORMATION

Residency. Proof that the applicant is a resident of the City of Los Angeles will be fulfilled upon presentation of a copy of the following two items: a recognized California identification card and at least one recent utility or rent receipt showing the applicant's name and residence address.

Conditions of license. The Department may attach to the license such conditions as in the reasonable exercise of its discretion it deems appropriate. These conditions will be noted on the face of the license.

California Department of Justice



STANDARD APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON (CCW)

BCIA 4012 (6/99)

California Department of Justice
STANDARD APPLICATION
for
LICENSE TO CARRY A CONCEALED WEAPON (CCW)

Authority

California Penal Code (PC) sections 12050 through 12054 provide that a sheriff of a county or the chief or other head of a municipal police department of any city or city and county may issue a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person (CCW license). PC section 12051(a)(3)(A) requires the Attorney General to prescribe a statewide standard application form for a CCW license.

Who May Be Issued a License

The licensing authority specified in PC section 12050(a)(1) (a sheriff or head of a municipal police department) may issue a license to persons who are of good moral character, who have completed a course of training, and where good cause exists for issuance of the CCW license. All applications for a CCW will be fingerprinted and state records will be checked to determine if they are in a prohibiting class. Attachments 1, 2, and 3 (following page 14 of this application) list all categories that would cause a person to be in a class prohibiting them from possessing firearms and being granted a CCW license. These attachments are updated annually to reflect new legislation and other changes in the law.

Format of CCW License

A CCW license may be issued in either of the following formats:

1. A license to carry concealed, a pistol, revolver, or other firearm capable of being concealed upon the person.
2. Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in that county a pistol, revolver, or other firearm capable of being concealed upon the person

Training Required

PC section 12050(a)(1)(B) and (E) specifies that new license applicants must complete a course of training. The training may consist of any course acceptable to the licensing authority. The licensing authority may require either a course not to exceed 16 hours which includes instruction on at least firearms safety and the law regarding the permissible use of a firearm or a community college course not to exceed 24 hours certified by the Commission on Peace Officer Standards and Training. If the licensing authority requires the community college course, it must be uniformly required for all CCW license applicants. The licensing authority may also require annual qualification on the weapon(s) during the term for which the CCW license is granted.

For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than four hours in length, and shall include instruction on at least firearm safety and the law regarding permissible use of a firearm

State of California, Department of Justice
Standard Application for CCW License

Psychological Testing

In addition to licensing requirements as specified by the licensing authority, jurisdictions may require psychological testing on the initial application. If required, the applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. Any fees charged will be the responsibility of the applicant and such fees shall not exceed \$150.00 for an initial test. Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary (PC section 12054(e)).

Completing the Application

Answering all the questions on this standard application does not guarantee the issuance of a CCW license. The determination whether or not to issue the license is the prerogative of the licensing authority. Each licensing authority, in addition to using the state standard application form, will have a written policy summarizing what they require pursuant to PC section 12050(1)(1)(A) and (B). Prior to issuing a CCW, the statutes require proof that:

- The applicant is of good moral character,
- Good cause exists to issue the CCW license,
- The applicant meets residence requirements, and
- The course of training prescribed by the licensing authority has been completed.

The application on the following pages sets forth standardized questions to be used by the CCW licensing authority to determine whether a CCW license shall be issued. The applicant shall not be required to complete any additional application or form for a CCW license, or to provide any information other than that necessary to complete this standard application form except to clarify or interpret information provided herein (PC section 12051(a)(3)(C)).

The applicant will certify that all answers provided are true and correct to the best of their knowledge and belief under penalty of perjury. The applicant will also acknowledge that information disclosed on this application may be subject to public disclosure.

Important Instructions

- Fill out, read, and sign Sections 1 through 5, as directed. Use additional pages if more space is required.
- Sections 6, 7, and 8 must be completed in the presence of an official of the licensing agency.
- Review Section 7 and be prepared to answer these questions orally. Do not write anything in Section 7 unless specifically directed to do so by the licensing agency.

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Official Use Only - Type of Permit Requested
() Standard () Judge
() Reserve Officer () 90 Day

Public Disclosure Admonition

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

[Signature]
Applicant Signature

2/23/10
Date

[Signature] 21887
Witness/Signature / Badge Number

2-23-10
Date

Section 1 - Applicant Personal Information

Name: Birdt Jonathan Wesley
Last First Middle

If Applicable
Maiden Name or other Name(s) Used: _____

City and County of Residence: Los Angeles, Los Angeles Country of Citizenship: USA

Date of Birth: [Redacted] Place of Birth: [Redacted] CA
City County State

Height: [Redacted] Weight: [Redacted] Color Eyes: Green Color Hair: Brown

Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?
No ___ Yes X (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency Utah DPS / Nevada Issue Date 7/31/09 / 1/7/10 CCW# [Redacted]

2. Have you ever applied for and been denied a license to carry a concealed weapon?
No ___ Yes X (If yes, give agency name, date and reason for denial.)

LAPD - 1995 - after earthquake. Good cause not found.

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Section 2 - Applicant Clearance Questions - (continued)

3. Have you ever held and subsequently renounced your United States citizenship?
No Yes _____ (If yes, explain):

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No Yes _____ (If yes, explain):

5. Are you now, or have you been a party to a lawsuit in the last five years?
No _____ Yes (If yes, explain):

CRUZ V. MCNULTY - legal malpractice case in Arizona - pending

6. Are you now, or have you been, under a restraining order(s) from any court?
No Yes _____ (If yes, explain):

7. Are you on probation or parole from any state for conviction of any offense including traffic? No Yes _____ (If yes, explain):

State of California, Department of Justice
 Standard Application for CCW License

Section 2 - Applicant Clearance Questions - (continued)

8. List all traffic violations (moving violations only) and motor vehicle accidents you have had in the last five years. (Use additional pages if necessary.)

Date	Violation / Accident	Agency / Citation #
	Just a speeding ticket 2 years ago but went to traffic school	

9. Have you ever been convicted for any criminal offense (civilian or military) in the U.S. or any other country?

No Yes (If yes, explain including date, agency, charges, and disposition.)

10. Have you withheld any fact that might affect the decision to approve this license?

No Yes (If yes, explain):

Section 3 - Descriptions of Weapons:

List below the weapons you desire to carry if granted a CCW. You may carry concealed only the weapon(s) which you list and describe herein, and only for the purpose indicated. Any misuse will cause an automatic revocation and possible arrest. (Use additional pages if necessary.)

	Make	Model	Caliber	Serial No.
1.	S+W	915	9mm	[REDACTED]
2.	K&H	MK 9	9mm	[REDACTED]
3.	Springfield	1911	45 ACP	[REDACTED]
4.	S+W	MP 40	40 SW	[REDACTED]
5.	Springfield	XD 40	40 SW	[REDACTED]

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Standard Application for CCW License

Section 4 - CCW License Conditions and Restrictions

The licensee is responsible for all liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit, or action is brought against the agency that issued the license, its chief officer or any of its employees; by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

The licensee authorizes the licensing agency 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 to be issued a license to carry a concealed weapon and release said agency of any and all liability arising out of such investigation.

While exercising the privileges granted to the licensee under the terms of this license, the licensee shall not, when carrying a concealed weapon:

- Consume any alcoholic beverage.
- Be in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption.
- Be under the influence of any medication or drug, whether prescribed or not.
- Refuse to show the license or surrender the concealed weapon to any peace officer upon demand.
- Impede any peace officer in the performance of his/her duties.
- Present himself/herself as a peace officer to any person unless he/she is, in fact, a peace officer as defined by California law.
- Unjustifiably display a concealed weapon.
- Carry a concealed weapon not listed on the permit.
- Carry a concealed weapon at times or circumstances other than those specified in the permit.

Pursuant to U.S. Government Code -- Title 49, Chapter 26, Section 1472(1) and Federal Aviation Regulation 121.583, a license to carry a concealed weapon does not authorize a person to carry a firearm, tear gas, or any dangerous weapon aboard commercial airlines. Further, a person must declare that he/she is carrying such firearm, tear gas, or dangerous weapon BEFORE entering the boarding area of an air terminal where the security checks are made. Such violation can result in arrest by law enforcement.

Any violation of these restrictions or conditions may invalidate the CCW license and may void any further use of the license until reinstated by the licensing authority. Any arrest for a felony or serious misdemeanor, including driving under the influence of alcohol and/or drugs, is cause for invalidating the license.

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Standard Application for CCW License

Section 5 – Applicable California Penal Code Sections

The following Penal Code sections are of special importance to the holder of a CCW license regarding the use, carrying, and storage of firearms:

Penal Code Section 12051 – Applications for CCW Licenses; False Statements

(b) Any person who files an application required by subdivision (a) knowing that statements contained therein are false is guilty of a misdemeanor.

(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, issued pursuant to Section 12050.
- (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 a mental institution.
- (7) A renunciation of United States citizenship.

Penal Code Section 192 – Manslaughter

Manslaughter is the unlawful killing of a human being without malice.

- (a) Voluntary – upon a sudden quarrel or heat of passion.
- (b) Involuntary – in the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection; provided that this subdivision shall not apply to acts committed in the driving of a vehicle.

Penal Code Section 197 – Justifiable Homicide; Any Person

Homicide is justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

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Section 5 – Applicable California Penal Code Sections – (continued)

**Penal Code Section 198 – Justifiable Homicide; Sufficiency of Fear
(Limitation of Self-defense of Property Rule)**

A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

Penal Code Section 199 – Justifiable and Excusable Homicide; Discharge of Defendant
The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

Penal Code Section 12035 – Storage of Firearms Accessible to Children

(a) As used in this section, the following definitions shall apply:

- (1) "Locking device" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.
- (2) "Child" means a person under the age of 16 years.
- (3) "Off-premises" means premises other than the premises where the firearm was stored.
- (4) "Locked container" has the same meaning as set for the in subdivision (d) of Section 12026.2.

- (b) (1) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the first degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.
- (2) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the second degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either to a public place or in violation of Section 417.

(c) Subdivision (b) shall not apply whenever any of the following occurs:

- (1) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (2) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (3) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.
- (4) The firearm is locked with a locking device that has rendered the firearm inoperable.
- (5) The person is a peace officer or a member of the armed forces or national guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (6) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person, or persons.
- (7) The person who keeps a loaded firearm on any premise which is under his or her custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premise.

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Section 5 - Applicable California Penal Code Sections - (continued)

Penal Code Section 12036 – Firearms Accessed by Children and Carried Off-premises

(a) As used in this section, the following definitions shall apply:

- (1) "Locking device" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.
- (2) "Child" means a person under the age of 16 years.
- (3) "Off-premises" means premises other than the premises where the firearm was stored.
- (4) "Locked container" has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) A person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premise that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child's parent or legal guardian and the child obtains access to that firearm and thereafter carries that firearm off-premises, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) A pistol, revolver, or other firearm capable of being concealed upon the person that a child gains access to and carries off-premises in violation of this Section shall be deemed "used in the commission of any misdemeanor as provided in this code or any felony" for the purpose of subdivision (b) of Section 12028 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.

(d) This Section shall not apply if one of the following circumstances exists:

- (1) The child obtains the pistol, revolver, or other firearm capable of being concealed upon the person as a result of an illegal entry into any premises by any person.
- (2) The pistol, revolver, or other firearm capable of being concealed upon the person is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (3) The pistol, revolver, or other firearm capable of being concealed upon the person is locked with a locking device that has rendered the firearm inoperable.
- (4) The pistol, revolver, or other firearm capable of being concealed upon the person is carried on the person within such a close range that the individual can readily retrieve and use the firearm as if carried on the person.
- (5) The person is a peace officer or a member of the armed forces or national guard and the child obtains the pistol, revolver, or other firearm capable of being concealed upon the person during, or incidental to, the performance of the person's duties.
- (6) The child obtains, or obtains and discharges, the pistol, revolver, or other firearm capable of being concealed upon the person in a lawful act of self-defense or defense of another person or persons.
- (7) The person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

State of California, Department of Justice
Standard Application for CCW License

Section 6 - Agreement to Restrictions and to Hold Harmless

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of my application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this Application and Agreement to Restrictions and to Hold Harmless.

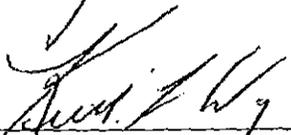
I have read and understand the applicable Penal Code sections regarding False Statements on a CCW Application, Manslaughter, Killing in Defense of Self or Property, Limitation on Self-defense and Defense of Property, and Child Access and Firearm Storage, stated in this application.

I have read and understand Attachment 1 - California Prohibiting Categories for a CCW License, Attachment 2 - California Prohibiting Misdemeanors, and Attachment 3 - Federal Prohibiting Categories for Possessing Firearms. I further acknowledge that these Prohibiting Categories can be amended or expanded by state or federal legislative or regulatory bodies and that any such amendment or expansion may affect my eligibility to hold a CCW.



Applicant Signature

2/23/10
Date

 2113

Witness Signature / Badge Number

2-23-10
Date

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes

Applicant Name: Bird Jonathan Wesley
Last First Middle

Date of Birth: [REDACTED] Age 39

Social Security No: [REDACTED]

California DL/ID No.: [REDACTED]

Driver's License Restrictions: None

Residence Address:
[REDACTED] [REDACTED] [REDACTED] CA [REDACTED]
Number Street Apt. City State Zip

Mailing address (if different):
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Number Street Apt. City State Zip

Home / Personal Phone Numbers: [REDACTED]

Spouse's Name and Address: [REDACTED] [REDACTED] [REDACTED] CA [REDACTED]

Applicant Occupation: Attorney

Business / Employer Name: McNulty Law Firm

Business Phone Number: (310) 471 2707

Business Address:
[REDACTED] Los Angeles CA 90049
Number Street Apt. City State Zip

1. List all previous home addresses for the past five years.
N/A

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Section 7 - Investigator's Interview Note - (continued)

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity? No Yes ____ (If yes, explain):

3. Are you now, or have you ever been, addicted to a controlled substance or alcohol, or have you ever utilized an illegal controlled substance, or have you ever reported to a detoxification or drug treatment program? No Yes ____ (If yes, explain):

4. Have you ever been involved in an incident involving firearms? No Yes ____ (If yes, explain):

5. Have you been involved in a domestic violence incident? No Yes ____ (If yes, explain):

6. List any arrests or formal charges, with or without disposition, for any criminal offenses with the U.S. or any other country (civilian or military).

None.

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Section 7 - Investigator's Interview Notes - (continued)

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant desiring a CCW License (use additional sheets if needed).

Volunteer Judge, Los Angeles Superior Court.
Juvenile dependency court tort referral panel.
Representation of high profile civil plaintiffs
where plaintiffs or counsel have been threatened.
Actual threat against employees justifying
LASD CCW permit. No office security or
locking. Frequent travel throughout state
and Nevada weekly. Carry large amounts
of cash and danger just transferring
firearm at state line and/or entering
& exiting office which is in a remote
area with a ten minute LAPD response
time. Multiple disturbance within office,
by visitors and disgruntled clients.

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Section 8 - Certification and Release of Information

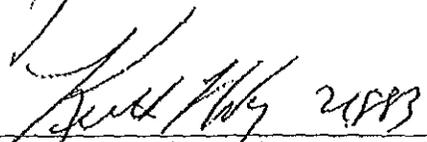
I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.


Applicant Signature

2/23/10
Date


Witness Signature / Badge Number

2-29-10
Date



Attachments

State of California, Department of Justice
Standard Application for CCW License

Attachment 1

**CALIFORNIA PROHIBITING CATEGORIES FOR A CCW LICENSE
As of January, 1999**

- Persons convicted of a felony, or any offense enumerated in section 12021.1 of the Penal Code (PC).
- Persons addicted to the use of narcotics.
- Persons denied firearm possession as a condition of probation pursuant to PC section 12021(d).
- Persons convicted of a specified misdemeanor pursuant to PC section 12021(c)(1) are prohibited from purchasing or possessing firearms for 10 years (see Attachment 2).
- Juveniles adjudged wards of the juvenile court because they committed a 707(b) Welfare and Institutions Code (WIC) offense, an offense described in PC section 1203.073(b) or any offense enumerated in PC section 12021 (c)(1) are prohibited until they reach age 30.
- Persons who are subject to a protective order as defined in section 6218 of the Family Code, or a temporary restraining order or injunction issued pursuant to sections 527.6 or 527.8 of the Code of Civil Procedure.
- Persons found by a court to be a danger to others because of mental illness.
- Persons found by a court to be mentally incompetent to stand trial.
- Persons found by a court to be not guilty by reason of insanity.
- Persons adjudicated to be a mentally disordered sex offender.
- Persons placed on a conservatorship because they are gravely disabled as a result of a mental disorder or impairment by chronic alcoholism
- Persons who communicate a threat to a licensed psychotherapist, against a reasonably identifiable victim, and the psychotherapist reports to law enforcement pursuant to WIC section 8100(b), are prohibited from purchasing or possessing a firearm for 6 months.
- Persons in a mental health facility certified pursuant to WIC sections 5250, 5260, and 5270.15 are prohibited from possessing or purchasing or attempting to purchase firearms for 5 years.
- Persons who are voluntary patients in a mental facility who are determined to be a danger to self or others are prohibited from purchasing or possessing a firearm between admission and discharge.
- Persons under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year.

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Attachment 2

CALIFORNIA PROHIBITING MISDEMEANORS
As of January, 1999

Pursuant to Penal Code (PC) section 12021(c)(1), any person who has been convicted of a misdemeanor violation for any of the following offenses is prohibited from owning, possessing, or having under his or her custody or control any firearms within 10 years of the conviction:

- Threatening public officers, employees and school officials (PC section 71).
- Threatening certain public officials, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (PC section 76).
- Possessing a deadly weapon with the intent to intimidate a witness (PC section 136.5).
- Threatening witnesses, victims, or informants (PC section 140).
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (PC section 148(d)).

- Unauthorized possession of a weapon in a courtroom, courthouse or court building, or at a public meeting (PC section 171(b)).
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (PC section 171c).
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers, etc. (PC section 171(d)).
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (PC section 186.28).
- Assault (PC sections 240, 241)

- Battery (PC sections 242, 243).
- Assault with a stun gun or Taser weapon (PC section 244.5)
- Assault with deadly weapon or force likely to produce great bodily injury (PC section 245).
- Assault with a deadly weapon or instrument, by any means likely to produce great bodily injury or with a stun gun or Taser on a school employee engaged in performance of duties (PC section 245.5).
- Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, horsecart or camper (PC section 246).

- Discharging a firearm in a grossly negligent manner (PC section 246.3)
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (PC section 247)
- Inflicting corporal injury on a spouse or significant other (PC section 273.5)
- Willfully violating a domestic protective order (PC section 273.6).

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Standard Application for CCW License

Attachment 2 (Continued)

CALIFORNIA PROHIBITING MISDEMEANORS
As of January, 1999

- Drawing, exhibiting, or using any deadly weapon other than a firearm (PC sections 417(a)(1), 417(a)(2)).
- Brandishing a firearm in presence of a peace officer (PC section 417.1 – repealed by stats. 1998).
- Drawing or exhibiting, selling, manufacturing, or distributing firearm replicas or imitations (PC section 417.2).
- Inflicting serious bodily injury as a result of brandishing (PC section 417.6).
- Bringing into or possessing firearms upon or within public schools and grounds (PC section 626.9).
- Stalking (PC section 646.9).

- Armed criminal action (PC section 12023).
- Possessing a deadly weapon with intent to commit an assault (PC section 12024).
- Driver or any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who will fully and maliciously discharges a firearm from a motor vehicle (PC sections 12034(b), 12034(d)).
- Criminal possession of a firearm (PC section 12040).
- Firearms dealer who sells or transfers or gives possession of any firearm to a minor or a handgun to a person under the age of 21 (PC section 12072(b)).

- Various violations involving sales and transfers of firearms (PC section 12072(g)(3)).
- Person or corporation who sells any concealable firearm to any minor (PC section 12100(a) – repealed by stats. 1994).
- Unauthorized possession/transportation of a machine gun (PC section 12220).
- Possession of ammunition designed to penetrate metal or armor (PC section 12320).
- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform, while picketing (PC section 12590).

- Bringing firearm related contraband into juvenile hall (WIC section 871.5).
- Bringing firearm related contraband into a youth authority institution (WIC section 1001.5).
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient treatment for a mental disorder, or by a person who has communicated to a licensed psychotherapist a serious threat of physical violence against an identifiable victim (WIC section 8100).
- Providing a firearm or deadly weapon to a person described in WIC sections 8100 or 8103 (WIC section 8101).
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under a conservatorship (WIC section 8103).

State of California, Department of Justice
Standard Application for CCW License

Attachment 3

FEDERAL PROHIBITING CATEGORIES FOR POSSESSING FIREARMS
Gun Control Act of 1968, Title 18 U.S.C. Chapter 44
As of January, 1999

Pursuant to Section 922, any person listed below is prohibited from possessing, shipping, transporting, or receiving any firearm, who:

- Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
- Is a fugitive from Justice.
- Is an unlawful user of or addicted to any controlled substance.
- Has been adjudicated as a mental defective or committed to a mental institution.
- Is an alien illegally or unlawfully in the United States.
- Has been discharged from the Armed Forces under dishonorable conditions.
- Having been a citizen of the United States, has renounced U.S. citizenship.
- Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner.
- Has been convicted in any court of a misdemeanor crime of domestic violence.
- Is under indictment for a crime punishable by imprisonment for a term exceeding one year.
- Has an out-of-state prohibitive criminal history.
- Has a prior denial on a previous National Instant Criminal Background Check System (NICS) inquiry.

Jonathan W. Birdt
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED] 06

February 22, 2010

Officer Bun
LAPD Gun Unit
100 W. First Street
Los Angeles, CA

Dear Officer Bun,

As set forth in my application, there are a number of reasons justifying my CCW application and when taken together, the need is clear. This letter is intended to discuss those issues in a little more detail.

First, with respect to my safe handling of firearms, knowledge of the laws and any additional training I have attached some of the course related material and out of State CCW licenses along with my other supporting documentation. At the outset, while I have taken many courses and am a California attorney very familiar with firearms laws, I am willing to take any additional course of training. Note that all of the weapons on my application are also listed on my Nevada CCW which required live fire qualification with each.

I recently completed the NRA personal protection in the home course and am looking for a scheduled Personal Protection Outside the home course unless you have different requirements. Regardless I am an avid shooter and go Angeles Range at least monthly to maintain my proficiency with handguns, long rifles and/or sporting clays.

While I began shooting as a child, my formal training began in college when I spent three years as a volunteer member of the Search and rescue team. Since that time I have sought out any training possible to improve both my handgun safety and any element of personal protection to insure the safety of my home and family. I have legally carried a concealed handgun for several years now without incident.

My need for a CCW is multifactorial. I practice law in Nevada and throughout California. I do not fly and as such on weekly basis I am driving throughout the state and to Las Vegas. At this point I have to stop in Stateline, usually in an open parking lot, to unload and secure my weapon. Likewise, my office is a small building occupied solely by our firm and located in a residential area in Bel Air. We do not have a security guard or secured parking.

In addition to working as a volunteer judge I also serve on a juvenile dependency court tort panel reviewing cases involving injured and abused children, often at the hands of parents or guardians I must interact with. I am also involved in high profile litigation representing victims of rape, family members in wrongful death cases where in at least one defendant was convicted of murder and two others are awaiting criminal trial. I have represented and continue to represent members of law enforcement including the son of the undersheriff who currently works the gang detail after his wife was killed in a Kaiser emergency room.

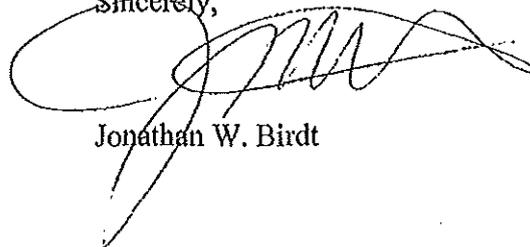
Lastly, my employer has a current an ongoing threat justifying the issuance of a permit to him following a home invasion by gang members who shot him. Our office is also frequently the site of disturbances or threats by upset former clients and in Nevada I continue to be involved in high profile litigation including the Endoscopy/hepatitis litigation that has led to published death threats against my co-counsel.

As can be seen my recent local events, being a litigator isn't easy and in my case it is impossible to take other steps as we already have an armed security service for the office but their response time of 20 minutes is worse than the best LAPD response time of 10 minutes and the simple act of getting out of my car to secure my weapon at the state line creates more danger than simply allowing me to proceed to my home or office.

Please let me know what additional information you require to assist in your evaluation of this matter.

Thank you for your attention to this matter.

Sincerely,



Jonathan W. Birdt

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

P.O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 486-7000
TDD (877) 275-5273
Ref #: 8.4

ANTONIO R. VILLARAIGOSA
Mayor

March 18, 2010

Mr. Jonathan W. Birdt
[Redacted]
[Redacted]

Dear Mr. Birdt:

I have reviewed your application for a Carrying a Concealed Weapon (CCW) permit. The circumstances delineated in your application do not meet the requirements as set forth under the policies established by the Los Angeles Police Department (LAPD) for the issuance of a CCW license.

Your request was denied for the following reason(s):

Convincing evidence was not established of a clear and present danger to life or of great bodily injury to yourself, which cannot be adequately dealt with by existing law enforcement resources, and which danger cannot be reasonably avoided by alternative measures. You did not provide satisfactory proof that your work is such a nature that it requires the carrying of a concealed weapon.

An independent advisory board has been established to review contested applications. The Board's recommendations are forwarded to the Police Department for consideration. If you wish to have your application reviewed by the advisory board, please notify us in writing. Address your correspondence to the Los Angeles Police Department, Gun Unit, 100 West First Street, Los Angeles, CA 90012.

Concerns or questions regarding this matter can be directed at Lieutenant Ronald Dickerson, Gun Unit, Gang and Narcotics Division, (213) 486-5360.

Very truly yours,

CHARLIE BECK
Chief of Police

DAVID R. DOAN, Commander
Chief of Detectives

Fca

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www.joinLAPD.com

CITIZENS ADVISORY REVIEW PANEL
ON CONCEALED WEAPON PERMITS
c/o BURTON C. JACOBSON, ATTORNEY AT LAW
424 South Beverly Drive, Beverly Hills, CA 90212
(310)553-8533

March 24, 2011

LOS ANGELES POLICE DEPARTMENT
Gang and Narcotics Division
P.O. Box 30158
Los Angeles, CA 90030

Attention: ✓ CHARLIE BECK, Chief of Police
WILLIAM J. HART, Captain, Commanding Officer
Gang and Narcotics Division
KOSAL BUN, Officer, Gang and Narcotics Division

RE: CCW ADVISORY BOARD

Dear Officials:

The within Advisory Board met March 14, 2011 and reviewed several CCW applications and their supporting documentation. Attached are the Board's recommendations concerning issuance/non issuance of a CCW permit as concerns:

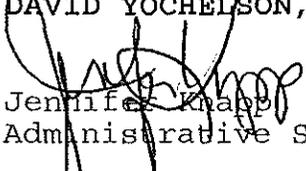
STEVEN P. BEIN
BRIAN GOLDSTEIN
LOUIS HILL SR.
JUAN CARLOS BROOKS
VASGEN E. OUZOUNIAN
KENNETH S. POMERANTZ
EDWARD A. DUBINSKY
JONATHAN W. BIRDT

We hope that permits will be issued to those applicants whom the Board recommends because said applicants have met the requirements set forth under the policy established by LAPD, and pursuant to the Judgment in ASSENZA, et al. vs. CITY OF LOS ANGELES, et al., for the issuance of a CCW license/permit. We await your responses.

Please contact us should you have any questions.

Sincerely,

CITIZENS ADVISORY REVIEW PANEL
DAVID YOCHELSON, Chairman


Jennifer Knapp
Administrative Secretary

JK/me
Enc.

CITIZENS' ADVISORY REVIEW BOARD
RECOMMENDATION TO LOS ANGELES POLICE DEPARTMENT
ON CONCEALED CARRY WEAPON PERMITS

1. Applicant's Name: BIRDT JONATHAN W.
(Last) (First) (Middle)
2. Date Applied for Permit: 02 23 2010
(month) (day) (year)
3. Date Rejected by LAPD: 03 18 2010
(month) (day) (year)
4. Date of Interview: 3/14/2011
5. Recommendation of Panel: DO NOT recommend issuance of CCW permit.
6. Explanation of Decision:

Good cause DOES NOT exist because, pursuant to the Judgment in ASSENZA, et al., v. CITY OF LOS ANGELES, said applicant did not establish good cause for licensure. Said applicant did have the required training and favorable factors.

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