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8 THE UNITED STATES DISTRICT COURT

9 IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

10	DAVID K. MEHL; LOK T. LAU;)	CASE NO.: CIV S 03 2682 MCE/KJM
	FRANK FLORES)	
11	Plaintiffs,)	
)	
12	vs.)	<u>DECLARATION OF EXPERT</u>
)	<u>WITNESS LT. TIMOTHY G.</u>
)	<u>TWOMEY (RETIRED)</u>
13	LOU BLANAS, individually and in his)	
	official capacity as SHERIFF OF)	
14	COUNTY OF SACRAMENTO;)	
	COUNTY OF SACRAMENTO,)	
15	SHERIFF'S DEPARTMENT;)	
	COUNTY OF SACRAMENTO; BILL)	
16	LOCKYER Attorney General, State of)	
	California; RANDI ROSSI, State)	
17	Firearms Director and Custodian of)	
	Records.)	
18	<u>Defendants</u>)	

19 I, Timothy G. Twomey, declare as follows:
20

- 21 1. I am over the age of 18, and competent to testify as to the facts and opinions stated
22 herein, and the information contained herein is of my own personal knowledge.
- 23 2. I received a Bachelors Degree in Psychology in 1972 from California State
24 University, Sacramento.
- 25 3. In late 1972 or early 1973, I was accepted into the Sacramento County Sheriff's
26 Department's Reserve Academy.
- 27 4. In approximately September, 1974, I was hired as a full time Deputy Sheriff and was
28 assigned to the Sacramento Law Enforcement Training Academy, graduating in or about January,
1975; finishing some hundredths of a point behind the top academic recruit.

1 5. In 1975 (+-), I became a Certified Departmental Weaponless Control Self Defense
2 (Koga) Instructor.

3 6. In 1979, then-Captain George Lotz asked me to do an analysis of the Field Training
4 program. He specifically wanted to know if the reason for the large number of failures in the
5 'retread' program (the number of deputies returning to the jail system during patrol for
6 retraining) had to do with the different academies the deputies attended. He felt there were more
7 re-training failures for those hired with just a Reserve Training experience.

8 7. This instance was the first of many times that I would be asked to conduct this type of
9 analysis. I used my experience, training and education to determine the methodology to be
10 employed as there were no manuals on this type of study. Therefore, the discretion was
11 completely mine as to how to perform this administrative investigation.

12 8. I discovered that there was a 50% failure rate in the re-tread (re-training program).
13 That is, after passing the initial Field Training program, completing the jail time (up to 5 years)
14 50% of those retreaded back to the Field Training returned to Correctional Services regardless of
15 their academy background.

16 9. After interviewing several retread failures, I discovered that the reasons varied for
17 each failure: some had established seniority in Correctional Services that enabled them to bid for
18 a day shift with weekends off.

19 10. Some had pressure from family life to return to a day shift only.

20 11. Some resented the necessary overtime Patrol Services required.

21 12. Some resented being ordered around like rookies.

22 13. But the fact remained that 50% of the deputies who underwent two training cycles
23 returned to the Correctional Services after an expensive redundant training program.

24 14. In September of 1980, I was promoted to Sergeant, and was assigned to the Rio
25 Cosumnes Correctional Center (RCCC). In March, 1983, I was assigned to the Sheriff's Staff as
26 the administrative assistant to Larry Stamm, Chief Deputy for Security and Correctional
27 Services.

28 15. During my assignment as assistant to Chief Deputy Stamm, I reviewed every

1 completed Internal Affairs Investigation (with the exception of one), including those alleging
2 excessive force and breach of Departmental policy, that came to Security and Correctional
3 Services and either passed them on to Chief Stamm, or wrote an administrative review for Chief
4 Stamm or returned them for further investigation. I became familiar with the record keeping
5 methods in Internal Affairs, and their access to all levels in the department, crossing all lines of
6 authority. I became familiar with most, if not all, of the General Orders that govern the
7 department, writing several myself. I became familiar with all of the operations that governed
8 each division within the Security and Corrections Service area, writing, modifying and/or, if
9 appropriate, deleting over 150 of them in the two year period.

10 16. In 1983, while assigned to the old main jail, I chronicled the complete lack of
11 management control at all levels at the facility. In particular, Deputy Kelley's Morning Watch
12 (the same Chief Deputy Kelley in many of the CCW applications) had amassed more complaints
13 of brutality in 30 days, then the entire patrol division had amassed over the entire year.

14 17. This same Chief Kelly had a minimum of three IA/Divisional complaints for
15 excessive force (e.g. 94 IA 57, 93 DIV 58, and 91 DIV 31) from records I reviewed.

16 18. In or around June, 1984, I was promoted to Lieutenant but remained assigned to the
17 Sheriff's staff as the assistant to Larry Stamm, Chief Deputy for Security and Correctional
18 Services.

19 19. During this assignment, I was asked by Larry Stamm to become a legislative
20 advocate for Security and Correctional Services.

21 20. Larry Stamm, at this time named Chief Deputy of Security and Correctional
22 Services by newly elected Sheriff Robbie Waters, ordered me to author the Sheriff's Staff
23 Division budget for the 83/84 period.

24 21. There was no mention of any monies allocated for the concealed weapons (CCWs)
25 permit process in the 82/83 budget which I utilized for the 83/84 budget as a bench mark.

26 22. I was responsible for initiating legislative changes in PC§s 4007, 4021b, and 853.6(j)

27 23. I also worked with Dwight "Spike" Helmick, legislative liaison for the California
28 Highway Patrol, and Al Cooper, legislative liaison for the California Chief's of Police and the

1 California State Sheriff's Association in the development of PC§ 4030, the strip search
2 legislation.

3 24. In approximately January, 1985, I voluntarily transferred to South Patrol Division as
4 the co-watch commander of morning watch.

5 25. Sometime in 1986, I was assigned as the South Patrol Division Executive Lieutenant,
6 and as the relief watch commander.

7 26. In mid 1986, Chief Deputy Larry Stamm approached me and told me he had been
8 selected by newly elected Sheriff Glen Craig to be the new Undersheriff. He asked me to
9 become his assistant, which I agreed to do.

10 27. During the approximately 6 months prior to Sheriff Craig swearing in, I assisted the
11 future Undersheriff in formulating structural changes within the Sheriff's Department.

12 28. We restructured the Field Training Program to allow newly hired deputies to
13 complete a formal State Board of Correction 80 hours Corrections Course, then be immediately
14 assigned to Correctional Services, instead of Patrol Training.

15 29. Undersheriff Stamm, incorporating my findings from my 1979 Field Training
16 Program Study, decided that assigning deputies to Correctional Services instead of Patrol would:

- 17 1. Save the department a significant amount in training costs.
- 18 2. Eliminate the adrenalin rush experience that patrol training provides new
19 deputies, only to have them face 4 to 5 to 6 years in the jail system as
20 disgruntled "patrol" officers.
- 21 3. Save the department bodies. Those deputies that were successful in the
22 rigorous Jail Training Program, and were successful in the custody
23 environment, after failing Patrol Training would still have a career within
24 the Sacramento County Sheriff's Department as custody officers.
25 (Currently under the Patrol First program, if a recruit fails Patrol Training
26 after an extensive and expensive Academy, she/he is released from county
27 services)

28 30. In January of 1987, I was appointed the Assistant to Undersheriff Larry D. Stamm. I

1 was the first Lieutenant in the department to have held that assignment.

2 31. From 1989 through 1994, I was the Watch Commander for Evening Watch in South
3 Patrol Division , commanding two watches, David and Edward.

4 32. For an approximate six month period, I was given the additional responsibility of
5 commanding the Graveyard shift, Adam Watch; to my knowledge, the only Lieutenant in the
6 history of the department to have such double watch responsibility.

7 33. During this period, I initiated several internal affairs investigations, oversaw dozens
8 of Divisional Investigations, and conducted Watch Investigations as I deemed necessary.

9 34. During my ten year assignment as the Watch Commander at the Rio Cosumnes
10 Correctional Center, I initiated about 10 internal affairs investigations, divisional investigations
11 and watch investigations which resulted in discipline up to and including termination.

12 35. While I was assistant to Chief Deputy/Undersheriff Larry Stamm, I wrote, revised, or
13 deleted if appropriate, 150 Operations Orders and Departmental General Orders. While I was
14 assistant to the Undersheriff, I attended the weekly Service Area meetings involving all of the
15 managers in the division.

16 36. In or about January of 1988, at my request, **I was assigned as the Executive**
17 **Lieutenant in the Special Investigations Bureau**, and coincidentally, the Commander of the
18 Warrant/Fugitive Bureau, a bureau larger than any other in the Detective Division.

19 37. During the promotional process for Lieutenant in or around 1984, I not only read
20 each and every Sheriff's Department General Order, but I made hundreds of flash cards with
21 these orders written on them, and studied the growing stack several times each day.

22 38. I continuously reviewed and studied organizational structure and divisional resources
23 throughout my career.

24 39. I was informed that I had captured 2nd place in the process for promotion to
25 Lieutenant out of over 70 candidates.

26 40. There was no mention of the CCW process in the Sheriff's Staff Division Budget or
27 the General Orders during the entire time I was a member of the Sacramento County Sheriff's
28 management team.

1 41. In 1988, I was assigned as the Executive Lieutenant (currently called the Assistant
2 Commander) of the Special Investigations Unit (SIU often frequently referred to as SID and/or
3 SIIB, which refers to the Special Investigations/Intelligence Bureau). I was also assigned at the
4 same time, to serve as the commander of the Warrant Fugitive Bureau, a bureau under the
5 umbrella of the Special Investigations Unit.

6 **42. Then-Captain Brian Collins tasked me to start and complete the Investigations
7 Unit 88/89 budget when Sheriff Craig first took office.**

8 43. Again, since there were no manuals on how to go about this task, and the only
9 examples were prior budgets, I used my experience, training and education to determine the
10 methodology to be employed . The discretion was completely mine to determine how to perform
11 this administrative budget review.

12 44. When I completed this massive project, then Chief Deputy Valarien John Kobza, in
13 the presence of Captain Collins, referred to my product as the best budget ever written.

14 **45. Following the example of the previous budget, which had been used as a
15 template for the budget I had written, there was no mention in the SIU of any monies
16 allocated to the CCW process. I had been informed that the CCW process was a function
17 of the SIU.**

18 46. While serving as a member of the Sheriff's Staff Division, as assistant commander of
19 the Special Investigation Unit, during my review of the Sheriff's Department General Order for
20 promotion to Lieutenant, and while rigorously studying during at least three attempts to be
21 promoted to Captain, I have never seen any orders, rules, or processes for the issuance of CCW
22 permits. Never seen these allegedly existing orders, rules, or processes, even though I was very
23 familiar with the CCW issuance law and aware that the Sheriff's Department issued CCWs. I
24 know this from my own personal experience in that I have seen the CCW applications used and
25 the CCW permits actually issued during the course of my career, and these permits were signed
26 by the Sheriff.

27 47. Similar to what I have done in this case, throughout my career, starting as a deputy,
28 and retiring as a Lieutenant, I conducted hundreds of administrative investigations, which

1 involved analyzing and summarizing thousands of documents at a time, and then resulted in an
2 administrative determination of an issue had presented itself.

3 48. On numerous occasions, because many investigations involved unique situations, I
4 drew upon my education, training and experience to determine the best method for conducting
5 the administrative investigation.

6 49. I relied upon this experience when reviewing the copious volumes of materials
7 provided by the defense in this CCW case with bate stamps commencing with the letter "D_" and
8 other available sources of information, as noted herein throughout. My experience encompasses
9 a breadth of information and materials which I have reviewed, experienced, relied upon, and am
10 familiar include, but are not limited to, the following: As a Deputy, I conducted a Line
11 inspection of the Main Jail Prisoner property processes, and later while assigned to patrol and
12 Patrol re-tread training processes. As a Sergeant/Lieutenant, I completed: a computerized
13 schedule for all services at the RCCC for all six or seven of its facilities, such as Staff hours at
14 the Main Jail, Staff hours at the RCCC, Staff hours at the Courthouse, a computerized study of
15 the type of prisoners at Main Jail, sat on the Work Release Revenue Collection Committee, the
16 New Main Jail Architectural Committee, completed Internal Affairs reviews for Undersheriff,
17 wrote the General Order for Misdemeanor the warrant booking process, prepared a briefing
18 binder for Sheriff Robby Waters for his debate with Assembly Woman Maxine Waters on the
19 then pending Strip Search legislation. Conducted a three month computerized study involving
20 8000 records to compare the efficiency of one-person patrol units vs. two-person patrol units,
21 conducted a multi-agency staffing comparison to determine the relative staffing needs of officers
22 in patrol; proposed changes to PC §§ 4030, 856.J, 4007, 4032B and VC § 40508.4, many
23 Divisional Investigations reviews, Inmate JT history at RCCC, and an Internal Affairs
24 Termination investigation during my last week on the job.

25 50. I am an expert on law enforcement management policy, procedures and in particular,
26 on conducting administrative investigations and administrative reviews. Moreover, and
27 particularly pertinent to this case, the aforementioned expertise is very specific to the Sacramento
28 County Sheriff's department. Most importantly, I am an expert in determining if the Sacramento

1 County Sheriff's Department has a set policy or criteria as to what constitutes "good cause" or
2 lack thereof in determining who should or should not be issued a CCW.

3 51. Further, I am an expert in evaluating and processing large amounts of Sacramento
4 County Sheriff's Department data, facts, and information, and rendering an opinion to a
5 reasonable degree of certainty as to what the evidence establishes regarding the existence or lack
6 thereof of a constituted departmental policy by custom or practice. In this case, I am a qualified
7 expert on evaluating and processing large amounts of CCW data, facts, and information, and then
8 rendering an opinion to a degree of reasonable certainty as to: 1) what the policy criteria is for
9 both prima facie and non-prima facie "good cause" issuance of a CCW, and 2) whether the "good
10 cause" criteria was applied equally to all applicants, and 3) if not applied equally, why was it not
11 applied equally.

12 52. I am qualified to render an expert opinion as to the ultimate reason or reasons why
13 Plaintiffs Lau and Mehl were denied CCWs.

14 OPINION

15 53. **DOCUMENTS AND EVIDENCE RELIED UPON IN PREPARING THIS**
16 **DECLARATION, ALL OF WHICH IS ON FILE WITH THE COURT:** I base my opinions
17 to a degree of reasonable certainty due to my knowledge, skill, experience, training or education;
18 and as a former management employee of the County of Sacramento Sheriff's Department; and
19 upon the information I have personally reviewed as noted herein and with my own percipient
20 experience with the Department. The documents I personally reviewed and read include the
21 following, and those produced as exhibits are the exclusive basis for my opinion, though other
22 documents not produced bolster my opinion, and do not detract from it. However, these
23 documents which accompany the moving and opposition papers for summary judgment are a
24 superfluous amount needed to establish the opinions and analysis expressed herein.

25 54. There is no doubt that the documents identified as business records of the Defendants
26 are in fact documents generated in the normal course of business. In fact, I recognize the
27 handwriting on many of the Documents where it is either signed by Blanas, McGinniss and some
28 of the Chiefs.

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- (1) Documents produced in discovery, paying particular attention to all CCW documents and Campaign records, all of which were verified as true and correct business records by Defendant Blanas and the County. In addition, CCW applications were verified by each applicant under the penalty of perjury, and Defendant Blanas verified his campaign records under the penalty of perjury.
- (2) I read the depositions of Blanas, McAktee and Wong taken in this case.
- (3) I have read the Declaration of Colanfrancesco.
- (4) I reviewed the initial disclosures.
- (5) I have reviewed the written CCW issuance policy and the state statute regarding issuance.
- (6) I have also obtained and reviewed the expert opinion of Wendell Phillips, and his report signed August 31, 2007. His opinion only confirms what my analysis has established, and is in no way a necessary factor in my opinions or conclusions.
- (7) I have read each declaration filed in support of Defendants' Motion for Summary Judgment, which said documents were filed with this Court on October 15, 2007.

55. Moreover, and in particular, I have read every page of the following documents as these are the type of document I would rely upon in rendering my expert opinions herein, and would reasonably be relied upon by other similarly situated experts in my fields of expertise for which my opinion herein is rendered:

56. The documents identified in the Declaration of Gary W. Gorski, Paragraph 2, Exhibit "A", PDF scanned copy of the relevant portions of the Deposition of Defendant Blanas, and Exhibits 1, 1a, 2, and 3.

57. The documents identified in the Declaration of Gary W. Gorski, Paragraph 3, Exhibit "B", PDF scanned copy of the relevant portions of Deposition of Amber Wong, and

1 Exhibits 5 and 6.

2 58. The documents identified in the Declaration of Gary W. Gorski, Paragraph 4, Exhibit
3 "C", PDF scanned copy of the relevant portions of the Deposition of Aaron McAtee and Exhibit
4 4.

5 59. The documents identified in the Declaration of Gary W. Gorski, Paragraph 5, all of
6 the following bate stamped documents commencing with the letter "D" of the approximate 4000
7 pages of relevant documents that were produced by Defendant Blanas under the penalty of
8 perjury, per his discovery responses at Exhibits "G, H, J, K, L, N, R and S", and the County's
9 response at Exhibit "I".

10 60. The documents identified in the Declaration of Gary W. Gorski, Paragraph 6, Exhibit
11 "D", PDF scanned copy of the relevant portions of the Dave Baker's application.

12 61. The documents identified in the Declaration of Gary W. Gorski, Paragraph 7,
13 Exhibit "E", PDF scanned copy of the relevant portions of the Blanas letter to Gerber.

14 62. The documents identified in the Declaration of Gary W. Gorski, Paragraph 8, Exhibit
15 "F", PDF scanned copy of the relevant portions of the various blank CCW applications
16 produced.

17 63. The documents identified in the Declaration of Gary W. Gorski, Paragraph 9,
18 Exhibit "G", PDF scanned copy of the relevant portions of the Blanas Supplemental RPD
19 response.

20 64. The documents identified in the Declaration of Gary W. Gorski, Paragraph 10,
21 Exhibit "H", PDF scanned copy of the relevant portions of the Blanas Second Supplemental
22 RPD response.

23 65. The documents identified in the Declaration of Gary W. Gorski, Paragraph 11,
24 Exhibit "I", PDF scanned copy of the relevant portions County Second Supplemental
25 Interrogatory Response.

26 66. The documents identified in the Declaration of Gary W. Gorski, Paragraph 12,
27 Exhibit "J", PDF scanned copy of the relevant portions Defendant Blanas' supplemental to
28 documents.

1 67. The documents identified in the Declaration of Gary W. Gorski, Paragraph 13,
2 Exhibit "K", PDF scanned copy of the relevant portions of Blanas Supplemental Document
3 Production.

4 68. The documents identified in the Declaration of Gary W. Gorski, Paragraph 14,
5 Exhibit "L", PDF scanned copy of the relevant portions Blanas Second Supplemental Document
6 response.

7 69. The documents identified in the Declaration of Gary W. Gorski, Paragraph 15,
8 Exhibit "M", PDF from the County of Nevada Recorders Office, as part of public records.

9 70. The documents identified in the Declaration of Gary W. Gorski, Paragraph 16,
10 Exhibit "N", PDF scanned copy of the relevant portions of Blanas Third Supplemental
11 Interrogatory Responses.

12 71. The documents identified in the Declaration of Gary W. Gorski, Paragraph 17,
13 Exhibit "O", PDF scanned copy of the relevant portions Defendant Blanas' campaign records.

14 72. The documents identified in the Declaration of Gary W. Gorski, Paragraph 18,
15 Exhibit "P", PDF scanned copy of the relevant portions Approved CCW applications produced
16 by Defendants in response to the above discovery responses.

17 73. The documents identified in the Declaration of Gary W. Gorski, Paragraph 19,
18 Exhibit "Q", PDF scanned copy of the affidavit of James Colafrancesco.

19 74. The documents identified in the Declaration of Gary W. Gorski, Paragraph 20,
20 Exhibit "R", PDF scanned copy of the September 7, 2006, cover letter and attached verifications
21 for Defendant Lou Blanas' Responses to Plaintiffs' Request for Production of Documents,
22 Defendant Lou Blanas' Responses to Special Interrogatories, and Defendant County of
23 Sacramento's Responses to Special interrogatories. These verifications were for Sets One of the
24 propounded discovery noted in Exhibits "F", "G", "H", "K", "L", and "S".

25 75. The documents identified in the Declaration of Gary W. Gorski, Paragraph 21,
26 Exhibit "S", PDF scanned copy of the May 3, 2006 service of Defendant Lou Blanas' Responses
27 to Plaintiffs' Request for Production of Documents, Set One, Defendant Lou Blanas' Responses
28 to Special Interrogatories, and Defendant County of Sacramento's Responses to Special

1 interrogatories.

2 76. The declarations of Lau, Mehl, and Rothery filed concurrently with the Plaintiffs'
3 opposition papers and this declaration.

4 77. With regard to the "some" of the following documents I reviewed, I am denoting
5 some of the key findings in each document as well, where a simple review of the document may
6 not present the significance or importance of the document, unless pointed out specifically.

7 78. Attached hereto as **Twomey Exhibit "A"** is a true and correct PDF scanned copy of
8 Sacramento County Sheriffs Department, Concealed Weapons Permit Issuance Policy, and
9 Application Process.

10 79. Attached hereto as **Twomey Exhibit "B"** is a true and correct PDF scanned copy of
11 the State of California, Department of Justice Standard Application for CCW License, effective
12 "6/99", obtained directly form the State of California.

13 80. Attached hereto as **Twomey Exhibit "C"** is a true and correct PDF scanned copy of
14 Sheriff John McGinness' form letter handed out by the Sheriff's Department, dated September 8,
15 2006.

16 81. Attached hereto as **Twomey Exhibit "D"** is a true and correct PDF scanned copy of
17 CCW applicants files, maintained as business records by the County of Sacramento Sheriff's
18 Department, and produced as such in response to Plaintiffs' Interrogatories, Set One, and Request
19 for Production of Documents Sets One, as part and parcel to Gorski Declaration, **Exhibits "G, H,**
20 **J, K, L, N, R and S"**, and the **County's response at Exhibit "I"**.

21 82. **Twomey Exhibit "D"** consists of a sample of selected approved CCW applications
22 and associated records which accompanied the applications whereby these records could be
23 directly linked with the same person contributing money to former Sheriff Blanas, and some of
24 whom continued the contributions with Sheriff McGinniss' campaign as well.

25 83. These applications show some of the minimum "baseline" justifications for issuance
26 of a CCW.

27 84. Attached hereto as **Twomey Exhibit "E"** is a true and correct PDF scanned copy of
28 "denied" CCW applicants' files, maintained as business records by the County of Sacramento

1 Sheriff's Department, and produced as such in response to Plaintiffs' Interrogatories, Set One,
2 and Request for Production of Documents Sets One, as part and parcel to Gorski Declaration,
3 **Exhibits "G, H, J, K, L, N, R and S"**, and the **County's response at Exhibit "I"**.

4 85. These applications are samples of some of the details provided by individuals who
5 requested a CCW, and were denied.

6 86. Twomey's Exhibit "E" and "F" (inclusive of the Rothery Declaration) demonstrates
7 that all these individuals provided equal or better justifications/reasons to the
8 justifications/reasons provided in Twomey's Exhibits "D", "G", and "H", CCW applications
9 which were approved.

10 87. Attached hereto as **Twomey Exhibit "F"** is a true and correct PDF scanned copy of
11 JAMES ROTHERY's three CCW applications, inclusive of internal documents related to these
12 three applications, which were "denied"; these records were maintained as business records by
13 the County of Sacramento Sheriff's Department, and produced as such in response to Plaintiffs'
14 Interrogatories, Set One, and Request for Production of Documents Sets One, as part and parcel
15 to Gorski Declaration, **Exhibits "G, H, J, K, L, N, R and S"**, and the **County's response at**
16 **Exhibit "I"**.

17 88. Attached hereto as **Twomey Exhibit "G"** is a true and correct PDF scanned copy of
18 CCW approval forms consisting of internal documents related to CCW applications, which were
19 "approved"; these records were maintained as business records by the County of Sacramento
20 Sheriff's Department, and produced as such in response to Plaintiffs' Interrogatories, Set One,
21 and Request for Production of Documents Sets One, as part and parcel to Gorski Declaration,
22 **Exhibits "G, H, J, K, L, N, R and S"**, and the **County's response at Exhibit "I"**.

23 89. **Twomey Exhibit "G"**, Page 1, the application of John Kearns, a consultant, was
24 approved by Sheriff Blanas directly March 30, 2006, with no purported committee review.

25 90. **Twomey Exhibit "G"**, Page 2, the application of Terry Burkes, a pharmacist, was
26 approved by Undersheriff Blanas on 11/15/93, again by-passing the purported committee.

27 91. **Twomey Exhibit "G"**, Page 3, the application of Dave Finegold (occupation
28 unknown) was approved by Undersheriff John McGinniss on 5/6/2003, by-passing the purported

1 committee altogether.

2 92. **Twomey Exhibit "G"**, Page 6 (see also 4-5), the application of Roger Bennett, a tax
3 attorney, was approved by Undersheriff Henrikson, and then approved again on a renewal on
4 12/09/01 when Sheriff Blanas was in office without any approval signatures whatsoever. Page 7.

5 93. **Twomey Exhibit "G"**, Page 8, the application of Timothy Morgan (CYA) was
6 approved by Lou Blanas on 12/9/98.

7 94. **Twomey Exhibit "G"**, Page 9, the application of Richard Zarzana, a security
8 consultant, was approved by Sheriff Blanas on 3/30/2006.

9 95. **Twomey Exhibit "G"**, Page 10, the application of Carter Vanderford, a mill worker
10 for Setzer Forest Products, was approved by Undersheriff Blanas in 1998 though the CCW was
11 denied by Sacramento City Police Department.

12 96. **Twomey Exhibit "G"**, Page 11, the application of Robert Thomas, a consultant, was
13 approved by Sheriff Blanas on 6/8/06, and again, no committee even reviewed the application.

14 97. **Twomey Exhibit "G"**, Page 12, the application of Gary Stephenson of Ace Bail
15 Bonds was approved by Sheriff McGinniss personally, completely overruling his purported
16 committee AND Chief Kelly's denial on appeal. This is a perfect example of selective approval
17 of CCW applications. Keep in mind that the applicant's company has been a longtime
18 contributor to Sheriff Blanas. See Twomey Exhibit "J", Page: 135 (Defendants' Bate D_02092,
19 see also Defendants' Bate 1752 for \$1000, 1887 for \$500, 2092 for \$1700, and 2242 for \$1000.)

20 98. **Twomey Exhibit "G"**, Page 13, the application of Gene W. Stinson, "business
21 owner/Dog Show Specialties" was approved for a CCW personally by Sheriff Blanas on 1/10/06,
22 completely overruling both the so-called committee and the appellate chief. Again, another great
23 example that the so-called committee means nothing as far as approvals/denials are concerned.
24 Here, the committee points out purported policy of "immediate threat" being the determining
25 factor for approval, and that no such factor existed with regard to Stinson. Therefore, one can
26 easily conclude, relying upon the evaluation of four peace officer managers that the applicant
27 failed to show immediacy; there was in fact no "immediate threat" to Stinson requiring a CCW.

28 99. Since there is no procedure made available to the public regarding another level of

1 review to the Sheriff after a CCW applicant's appeal is denied, the question must be posed, "How
2 does one get the Sheriff to personally override the decisions of both the committee and the denial
3 on appeal of the single reviewing officer?" If procedures are equally applied, then the only other
4 explanation is the inequitable access of some individuals to the Sheriff himself for the
5 furtherance of his position and their own self-aggrandizement.

6 100. Attached hereto as **Twomey Exhibit "H"** is a true and correct PDF scanned copy
7 of the CCW application of a "Roland Lewis" which was produced as part of "approved" CCW
8 applications, but was missing committee notes; this application was maintained as business
9 records by the County of Sacramento Sheriff's Department, and produced as such in response to
10 Plaintiffs' Interrogatories, Set One, and Request for Production of Documents Sets One, as part
11 and parcel to Gorski Declaration, **Exhibits "G, H, J, K, L, N, R and S"**, and the **County's**
12 **response at Exhibit "I"**.

13 101. Twomey Exhibit "J", the CCW application of Roland Lewis, is made as its own
14 separate exhibit because of its significance in that there is clearly no immediate threat mentioned,
15 nor is there any indication that music promoters are somehow more prone to violent crime. The
16 fact that this application was approved with such minimal information exemplifies arbitrariness.

17 102. Attached hereto as **Twomey Exhibit "I"** is a true and correct PDF scanned copy of
18 screen-shots of official government websites (except Pages 12 and 13) denoting the information
19 contained in each document, and each document denotes the government agency responsible for
20 maintaining said information, this also includes **Twomey Exhibit "N"**.

21 103. With regard to **Twomey Exhibit "I"** pages 12 and 13 pertaining to CCW permit
22 holder Halverstadt, this information was obtained from The Sullivan Group's official website, a
23 business entity well know to me because Sheriff McGinniss is a frequent guest speaker on Tom
24 Sullivan's talk show.

25 104. **Twomey Exhibit "I"** consists of information any trained investigator would
26 utilize in confirming that given individuals are associated with certain businesses, and even the
27 nature of that association or relationship. These are some examples of the information an
28 investigator can rely upon, but these examples are not meant to be exclusive or exhaustive. In

1 attempting to confirm or deny these relationships, an investigator must know where to look for
2 information and must recognize the relative reliability of the information gleaned from his
3 sources. Government websites which publish records on individuals and corporations are
4 generally deemed to be particularly reliable sources of information.

5 105. A good example of the relative reliability of a source of information is whether or
6 not an investigator could also rely upon this source as one of the bases for serving an arrest
7 warrant on an individual; in this case, Halverstadt. In this hypothetical, simply reading **Twomey**
8 **Exhibit "I"** pages 12 and 13, the following could be gleaned to assist the officer in executing the
9 warrant: 1) known associates, 2) employment location, 3) that he lives somewhere in Granite
10 Bay, and that he was possibly a member of the U.S. Army Special Forces (Green Berets), making
11 him a possible dangerous arrestee. The more reliable information that is available, the more it
12 can be cross-checked for accuracy.

13 106. Attached hereto as **Twomey Exhibit "J"** is a true and correct PDF scanned copy of
14 Defendant Blanas' campaign records which were produced as public records having been
15 maintained as business records by the County of Sacramento, and produced as such in response
16 to Plaintiffs' Interrogatories, Set One, and Request for Production of Documents Sets One, as
17 part and parcel to Gorski Declaration, **Exhibits "G, H, J, K, L, N, R and S"**, and the **County's**
18 **response at Exhibit "I"**. Further, I recognize Defendant Blanas' signature under the penalty of
19 perjury authenticating the accuracy of the documents. The Defendants bate stamps are in order,
20 but some pages were deliberately pulled out. Since the pages contained only campaign
21 expenditure information there was no reason for these redactions and lack of production. One
22 can reasonably conclude that there was apparently some concern on Defendant's part regarding
23 further revelations about who had made contributions to his campaign, and how much.

24 107. Attached hereto as **Twomey Exhibit "K"** is a true and correct PDF scanned copy
25 of the Washoe County Assessor, State of Nevada screen-shot of an official government website
26 denoting the information contained in the document, and the document denotes the government
27 agency responsible for maintaining said information. This is a public record of property
28 Defendant Blanas owns in Washoe County with CCW permit holder, Gerber.

1 108. Attached hereto as **Twomey Exhibit "L"** and "M" are true and correct PDF
2 downloads from a State of California Department of Justice official government website denoting
3 the information contained in each document for the respective years of 2005 and 2006, and each
4 document provides the total number of CCWs issued per county in California for each calendar
5 year.

6 109. The information contained in this exhibit conclusively demonstrates that preceding
7 each election year, there is a marked increase in the number of CCWs being issued in
8 Sacramento County. However, particularly noticeable is that immediately before Defendant
9 Blanas' first run for Sheriff in 1998, there was approximately a three-fold increase in the number
10 of CCWs being issued. Though it may be true, that at this time, other intra-county jurisdictions
11 could have been issuing CCWs, this marked increase during the election cycles every four years,
12 taken with all of the other factors, shows that there is a problem of CCWs being issued for
13 political gain.

14 110. Attached hereto as **Twomey Exhibit "O"** is a true and correct PDF scanned copy
15 of Defendant County of Sacramento Sheriff's Department computerized CCW permit applicants'
16 information, including name, address, and date the applicant's permit was either issued or
17 denied. These records are maintained as business records by the County of Sacramento, and
18 produced as such in response to Plaintiffs' Interrogatories, Set One, and Request for Production
19 of Documents Sets One, as part and parcel to Gorski Declaration, **Exhibits "G, H, J, K, L, N, R**
20 **and S"**, and the **County's response at Exhibit "I"**. Further, I recognize this type of document
21 as the type of information maintained by the Sheriff's Department. The Defendants' bate stamps
22 are in order as they were served with their discovery responses. This document supplements the
23 information contained in Gorski Declaration Exhibits 1, 2, and 3.

24 111. The facts and data in this particular case upon which I base my opinions and
25 inference are those perceived and known to me before the preparation of this declaration, and are
26 the type of facts and data reasonably relied upon by experts in the field of law enforcement
27 management and investigations in forming opinions or inferences upon the subject for
28 determining policy, or lack of policy, and breaches thereof; in this particular case, assessing the

1 CCW issuance policy, determining what that policy is, and whether the policy, if any, is equally
2 applied.

3 112. The approximate 4000 pages of documents with Bate stamps produced under the
4 penalty of perjury, and business information from the County of Sacramento Fictitious Business
5 Names listings and the California Secretary of State Corporate Records search are facts and data
6 in this particular case upon which I base my opinion and inferences perceived by me or made
7 known to me before the preparation of this declaration, and are of the type reasonably relied
8 upon by experts in the my particular field in forming opinions or inferences upon the subject.

9 113. As a trained investigator and Sacramento County Sheriff's Department manager
10 charged with administrative reviews of policies and investigations, the documents specifically
11 identified herein are documents I, and any other individual in my capacity, would rely upon in
12 formulating the opinions expressed hereby as they are VERY reliable, in that all documents were
13 produced under the penalty of perjury at multiple levels. For instance, most CCW applications
14 are signed under the penalty of perjury (post June 1999). Likewise, campaign contribution
15 reports are signed by Defendant Blanas himself under the penalty of perjury. Therefore, these
16 documents are heavily relied upon for the purposes of my analysis and opinion.

17 114. After a chance to review the CCW applications that had been turned over, it was
18 discovered that some CCW applications, portions of applications, and documents have been
19 "purged", per for example, at memos at D_04065 and D_02788, a PDF scanned copy of which
20 is attached hereto as Twomey Exhibit "D", Pages: 102, 125. There is no reason given for this,
21 nor was there any evidence that it was approved by management.

22 PRELIMINARY ANALYSIS

23 115. In California, a CCW (Carry-Concealed-Weapon) permit is issued by the local
24 Sheriff or Police Chief in which the applicant resides. (PC §12050. (a) (1) (A) The sheriff of a
25 county, upon proof that the person applying is of good moral character, that good cause exists for
26 the issuance, and that the person applying satisfies any one of the conditions specified in
27 subparagraph (D); (D) For the purpose of subparagraph (A), the applicant shall satisfy any one of
28 the following: (i) **Is a resident of the county or a city within the county.** (ii) **Spends a**

1 **substantial period of time in the applicant's principal place of employment or business in**
2 **the county or a city within the county.** And, (ii) if the licensee's place of employment or
3 business was the basis for issuance of the license pursuant to subparagraph (A) of paragraph (1),
4 **the license is valid for any period of time not to exceed 90 days from the date of the license.**
5 The license shall be valid only in the county in which the license was originally issued. The
6 licensee shall give a copy of this license to the licensing authority of the city, county, or city and
7 county in which he or she resides. **The licensing authority that originally issued the license**
8 **shall inform the licensee verbally and in writing in at least 16-point type of this obligation**
9 **to give a copy of the license to the licensing authority of the city, county, or city and county**
10 **of residence. Any application to renew or extend the validity of, or reissue, the license may**
11 **be granted only upon the concurrence of the licensing authority that originally issued the**
12 **license and the licensing authority of the city, county, or city and county in which the**
13 **licensee resides.**

14 116. Defendants somehow attempt to equate this as giving them the authority to issue
15 temporary 90 day licenses for “emergency” purposes. The above section pertaining to the 90
16 day “provisional” license relates solely to the location of the applicant, and not the underlying
17 facts for issuance. In addition, the statute DOES NOT allow a license to be issued without all
18 the applicable pre-requisites of CCW issuance being first met. A good example of this abuse is
19 noted below with regard to the CCW application and approval of Ed Gerber below.

20 117. This section of the law is violated many times by the Sacramento County Sheriff’s
21 Department, in that CCWs were issued to out-of-county residents. (For example, at D-2520,
22 2594, 2671, 2826, 2485, 2854, and 2887.) This fact is important regarding the blatant abuse of
23 discretion in handing out CCWs, and indicative of the flagrantly subjective reasoning which was
24 used to determine who was issued or denied CCWs in Sacramento County. However, it was not
25 necessary to rely upon this fact for the ultimate conclusions I render herein. Again, it was just
26 another red-flag for me that there is an obvious systemic problem.
27

28 118. To obtain a CCW, one must pass a background check and pass the mandatory

1 training requirement. However, approval of a CCW permit is left up to the discretion of the local
2 Sheriff or Chief. The facts overwhelmingly support that this discretion is abused in that
3 campaign contributors (or those with access to the Sheriff) and those with linkage or ties to
4 campaign contributors, invariably have a substantially increased likelihood of receiving a CCW,
5 as compared to all other applicants. This fact holding true even where the campaign-
6 contributing applicant's justification for a CCW is inherently weak or non-existent when
7 compared to those who did not make campaign contributions. Hence, there is no "good cause"
8 standard.
9

10 METHODOLOGY EMPLOYED

11 119. All information, facts and evidence reviewed and relied upon was generated either
12 before, during, or after each of the Plaintiffs applied for CCWs. Information, facts and evidence
13 generated after Plaintiffs were denied CCWs is highly probative in that it allows me to determine
14 baseline standards for CCW issuance at different points in time. And, in fact, there is a
15 consistency to the issuance and denial process over time; with regular increases in issuance prior
16 to elections. The aforementioned proving that the "unwritten" CCW policy, as actually
17 employed and practiced, constitutes a longstanding pattern, and that it constitutes the "normal
18 operating procedure" of the County of Sacramento Sheriff's Department, and that it continues till
19 this day.
20
21

22 120. First, I reviewed the boilerplate written policy which identifies "good cause" as
23 being the main thrust for issuance. Attached hereto is a true and correct copy of the policy that
24 was, and still is, in effect as Twomey Exhibit "A".
25

26 121. In 1999, the Attorney General (AG) was mandated with creating a new
27 state-standard CCW application form to replace local agency forms no-later-than July 1, 1999.
28 Use of any other forms once the new forms were distributed is banned by the same state law.

1 The specific law is Penal Code 12051(a)(3)(A).

2 122. Next, I reviewed the California Department of Justice, STANDARD
3 APPLICATION for LICENSE TO CARRY A CONCEALED WEAPON (CCW). In that
4 application, the following is noted: “PC section 12051(a)(3)(A) requires the Attorney General to
5 prescribe a statewide standard application form for a CCW license.” “The licensing authority
6 specified in PC section 12050(a)(1) (a sheriff . . .) may issue a license to persons who are of
7 good moral character, who have completed a course of training, and where good cause exists for
8 issuance of the CCW license.” “.. jurisdictions may require **psychological testing** on the initial
9 application ..” Attached hereto is a true and correct copy of the DOJ Statewide Standard CCW
10 application that was, and still is, in effect as Twomey Exhibit “B”.
11

12 123. “Sections 6, 7, and 8 **must** be completed in the **presence of an official** of the
13 licensing agency.” That Defendants were well aware of this instruction is supported by evidence
14 that Sheriff Blanas, at least at one point, informed “some” applicants of this mandate. See
15 **Twomey Exhibit “E”**, Page: 30, form letter to applicants in 2005.
16

17 124. Here, I note that Plaintiff Mehl in accordance with these instructions, did not fill
18 out Section 7 pertaining to the “investigators” interview, but waited for an official to contact
19 him. However, though his application was twice denied, he was never contacted or instructed to
20 complete his application in the “presence of an official of the licensing agency.” Therefore, the
21 Defendants’ policy was deficient from the start; as Amber Wong confirms, the *practiced (i.e.*
22 *actual)* policy was to *not* contact CCW applicants. Pl. Exh. “B”, Wong Depo . 17:12-19:11.
23 This failure to abide by even completely objective written instructions and guidance lends itself
24 to a conclusion that the entire CCW policy and practice was subject to the whims of the Sheriff
25 either directly or via his committee, and constitutes a clear failure and flaw in the CCW policy
26 from the start. See **Twomey Exhibit “B”, “E”**, Page: 30, form letter to applicants in 2005,
27
28

1 showing how the public was informed in writing how to fill out the applications. There is no
2 evidence that any such letter was provided to Plaintiff Mehl.

3 125. This Standard DOJ application is made available to the public from any law
4 enforcement agency that issues CCWs, or the State DOJ. A true and correct copy of this official
5 state CCW application that was obtained from the State DOJ several years ago is attached hereto
6 Twomey Exhibit “B”, and is identical to the form still being used as it has not been revised since
7 “6/99”. See lower left hand corner of first page of application denoting its publication date.

8
9 126. The Sheriff’s Department own written policy specifically states “Good cause exists
10 for issuance of a concealed weapons permit as follows: General: The determination of good
11 cause for the issuance of a concealed weapons permit is perhaps the most difficult aspect in this
12 process. While every applicant may believe that he/she has good cause for a license, **the**
13 **Sheriff’s** determination is based on consideration of public good and safety. (Law)” Twomey
14 Exhibit “A”.

15
16 127. This policy is broken down into two separate standards, known as “Prima Facie
17 Good Cause” and “Non-Prima Facie Good Cause.” This has been the general policy for years.
18 This document is attached as Twomey Exhibit “A”.

19
20 **THE DEFENDANTS’ CCW APPLICATION PROCEDURE AT THE**
21 **TIME OF PLAINTIFF MEHL’S AND PLAINTIFF LAU’S DENIALS OF**
22 **THEIR CCW APPLICATIONS**

23 128. For my analysis, I first ascertained the purported or alleged procedure for
24 reviewing, processing and approving/denying CCW applications, and any appeal thereafter. For
25 this determination, I relied upon the deposition of Amber Wong and Defendants’ declarations in
26 support of their motion for summary judgment.

27
28 129. Defendants purport to have established a rigid procedure for reviewing CCW

1 applications consisting of a three panel review committee, and a right of appeal to a single
2 person who was not part of the original review process.

3 130. However, I have uncovered numerous instances where the Sheriff or Undersheriff
4 personally got involved in the approval process. In these instances the CCW applicant either
5 bypassed this purported procedure totally and went directly to the Sheriff/Undersheriff, or the
6 Sheriff/Undersheriff overruled the three member panel. This issue is addressed below.
7

8 131. However, my first order of business was to determine what constituted “good
9 cause”, as that standard was enumerated in Twomey Exhibit “A” and allegedly applied in
10 denying and approving CCW applications.
11

12 **THE BASELINE FOR “GOOD CAUSE”**

13 132. In order to determine what constitutes “good cause”, and in particular Non-Prima
14 Facie Good Cause, I reviewed those applications that were approved to establish what is
15 commonly referred to as a “**baseline.**”

16 133. I was at a disadvantage from the start because the “APPROVED FILES” which
17 were produced only consisted of two pages, neither of which was dated. The Committee Finding
18 page was missing, and therefore I could not read the notes of the members. In stark contrast, the
19 “DENIED FILES” were in most cases 13 pages long, and included the notes made by any
20 committee member.
21

22 134. From those applications that were approved, the following examples are provided as
23 applications I reviewed and relied upon to determine what facts and information are relied upon
24 by the Department to constitute Non-Prima Facie Good Cause for issuance of a CCW:
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- 26 1. “Self Defense of family, business 2 Private Property Have had a ccw
27 since 1948. The last to men that I apprehended, one was on parol the
28 other had a \$1000 dollar warrant. since 1948 conditions have not

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improved.” **Gorski Decl. Plaintiff’s Exhibit “N”, Bate # D_02501.** This application, and other similar justifications stated in applications are also contained in Twomey Exhibit “D, G, and H”.

2. “Physician taking call. Need to go out at all hours.” **Gorski Decl. Plaintiff’s Exhibit “N”, Bate # D_02589.** This application, and other similar justifications stated in applications are also contained in Twomey Exhibit “D, G, and H”.
3. I have had a permit for about 20 years while both employed and retired. Basically for self protection while doing vast amount of traveling in California. This also included camping and fishing in remote areas.” **Gorski Decl. Plaintiff’s Exhibit “N”, Bate # D_02519.** This application, and other similar justifications stated in applications are also contained in Twomey Exhibit “D, G, and H”.
4. Jack Kimmel, of Kimmel Construction, Inc. “Self Defense” **Gorski Decl. Plaintiff’s Exhibit “N”, Bate # D_02653-02654.** This application, and other similar justifications stated in applications are also contained in Twomey Exhibit “D, G, and H”.
5. Roland Lewis, issued July 22, 1995, “Self Protection Bus. Related” **Gorski Decl. Plaintiff’s Exhibit “N”, Bate # D_02676;** Twomey Exhibit “H”.
6. David Mastagni, Lawyer, “course of business.” **Gorski Decl. Plaintiff’s Exhibit “N”, Bate # 02693-02694.** This application, and other similar justifications stated in applications are also contained in Twomey Exhibit “D, G, and H”.

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7. John Valensin, “Self Protection overseeing trespass & game violations on large ranches. Threatning [sic] calls from people whom Ive [sic] had arrested. & vandalizing large equipment on property. **Gorski Decl. Plaintiff’s Exhibit “N”, Bate # D 02889.** This application, and other similar justifications stated in applications are also contained in Twomey Exhibit “D, G, and H”.

135. Their dates of approval are contained on the document itself and/or Twomey Exhibit “O”.

136. These individuals had their CCW applications approved prior to Plaintiffs’ applications, and these, according to Defendants’ best records, are still active and valid. Hence, I used these as the benchmark or “baseline” as to what constitutes “good cause.”

137. The next thing I looked at was the generic reason for denial for each and every application made available, including Plaintiffs. It is clear that the same form letter was mailed out to almost every applicant whose request for a CCW was denied. An example of a letter mailed out on these denials is located at **Gorski Decl. Plaintiff’s Exhibit “N”, Bate # D_01066.** Pay particular attention to the reason for rejection in that: the applicant “did not provide **convincing evidence** that applicant or family members are in any **immediate danger** associated with everyday course of living as to justify the need to carry a concealed weapon.” “Applicant may have a weapon at **home** and in **business.**” “If your circumstances change and you wish to re-apply you may do so after one year from the date of denial.”

138. In addition, various notes are found in the applicants’ files stating “insufficient” good cause or reason provided. These notes are consistent with the statement of fact in the rejection letters.

139. Again, since the committee page was not provided with most of the approved

1 applications, I cannot compare notes.

2 140. Based solely upon this form denial letter, it is reasonable to conclude that “good
3 cause” is equated with “immediate” danger, and not some vague perception or remote possibility
4 of danger. Thus, the public is informed that this is what constitutes “good cause” (i.e. immediate
5 threat). This is consistent with what Mr. Lau described during his appeal when he was accused
6 of not documenting his danger with police reports.
7

8 141. Several points must be made regarding these denial letters. First, it correctly states
9 the law, in that a person may arm themselves in their place of business (i.e. owners of the
10 business or by permission of the owner) and they may have a loaded firearm in their home.
11

12 142. Second, the rejection letter states “immediate danger” must be proven.

13 143. Therefore, the denied applicants and general public are being informed and
14 instructed that the “official policy” as far as the general public is informed is to: 1) prove
15 “immediate danger” (i.e. exigent circumstances), and 2) that the CCW is NOT issued for defense
16 of home or business.
17

18 144. There is also a third implied category, which is that an individual may NOT use
19 deadly force to protect property – though not stated, any self defense course would teach this.

20 145. What was very obvious from reviewing the “approved” applications is that the
21 lowest threshold for “approved” status was everyday generic “self defense”, and everyday
22 defense of “business”. Most troubling is that the Sheriff’s Department has approved CCWs
23 wherein the applicant stated a need for a CCW for “defense of property” and even to stop
24 “vandalism” to property; though every peace officer, presumably including the CCW reviewers,
25 knows that deadly force shall never be used to defend property as we, as a society, place a higher
26 value on human life than property. Ironically, many applicants, whose applications expressed
27 justification that impressed the reader with regards to real imminent danger, had their CCWs
28

1 denied with notations which cautioned that ‘issuance could render a liability problem for the
2 Sheriff’s department’. It is a truism that many applicants who are issued CCWs, by virtue of
3 their requirement to have a permit, do not have a law enforcement or law background. Even
4 more ironically, regarding the Sheriff’s department apparent concern with liability, it could be
5 argued that issuing a CCW to an applicant who uses the justification that he needs to protect his
6 personal property is likely providing him with tacit approval/instruction that it is lawful and
7 approved of to use deadly force in these instances.
8

9 146. Anticipating that Defendants will argue that I “cherry picked” the most extreme
10 examples, I can show that these were exemplary applications and quite characteristic of the
11 approved applications. More importantly however, where the justification was very ‘weak’ the
12 applicant was invariably a campaign contributor or linked to a campaign contributor. To be fair,
13 there were instances where approval was for much more compelling reasons. However, I
14 focused my analysis on the minimum policy parameters for approval, and that is what is at issue.
15 Because campaign contributions and access to the Sheriff are so important to obtaining a CCW,
16 there are far, far more campaign contributors with approved applications based upon frivolous
17 justifications than applications that are compelling.
18

19 147. For instance, many of the CCW applications were approved whereby the
20 applicant’s stated justification was “carries large sums of cash,” or “self defense”, or working in
21 high crime areas, most notably the applications contained in Twomey Exhibit “D”, for example:
22

- 23 (a) Edwin Gerber. Twomey Exhibit “D”, Page 1, 7.
- 24 (b) Ernest Martini. Twomey Exhibit “D”, Page 11.
- 25 (c) Ben Upton. Twomey Exhibit “D”, Page 13.
- 26 (d) Jack Kimmel. Twomey Exhibit “D”, Page 19.
- 27 (e) Roland Lewis. Twomey Exhibit “H”.
- 28

1 (f) And many others that I did not even include, but this is just
2 a note to me for future testimony: Roger Brown (D 2511);
3 Ronald Brusato (D 2514); Barry McClain (D 2701), etc.
4

5 148. In contrast, a vast number of CCW applicants were denied after using a much more
6 compelling justification, or the same, and admittedly weak verbiage in their justification; their
7 common denominator being that they had *not* made campaign contributions, nor did they *know*
8 or have *access* to the Sheriff. It is also noted that among those denied, the reviewing panel
9 sometimes required additional proof of a threat, or denied the applicant based upon the
10 applicant's inability to articulate an immediate threat. This reason, a lack of "immediacy"
11 regarding danger written in various forms, in fact, being one of the most common reasons for
12 denial.
13

14 149. For instance, see the applications contained in Twomey Exhibits "E", "F", and the
15 Declaration of Rothery, James. A note to myself is that Razumolski, Sergy (D 1046 & 1054)
16 also falls into this category as well.
17

18 150. In sum, I have determined that the Sheriff's Department approves CCWs without
19 any form of verbiage to this effect, much less proof regarding "immediate danger", when it suits
20 their purposes to do so.
21

22 151. After establishing the lack of a "baseline" criteria for issuance, I then reviewed
23 denied applications to establish a basis for what the Department used in determining when
24 applications were denied.
25

26 152. When I compared the justification for the approved applications with those of the
27 denied applications, I was astonished in that applications were denied for the same or similar
28 reasons while others were approved. There appeared to be no consistency regarding denial and
approval. A simple comparison between approved (Twomey Exhibit "D", "G", "H") and denied

1 applications (Twomey Exhibit “E”, “F” and Lok Lau’s) is all that is needed to support this
2 conclusion.

3 153. Based simply upon the applications, there was only one conclusion that can be
4 drawn from this lack of consistency; I can state to a degree of reasonable certainty that there is
5 no “good cause” policy or criteria for issuance or denial of a CCW application, and at a
6 minimum, it is simply arbitrary and capricious with absolutely no sense objectivity or baseline
7 criteria being used.

8
9 154. From this determination, I then attempted to figure out why CCW applications
10 were arbitrarily and capriciously being issued.

11 155. I looked at the what was different between those applications that were approved as
12 compared to those that were denied.

13
14 156. There was a general commonality on certain parts of all but a very few of the CCW
15 applications; that is most applications were identical in that they answered “no” to the prohibited
16 categories, such as criminal convictions, mental incompetency, or any other disability that would
17 affect the “character” of the applicant’s ability to own, possess or use a firearm, whether
18 concealed or otherwise.

19
20 157. Ignoring the aforementioned areas of justification, after the routine screening of the
21 applicant for “fitness” to own, carry, and possess a firearm, the remaining differences in each
22 application were the person’s name, address, job description, and employer as being information
23 that would differentiate each application as being unique.

24 158. Hypothesizing that some types of employment or businesses are more inclined to
25 need a concealed weapon, such as private investigators, I looked at those applications next. And
26 I did, in fact, find that private investigators, were somewhat more likely to be approved, though
27 this approval was more certain if they were affiliated with a well-known agency, and a campaign
28

1 contributor, and far less certain if they were self-admittedly “self employed” and not a campaign
2 contributor.

3 159. For instance, Approved: D 2474, 2487, 2500; Denied: D 928-926, 1057, 1151.

4 Still, this did not resolve the arbitrariness and capriciousness for CCW approvals and denials, so
5 I set this issue aside.

6
7 160. When employer information was cross-referenced with employers who had made
8 campaign contributions, the number of applicants who were employed by contributors and were
9 approved was significant. Thus, I focused my attention on this observable fact.

10 161. Additionally, Sheriff’s Department affiliations such as “SSD Aero Squadron” and
11 “Sacramento Sheriff’s Posse” seemed to be buzz words or alerts to those evaluating the
12 applications. This is discussed below. Though in some cases there were applicants who entered
13 this information in vain and were denied CCW permits, more often than not, these words seemed
14 significant to a very weak application in alerting a reviewer that this was an applicant who might
15 be more deserving of approval or further review.

16
17 162. Therefore, it is my expert opinion, based upon a degree of reasonable certainty, that
18 the County of Sacramento Sheriff’s Department and then Sheriff Blanas, and now Sheriff
19 McGinniss have absolutely no policy or criteria as to whom is issued a CCW for non-prima facie
20 good cause applications. At best, it is random and capricious with approval more likely to be
21 given to well-known employers, campaign contributors, or those with Departmental affiliations.

22
23 163. Therefore, I further examined the pattern that was now being established, and
24 focused my attention on external factors that would affect the probability of an application being
25 approved and those being denied.

26
27 164. The next part of my analysis was to determine what was the single most important
28 common denominator in a CCW application being either approved or denied. To determine this,

1 I had to isolate a common denominator among the approved applications.

2 165. I was retained by Mr. Gorski, Mr. Mehl, and Mr. Lau to determine if their
3 postulation was correct (i.e. **that CCWs are issued at an inordinate rate to political**
4 **supporters of the Sheriff, since it is the Sheriff himself who issues CCWs.**)
5

6 166. Therefore, I started my analysis by first obtaining the facts, primarily a list of names
7 of those who contributed to Defendant Blanas' political campaign. For this, I reviewed
8 Defendant Blanas' public record contribution records that were signed by him under the penalty
9 of perjury.

10 167. Therefore, my starting point was campaign contributors.

11 **THE COMMON DENOMINATOR AMONG APPROVED APPLICATIONS**

12 168. Before I began my analysis, I first made a cursory review of CCW permit holders,
13 and compared those names with those listed on campaign contributions.
14

15 169. According to Detective Mason's own notes to file, all CCW records prior to 2003
16 have been purged. I have never heard of a law enforcement agency throwing away information
17 unless ordered to do so. Archived information regarding jail prisoners, jail visitor's information,
18 and pawn shop information, as only a few examples, are all very important databases for law
19 enforcement agencies. This remarkable and questionable step of 'purging' information was taken
20 with no apparent authorization from the Sheriff nor was it in compliance with any record
21 retention policy. See Twomey Exhibit "D", Pages: 102, 125.
22

23 170. After reviewing the list, and comparing names and associated companies with
24 campaign contribution records, I was able to isolate over 80 individuals who received CCWs and
25 contributed to Sheriff Blanas' campaign.
26

27 171. Thus, my next task was to take my preliminary notes and create a database of all
28 known CCW applicants. For this, I retained the services of David Orsay, a highly decorated

1 Special Forces soldier, trained in and whose duties frequently require intelligence analysis work,
2 and who holds a “Top Secret SCI with CI polygraph” security clearance. This was necessary
3 because Mr. Orsay was the only other person I knew with the expertise to crunch large amounts
4 of data with me, and create a database of campaign contributors and CCW permit holders, those
5 approved and denied, Sheriff departmental affiliation, addresses, cross-referenced with business
6 and employer affiliations as obtained from campaign records and CCW applications, and all the
7 while keep track of the Bate stamps from the source documents.

9 172. Mr. Orsay, a published author and former Special Forces operative who worked on
10 highly classified operations and materials, former Deputy U.S. Marshal, and most recently a
11 contractor for the government in Iraq, has extensive experience in intelligence assessments,
12 analysis, threat assessments, etc. – his expertise and opinions are the type of resources I would
13 rely upon as both a trained investigator and a law enforcement manager.

15 173. In addition, since time was of the essence, and my disability would prevent me from
16 typing in much of the information, Mr. Orsay did most of the typing while I reviewed each
17 application and campaign record, and collaborated with Mr. Orsay regarding what was to be
18 added. Between Mr. Orsay and myself, we (predominately Mr. Orsay) were able to construct a
19 massive database of names (individuals and business), addresses both current and former, aliases
20 (i.e. usually misspellings), CCWs issued and denied dates, whether the applicant contributed
21 money, when, and whether such contributions were personal or linked with that applicant’s own,
22 or another company.

24 174. Together, we were able to reconstruct and isolate the name of each business and its
25 corporate tree (Organization, subsidiary, and company) linked to each individual CCW applicant
26 based upon the information provided in the applications and/or campaign records and those made
27 available through government databases.

1 175. For the purposes of this opinion, however, I used this database only as a basis for
2 more quickly querying relationships and determining where to probe more deeply into the
3 volumes of documents provided to us by Defendant. The database simply reduced labor. For
4 example, one can imagine *not* using a computer database, but instead organizing the information
5 in carefully labeled piles according to dates, and names, with Post-It notes, highlighting, and
6 notations to help with cross-referencing. Our computerized database was a tool which added no
7 new information to what we had received; it simply allowed me to more quickly analyze what we
8 had received.
9

10 176. After a careful analysis of the data, it was very evident that there was a very strong
11 correlation in that campaign contributors and their relatives, family members, and business
12 associates indeed have a definitive advantage in obtaining a CCW. In fact, anyone who has
13 contributed over several thousand dollars is virtually guaranteed a CCW, if they apply. However,
14 it is rare that even those making smaller contributions are turned down for a CCW. When a
15 contributor was denied, it was most likely other disqualifying extenuating circumstances, such as
16 a lack of residence, criminal history, or a history of domestic violence which was the reason. At
17 the time I prepared my expert report, I did not have this database available, and now I realize
18 there are a few very minor campaign contributors who had not received a CCW, though they had
19 applied. However, with this caveat, my opinion remains the same.
20
21

22 177. Thus, the database was not used in any way as a basis for my opinion. It was just a
23 tool used to focus my attention on individual applications. My opinion is based solely upon the
24 CCW applications themselves, the CCW issued spreadsheets, and the campaign contributions,
25 and then cross-referenced with government license databases. I performed my analysis using my
26 background, training, and experience using the same or similar type of methods that I have
27 employed when conducting Department reviews and criminal investigations.
28

1 **OPINION ON THE EFFECT OF CAMPAIGN**
2 **CONTRIBUTIONS, CONNECTIONS TO ELECTED**
3 **SHERIFFS' AND MANAGEMENT, AND THE ISSUANCE**
4 **OF CCWS**

5
6 178. First, the identification and confirmation of people's identities, backgrounds, and
7 relationships to other people or business entities is a basic skill used daily by all law enforcement
8 investigators. In the course of criminal investigations while interviewing and researching, we are
9 given or find a partial name, partial address, or pieces of information that must be cobbled
10 together with other pieces of information and then confirmed.

11
12 179. This confirmation process has been rendered less difficult and more certain through
13 the years, first through the advent of computers and databases, and second through internet
14 information "open" sources such as official Federal, State and County licensing agencies (e.g.
15 SEC, Secretary of State, and County Fictitious Business Names Records), most of which are all
16 available online. Even property records in some counties are online now, as will be shown below
17 with the Gerber/Blanas connection.

18
19 180. The second aspect of my analysis wherein I describe placing myself in the CCW
20 application reviewers' "shoes" also draws upon my background, training and experience with the
21 Sheriff's department, and my familiarity with commonly accepted Sacramento Sheriff's
22 department administrative policy and procedure. Because I performed administrative reviews for
23 the Sacramento County Sheriff's Department for years, I am aware that reviewing an applicant's
24 fitness for a CCW is not a black-and-white process of simple denial or approval; but may require
25 careful consideration of some subjective factors once the threat of danger to the applicant has
26 been confirmed.

27
28 181. Often these practices are unwritten and I take this into account when conducting my

1 analysis. In fact, without belaboring the point, I am particularly well suited to analyze these
2 reviews; I share many common denominators with those who actually conducted them; and
3 during my time with the Sheriff's department might have conducted the actual CCW reviews of
4 applications myself ,if asked to do so, without missing a beat.

5
6 182. The methodology for connecting campaign contributors with CCW permits holders,
7 though somewhat tedious, is a relatively simple process of elimination. In many cases this is not
8 necessary since the contributing company has specifically noted the individual 'behind' the
9 contribution on the document itself linking a name to a contributing company. That contributing
10 company may be the employer that the applicant then lists on his application, confirming the
11 relationship. Or the address of the individual contributor is noted and matches the address on the
12 CCW application.

13
14 183. However, where the linkage is less certain, I use the following methodology to
15 confirm relationships and identities. First, I compare the names on the list of permit holders
16 provided by Defendants under the penalty of perjury (See Gorski Decl., Exhibits "1-3", and
17 Twomey Exhibit "O") with public campaign contribution records signed by Defendant Blanas
18 under the penalty of perjury listed in Twomey Exhibit "J". When I get a name match, I then
19 confirm that the same person is being identified in both documents by either comparing the
20 addresses provided or the name of the business as identified in both the CCW application and the
21 campaign contribution list.

22
23 184. So, for example, with Edwin Gerber, Twomey Exhibit "D", Page 6, Gerber lists
24 "Energetic" as the business name with an address on "Orange Grove". I then locate Gerber's
25 name or business on the campaign records, and compare addresses. Here, on Twomey Exhibit
26 "J", Page 171 I find "Energetic Painting and Drywall, Inc." with the same street name, but a
27 different number. At this point, I confirmed the match even though the street numbers are not
28

1 identical. The probability is very low that there would be two businesses sharing the same rather
2 unique name but owned by different people on "Orange Grove" avenue.

3 185. In order to eliminate all doubt, I simply confirmed the address with the California
4 Secretary of State online "Business Portal" (See
5 <http://kepler.sos.ca.gov/corpdata/ShowAllList?QueryCorpNumber=C1137947>). On the State of
6 California's website, which is a very useful and common investigative tool in law enforcement
7 for quick verifications of corporate businesses, the State of California has a corporate record for
8 "Energetic Painting and Drywall, Inc.", establish on "4/1/1983" with a business address of 3030
9 "Orange Grove Ave, North Highlands, CA 95660". For the Agent for Service of Process one "Ed
10 Gerber" is identified with the same address.
11

12 186. Therefore, I have now established that the "Ed Gerber" who had a CCW issued by
13 Defendant Blanas is the same Ed Gerber who owns and/or is affiliated with Energetic Painting
14 and Drywall that contributed the \$3,600.00 to Defendant Blanas as noted at Twomey Exhibit "J",
15 Page 171. My methodology has been verified as extremely accurate by Defendant Blanas
16 himself. See Blanas Depo. 46:7-16, 47:9-48:25. I employed this technique throughout.
17

18 187. In addition, since many of Defendant Blanas' campaign contributors are contractors
19 or are involved in real estate, whenever it was appropriate, I also cross-referenced names with the
20 State of California Contractors State License Board, which allows consumers to verify whether a
21 person or company is a licensed contractor. See
22 [http://www2.cslb.ca.gov/General-Information/interactive-tools/check-a-license/License+Request.](http://www2.cslb.ca.gov/General-Information/interactive-tools/check-a-license/License+Request.asp)
23 [asp](http://www2.dre.ca.gov/PublicASP/pplinfo.asp) and <http://www2.dre.ca.gov/PublicASP/pplinfo.asp> .
24

25 188. There, I searched for Gerber by name and the name of his company, and the search
26 function pulls up his contractors license, and all the names he has conducted business under,
27 again confirming his address. Likewise, I also searched CCW permit holders names on the
28

1 Department of Real Estate (DRE) website for individuals even closely associated with real estate
2 sales or development at the State of California's website for consumers to verify real estate agents
3 and brokers licenses. Again, another commonly used investigative tool in law enforcement. See
4 <http://www2.dre.ca.gov/PublicASP/pplinfo.asp>
5

6 189. Using these and other similar methods, there are many ways to cross check names to
7 ensure that the same person is the one being identified in the County campaign records and the
8 County CCW permit records identified as Twomey Exhibit "O", D_01538-01641, a business
9 record or the Sheriff's Department listing CCW permit holder provided in discovery.

10 190. Since many CCW applications were only partially produced, totally missing, or
11 heavily redacted, I could only review those applications and portions of the applications made
12 available by Defendant. If I had been provided all complete CCW applications with no
13 redactions, I made the assumption that the pattern of approving and denying applications would
14 not be any different than the pattern I determined based upon what was produced. In fact,
15 because Defendant may suffer should the CCW permit process be found unfair, it is more likely
16 than not that any materials purposely not produced by Defendant would provide even more
17 support for Plaintiff's arguments.
18

19 191. First, a quick review of some of the key facts upon which my analysis is based.
20 These are only a few examples of the totality of evidence I reviewed and relied upon. However,
21 these alone are sufficient to support my opinion.
22

23 192. I read the declarations supporting summary judgment and the depositions. It is clear
24 the initial three member panel that purportedly reviews applications does just that - 'reviews' only
25 the applications and the notes contained therein. The only purportedly considered evidence
26 reviewed is what is in the actual application itself because the applicant, if contacted and
27 questioned at all, would not be present for questioning during the actual approval/denial process.
28

1 193. Therefore, I am looking at the effect of the written applications on the key personnel
2 reviewing the applications in determining why applications are approved or denied; I place
3 myself in the reviewers' shoes by focusing on only the application, and determining why or why
4 not an application could be approved. In this regard, I'm reviewing these documents for the
5 effect of the information on the reviewer, and I'm not offering the information for the truth of the
6 matters asserted in the applications. For the purposes of my analysis, it is irrelevant whether the
7 information and statements in the applications are true.

9 194. The sample of applications referred to hereafter are the more egregious
10 representative applications of those who were campaign contributors or those whom were
11 affiliated with campaign contributing companies. Why did I choose these applications as
12 examples? After reviewing all of the materials produced I now know that CCW permit approval
13 requires either: 1. affiliation with law enforcement, or 2. acquaintance with the Sheriff, or 3. a
14 campaign contribution/campaign contributor affiliation. Emphasis on any one of the three areas
15 such as particularly large contributions, Reserve officer status, or being a close friend of the
16 Sheriff go far in assuring approval of a CCW application. A strong combination of two or more
17 of the 'requirements' virtually assures approval. Our sample provides applicants who were strong
18 in one or more areas.

21 195. A noticeable and glaring omission from this short list of requirements is the
22 "immediate danger" category. Unfortunately, example after example CCW application can be
23 provided which refutes that "immediate danger" has anything to do with whether or not an
24 applicant receives a CCW; applicants with chilling and compelling reasoning were denied, while
25 those who wanted to deter vandals on their large properties were approved. The applications
26 referred to hereafter are a template for the CCW applicant who wants to be assured of having his
27 application approved. They are representative of those who in some fashion provided campaign
28

1 contributions to Defendant Blanas (and some to Sheriff McGinniss too), then applied for and
2 received a CCW.

3 196. Preliminarily, a CCW is good for only 2 years, and thus must be renewed.

4 Therefore, the following CCW permit holders received a CCW during the period of time
5 Defendant Blanas was in office because all records prior to 2003 have been destroyed, except for
6 “current” permit holders. Also, most of the same individuals that contributed to Defendant
7 Blanas, contributed to Sheriff McGinniss when Sheriff McGinniss was Undersheriff. For
8 example, Twomey Exhibit “J-1”, Page shows Capitol Steele (Abrate), D. Bruce Fite & Associates
9 and Fite Properties, Inc. (Fite and Halimi), Energetic (Gerber), and Dettling. Thus, there is a
10 continuity in the pattern of contributions as will be demonstrated below. Also, as will be shown,
11 Fite’s, Halimi’s and Gerber’s applications were all approved during the Blanas/McGinniss
12 transition (Gerber by Blanas, and the others by McGinniss). These three are contributors to both
13 Blanas and McGinniss.

14 197. Edwin Gerber owns what appears to be a million dollar vacation home in Reno with
15 Defendant Blanas (See Twomey Exhibit “K”), and contributes to his campaign under Energetic
16 Drywall (See Twomey Exhibit “J”, Page: 171), which is reported in campaign disclosure records
17 under the penalty of perjury. Gerber’s individual contributions were not reported as noted in the
18 campaign records though Defendant Blanas testified that Gerber personally donated money (there
19 is always the possibility that I missed it, but I did review all of Blanas’ campaign records several
20 times, and never once saw “Gerber’s” name). Defendant Blanas also personally approved
21 Gerber's CCW application.

22 198. Gerber stated in his justification that he carries large sums of cash and wears
23 expensive jewelry. More specifically, “Carry large sums cash \$4000-\$5000 wear \$45,000 watch
24 + rings - expensive jewelry”. Twomey Exhibit “D”, Page: 7. Defendant Blanas personally
25
26
27
28

1 “approved” this so-called “verbal” application on July 26, 2007, even though a “written”
2 application was submitted on July 25, 2006. Compare Twomey Exhibit “D”, with the dates on
3 pages 1, 2, 3, and 10; Pl. Exh. "A", Blanas Depo. 46:7-16, 47:9-48:25, 55:11-18, 63:14-67:7; Pl.
4 Exh. “1”; Pl. Exh. "B", Wong Depo . 87:6-22; 85:22 thru 86:20; 62:7-25 thru 63:1-10; see also
5 Exhibit E; Pl. Exh. "A", Blanas Depo. 46:7-16, 47:9-48:25, 55:11-18, 63:14-67:7; Pl. Exh. 5; Pl.
6 Exh. "B", Wong Depo Wong Depo . 79:22-25 thru 80:1-20, 83:11 thru 85:7. 61; Twomey Exhibit
7 “J”, Page: 171 (Energetic Painting and Drywall, Inc.)

9 199. It was not until this case that I had ever heard or read of the terms “verbal
10 application” for a CCW and “emergency CCW.” See Twomey Exhibit “D”, Page: 2. I have
11 never read or ever heard of this policy, nor am I aware of any statute providing for such. To the
12 contrary, everything I have heard, read, and studied regarding CCWs indicates that there must be
13 a signed application AND review of the standard DOJ State Application, attached hereto as
14 Twomey Exhibit “B”. At a minimum, this precludes those with mental problems and criminal
15 histories from being authorized by the Sheriff to carry a concealed weapon.

17 200. Ernest Martini a.k.a. Ernest Martini contributed to Defendant Blanas's campaign,
18 and received a CCW for the following stated reason: “I routinely check on properties that are
19 located in high-crime areas throughout California.” Pl. Exh. "A", Blanas Depo. 83:2-84:24,
20 88:2-20; Twomey Exhibit “J”, Page: 108 [Martini Associates Property Management]; Twomey
21 Exhibit “D”, Page: 9-11; See Twomey Exhibit “I”, Page: 5; see also Bate Stamp #D 01694, D
22 01725, D 02012.

24 201. Ben Upton a.k.a. Benjamin Upton, a contractor (Valley Painting at Twomey Exhibit
25 “J”, Page: 82) in Elk Grove, contributed to Defendant Blanas's campaign and received a CCW.
26 Twomey Exhibit "D", Page 12; Pl. Exh. 3, Pl. Exh. "A", Blanas Depo. 68:10-69:2, 76:15-23,
27 91:22-25; Twomey Exhibit “J”, Page: 34 (Valley Painting), 113. As noted on Upton’s CCW
28

1 application, his business name is "Valley Painting", at and page 13 he states that he "[has] not
2 had a problem", "[has] never had any incidents", and "[has] never been threatened", which
3 is all conclusive that there was no "immediate" threat or harm for the issuance of his CCW.
4

5 202. Jim Anderson a.k.a. James Anderson owner of Pacific Coast Building Products,
6 Inc., is a major contributor to Defendant Blanas' campaign by the way of "forgiven loans" [D
7 01807, 01796, 01647], and received a CCW commencing in 1994; his CCW application is
8 missing. Pl. Exh. "A", Blanas Depo. 68:10-69:2, 77:8-9, 83:2-84:24, **84:21-85:12**; Pl. Exh. 3;
9 Twomey Exhibit "J", Page: 19, 37, 180. However, what is really important here is that a
10 "Michael Gilmore" (issued 2003) and "Richard Merri" (issued 1998) both have CCWs, and both
11 just happen to work for "Pacific Coast Building Products, Inc." which also just happens to be one
12 of the major campaign contributors to Defendant Blanas. Twomey Exhibit "D", Page: 15, 16.
13

14 203. In particular, the only conclusion I can draw from why both of these individuals
15 were issued CCWs was because they were employed by Anderson's company since the name of
16 the company is the only common denominator, and no other information was provided. Again,
17 here is a pattern of minimal information, no threat of immediate danger as required, and the only
18 common denominator is a business associated with a major campaign contributor.
19

20 204. Jack Kimmel contributed to Defendant Blanas's campaign, and received a CCW
21 even though on his application it said "self defense" and "self defense" is NEVER justification for
22 issuance of a CCW based upon Defendants purported criteria (i.e. written policy). Campaign
23 contributions were through Jack Kimmel Construction Company and "Sacramento Rendering."
24 Pl. Exh. "A", Blanas Depo. 50:7-12, 50:24-51:5, 70:17-71:5, 88:6-8. Twomey Exhibit "J", Page:
25 11, 58, 129 (Sacramento Rendering); Twomey Exhibit "D", Page: 17-19.
26

27 205. Likewise, Michael Koewler contributed to Defendant Blanas's campaign, and
28 received a CCW. Pl. Exh. "A", Blanas Depo. 68:10-69:2, 71:12-17, 88:6-9. Twomey Exhibit

1 “J”, Page: 11, 107, 176 Like Jack Kimmel, he also is a business owner with Sacramento
2 Rendering, which contributes large amounts of money to Blanas (See Bate Stamps D02071,
3 01898, 01660, etc.). Twomey Exhibit “D”, Page: 20-21. Significantly at page 20, the word
4 “other” is checked, in leu of “threats”, “money”, “late hours”, “types of work”, “law
5 enforcement.” As this was a pre-1999 form, its format is much less sophisticated.
6

7 206. However, what is important to note is the CCW was issued “**PER SHERIFF**
8 **CRAIG 06-10-97**”. Twomey Exhibit “D”, Page: 20. Then, somehow, at Twomey Exhibit “D”,
9 Page: 21, the State wide CCW application was used, and all the other pages are missing, and by
10 comparing Defendants’ bate stamp numbers, these documents were not even grouped together,
11 but just thrown into a random stack of thousands of other pages of other CCW applications.
12 Therefore, since documents must be produced in the order in which they are maintained, this
13 documents were pulled from separate locations.
14

15 207. Next, a Kurt Halverstadt was issued a CCW on 6/13/2003; his application was
16 “**APPROVED FOR ISSUE UNDERSHERIFF JOHN MCGINNIS 6-13-03**”, and as noted on
17 the same page “Lou Blanas” was “Sheriff.” Twomey Exhibit “D”, Page: 22. As noted at
18 Twomey Exhibit “D”, Page: 30, Halverstadt’s justification for a CCW was that he handles “assets
19 of significant value” and the “high visibility of being part of The Sullivan Group” and that it is “a
20 reasonable business precaution.” See also, Twomey Exhibit I, Pages: 12-13. Again, no
21 immediacy, and no specific threats.
22

23 208. If the standard for approval is “a reasonable business precaution”, then most
24 business owners should be issued CCWs. However, the law is clear: one may have a firearm in
25 their place of business, thus a CCW is not needed. What was obvious to me immediately was that
26 Tom Sullivan of The Sullivan Group has a close line of communication with the Sheriff, and this
27 cannot be disputed for Sheriff McGinniss himself appeared frequently on Tom Sullivan’s
28

1 program before Sullivan left for the national spotlight. I have personal knowledge in that I know
2 Sheriff McGinniss, I recognize his voice, and I listened to Sheriff McGinnis personally speak
3 many times on Tom Sullivan's program. The three panel committee was completely bypassed -
4 again, similar to Gerber and Koewler.

5
6 209. Then, after McGinniss becomes Sheriff, you see the same pattern – the Sheriff
7 getting personally involved in the CCW approval process for select individuals.

8 210. David Bruce Fite was issued a CCW on 1/23/2007. Pete Halimi was issued a CCW
9 on 1/2/2007. Both are either employed by or had a business interest in D. Bruce Fite &
10 Associates, Fite Construction & Development Co., and Fite Properties, all registered at 9857
11 Horn Road, Sacramento, CA 95827, at the time the CCW was issued, and campaign contributions
12 under were made under various company names of D. Bruce Fite & Associates, Fite Construction
13 & Development Co., and Fite Properties. See, for example, Twomey Exhibit "J", Page: 54, 145,
14 173; Twomey Exhibit "D", Page: 33.

15
16 211. Twomey Exhibit "D", Pages 31-shows "John McGinniss" (Sheriff now) personally
17 overruling the so-called three panel CCW committee by approving two almost identical
18 applications principals (Fite and Halimi) of the business known as "Fite Development", "Fite
19 Construction", or "Fite Properties, Inc." located on "Horn Road." Twomey Exhibit "J", Page: 54,
20 145, 173; Twomey Exhibit "D", Page: 33. The first thing that really caught my attention, besides
21 McGinniss himself personally overruling his own appointed committee and approving CCWs is
22 that both of these individuals are identified as members of the "SSD AERO SQUAD" right on the
23 CCW evaluation cover sheet.

24
25 212. I know from my management experience that the County of Sacramento Sheriff's
26 Department started the "Air Support Bureau" in the late 1970s or early 1980s. The helicopters
27 are referred to as STAR units (Sheriff's Tactical Air Resource).

1 213. This is significant because I have been a member of the Sacramento Sheriff's
2 Department (SSD) for 32 years, retiring in July of 2004, and I have never heard of or even seen
3 any organizational chart for the SSD Aero Squad, short for the Sacramento Sheriff's Department
4 Aero Squadron, though I note that the Sacramento County Sheriff's Aero Squadron is purportedly
5 located at 711 G Street and donated to Defendant Blanas' campaign. Twomey Exhibit "J", Page:
6 14.
7

8 214. The problem with this Aero Squad is that, in 1999, I was a manager with the
9 Department and no such organization ever existed at 711 G Street, headquarters for my employer
10 at the time. See Twomey Exhibit "J", Page: 14. More importantly, had I known that a branch or
11 department of government existed that donated money to a political campaign, I would have
12 immediately commenced an IA investigation pursuant to the General Orders requiring me to
13 report a suspected crime or violation of law.
14

15 215. Next, what also really struck me as suspicious, and maybe why David Fite's
16 application was originally denied was the fact that the evaluation form (Twomey Exhibit "D",
17 Page: 31, see also 33) states that Fite is "Retired." But then, under the penalty of perjury, Fite
18 apparently states that "Applicant carries large amounts of cash from business to the bank for
19 deposit." I asked myself, "if he is retired, why is carrying cash from business to the bank?" As a
20 trained investigator, I would definitely question his application, and there should be notes
21 explaining this very inconsistent statement. Instead, the Sheriff just approves the CCW with no
22 investigation from what I can determine from the Department's own business records.
23

24 216. Halami's evaluation form has him listed as a "real estate developer". Twomey
25 Exhibit "D", Page: 37, 43; See Twomey Exhibit "I", Page: 7. If it is true that the three panel
26 committee reviews just what is in the application and the justification for issuance, then how is it
27 that the "CCW BRIEFING SUMMARY" prepared by Amber Wong contains facts that are not in
28

1 the application. Pl. Exh. "B", Wong Depo . 31:17-41:13. For example, here, Halami's actual
2 application provides the stated reason for a CCW is that he "**carries cash from business.**"
3 Twomey Exhibit "D", Page: 45. However, at Twomey Exhibit "D", Page: 39, Amber Wong
4 writes "Applicant carries large amounts of cash home from the business located in Rancho
5 Cordova. He also works late hours and feels vulnerable." [emphasis added] However, Halimi's
6 real estate license has his business located in Carmichael, CA, not Rancho Cordova. See
7 Twomey Exhibit "I", Page: 7. Since there are no notes or other documents in Halimi's file, where
8 did this additional information come from?
9

10 217. In 2002, Richard Hill a.k.a. Dick Hill had his application approved by Undersheriff
11 McGinniss after it was denied by the three member panel, and his Section 7 justification is blank.
12 Twomey Exhibit "D", Page: 47-49, 57. However, someone else fills in that the "Applicant's
13 permit has expired and he failed to renew in a timely manner. "Applicant makes bank deposits
14 for Lexus of Sacramento and responds to alarm calls for the business." Twomey Exhibit "D",
15 Page: 50. Again, another person associated with the owner of a company that contributes and also
16 has a CCW.
17

18 218. Bob Frink HEAVILY contributed by way of forgiven loans to Defendant Blanas's
19 campaign, and received a CCW, plus he is a "friend" of Defendant Blanas. Pl. Exh. "A", Blanas
20 Depo. 83:2-84:24, 86:8-14; Twomey Exhibit "J", Page: 8, 19, 37, 96, 193 (RPM Management);
21 Pl. Exh. "3"; Twomey Exhibit "O", D_01593. Robert Frink is also the owner of RPM
22 management, which also just happens to employ Richard Hill, and a Patrick Frink is also
23 affiliated with Bob Frink Imports, all at the same business address. See Twomey Exhibit "I",
24 Page: 9, 10, 11 and compare with Twomey Exhibit "I", Page: 48, 49, 50, noting that RPM
25 Management and Lexus of Sacramento are operating all out of Robert Frink's Madison Avenue
26 address.
27
28

1 219. Patrick R. Frink was issued a CCW on 2/24/2000, and Robert Frink was issued a
2 CCW on 5/18/1995. Both of these individuals were either employed by or had a business interest
3 in Bob Frink Imports, Inc, Bob Frink Management, Inc., RPM Management, all located at 5112
4 Madison Avenue, Suite 201, Sacramento, Ca 95841. These various individuals and entities are
5 identified in CCW records and on campaign contribution records. See Twomey Exhibit "I", pages
6 9-11, and Twomey Exhibit "O".

8 220. Likewise, these records also identify a Richard Gord Hill that was issued a CCW on
9 9/6/2000, and that Richard Gord Hill was either employed by or had a business interest in Bob
10 Frink Management, Inc. and RPM Management, 5112 Madison Avenue, Suite 201, Sacramento,
11 CA 95841, at the time the CCW was issued.

12 221. Ronald Yee, a dentist, contributed to Defendant Blanas's campaign, and received a
13 CCW. Pl. Exh. "A", Blanas Depo. 83:2-84:24, 92:3-6; Twomey Exhibit "J", Page: 14, 83, 114;
14 Twomey Exhibit "D", Page: 59-60. His stated reason is essentially that "there is a real possibility
15 of encountering life threatening situations when out alone on the street or in my parking lot."
16 Clearly, there was no stated immediate threat. Twomey Exhibit "D", Page: 60.

17 222. Both John and Steve Raptakis have CCWs, and John Raptakis contributed to
18 Defendant Blanas's campaign under J. R. Painting & Waterproofing at Vintage Park Drive. See
19 Twomey Exhibit "I", Page: 8; Twomey Exhibit "D", Page: 61, 62, 63, 64; Twomey Exhibit "J",
20 Page: 39; Pl. Exh. "A", Blanas Depo. 68:10-69:2, 77:16-78:1, 91:2. Again, the justification for
21 issuance was essential self defense from garden variety working in "dangerous neighborhoods".
22

23 223. Now, compare Raptakis' applications with Attorney Rothery's and Plaintiff Lau's,
24 and it becomes that even a perceived threat by a campaign contributor is good enough reason to
25 obtain a CCW, and others who have not contributed are denied even though they have more
26 compelling so-called perceived "threats".
27
28

1 224. John Valensin contributed to Defendant Blanas's campaign, and received a CCW,
2 and the reason for his application was defense of property from trespassers (it is illegal to use
3 deadly force to protect property). Pl. Exh. "A", Blanas Depo. 18:6-14, 21:2-15, 24:4-9, 76:17-23;
4 Pl. Exh. 2 and 3; Twomey Exhibit "D", Page: 65; Twomey Exhibit "J", Page: 36, 38, 113.

5
6 225. Ron Sellers contributed to Defendant Blanas's campaign, and received a CCW for
7 what would constitute everyday dangers, not unusual to the average employer. Pl. Exh. "A",
8 Blanas Depo. 18:6-14, 21:2-15, 24:4-9, 91:4-6; Twomey Exhibit "D", Page: 66-67; Twomey
9 Exhibit "J", Page: 12, 38, 79. Here, all of Sellers' concerns involve dangers at work and at his
10 residence; places where he is already legally allowed to arm himself without a CCW; as stated in
11 the form letter of rejection to other CCW applicants. Likewise, Jack Sellers contributed to
12 Defendant Blanas's campaign, and received a CCW. Pl. Exh. "A", Blanas Depo. 18:6-14,
13 21:2-15, 24:4-9. Steve Sellers contributed to Defendant Blanas's campaign, and received a CCW.
14 Pl. Exh. "A", Blanas Depo. 18:6-14, 21:2-15, 24:4-9. Their applications, however, are missing,
15 though they appear to be appointed Level III reserve deputies, which is just a political
16 appointment since at the time they would not have to be POST certified.

17
18 226. However, the application of Roman Thorntona is really interesting as he is the
19 personal assistant for Ron Sellers. Twomey Exhibit "D", Page: 68. Thorntona requested a CCW
20 to guard Sellers, but Seller's can guard himself since he too has a CCW. Again, not only does the
21 proprietor of a business who contributes heavily to the Sheriff obtain a CCW upon application,
22 but those closely associated with this contributor are approved as well (i.e. Halami with Fite; Hill
23 with Frink; Gilmore and Merri with Anderson; Koewler with Kimmel; and now Thorntona with
24 Sellers, not to mention the other two Sellers as well; then there are the two Raptakis; and
25 Halverstadt with Sullivan/McGinniss).

26
27
28 227. From there, it just goes on. Dave Baker, carpet business, contributed to Defendant

1 Blanas's campaign, and received a CCW, and his application was "approved Chief Dan Lewis",
2 and bypassing the so-called committee altogether with undocumented threats. Twomey Exhibit
3 "D", Page: 76-78; Plaintiffs' Exhibit D. Pl. Exh. "A", Blanas Depo. 23:20-25, 24:4-9, 26:19-20,
4 68:10-69:2, 69:10-13. Twomey Exhibit "J", Page: 138.

5
6 228. Dr. Pasquale Montesano contributed to Defendant Blanas's campaign, and received
7 a CCW for responding to emergencies "at late hours". Twomey Exhibit "D", Page: 79 [also, 83 is
8 part of 79, they are out of order]; Pl. Exh. "A", Blanas Depo. 83:2-84:24, 89:11-90:11; Twomey
9 Exhibit "J", Page: 61.

10 229. Chris Hansen, of Chris Hansen Insurance in Elk Grove, contributed to Defendant
11 Blanas's campaign, and received a CCW in 1998, though the committee sheet says denied for "no
12 compelling reason" and it was then subsequently approved as a "renewal" in 1999 - the only
13 statement made being "personal safety due to my business" and he had a CCW in San Luis
14 Obispo, CA. Twomey Exhibit "D", Page: 81, 82, 124. Pl. Exh. "A", Blanas Depo. 68:10-69:2,
15 69:23-70:4, 83:2-84:24, 86:21-4; Twomey Exhibit "J", Page: 23, 71, 167, 168.

16
17 230. John Christie employs Nanette Blanas (a woman whom I know to be Defendant
18 Blanas' wife), and both of these individuals also work in the same office as Angelo Tsakopoulos
19 (i.e. AKT Development) whose name and company contributes heavily to Defendant Blanas. See
20 Twomey Exhibit "I", Page: 1-3. For example Twomey Exhibit "J", Page: 17, \$25,000.00
21 "forgiven loan" with the same business address, and this pattern is repeated throughout Defendant
22 Blanas' campaign records. John Christie had his CCW approved in October of 1998, and the
23 \$25,000.00 loan was forgiven by 1/11/99. No other information is provided on Twomey Exhibit
24 "D", Page: 84. However, at Twomey Exhibit "D", Page: 85, John Christie describes his place of
25 employment as "Sunrise Liquors" on Greenback Lane, but his real estate license has him listed at
26 7700 College Town Drive, Suite 101, the same identical address and suite as Angelo
27
28

1 Tsakopoulos.

2 231. On the face of the application, and the only basis for approval is “carry large
3 amounts of cash to the bank three to four times a week. Also work at the above business often
4 times late.” Twomey Exhibit “D”, Page: 85. It is also noted that 10 years prior, in “1988”, he
5 was denied a CCW, which also happens to be 10 years after he incorporated “Sunrise Liquors,
6 Inc.” on 4/7/1978. Twomey Exhibit “N”. Likewise, John Christie’s wife also applied for, and
7 received a CCW for the same purported reason. Twomey Exhibit “D”, Page: 88-89.

9 232. Chris Lee, an “attorney/farmer” contributed to Defendant Blanas's campaign, and
10 received a CCW in 1996. Pl. Exh. "A", Blanas Depo. 68:10-69:2, 71:7:12, 88:6-8; Twomey
11 Exhibit “D”, Page: 92-93. Not only does Lee’s application establish no “documented” threats, it
12 is specifically stated in his application that he “lives in rural area of county - often confront
13 trespassers on my ranch.” Here, Lee’s application makes clear that he wants to use deadly force
14 to protect property. Twomey Exhibit “D”, Page: 93.

16 233. James Grey contributed to Defendant Blanas's campaign, and received a CCW. Pl.
17 Exh. "A", Blanas Depo. 83:2-84:24, 87:19-23. Twomey Exhibit “J”, Page: 9, 26, 75, 93; See
18 Twomey Exhibit “I”, Page: 6; Twomey Exhibit “D”, Page: 94. Again, no specific threats, just a
19 generalized feeling of vulnerability, but more importantly, it was emphasized that there was the
20 potential for bank managers to be kidnaped or extorted, with no specific threat towards him.

22 234. Hatim Shariff contributed to Defendant Blanas's campaign, and received a CCW for
23 protection of business (i.e. Shariff Financial Corporation has three jewelry stores in Sacramento.”
24 Pl. Exh. "A", Blanas Depo. 68:10-69:2, 76:2-7, 91:1-3; Twomey Exhibit “D”, Page: 96-97.

25 235. Julie Rollofson contributed to Defendant Blanas's campaign, and received a CCW,
26 plus her father Dr. Rollofson also donated to Defendant Blanas's campaign [this was established
27 by Julie Rollofson listing her father as her employer on her CCW Application and Dr. Rollofson's
28

1 address matches on the campaign records.] Twomey Exhibit "O", D_01563; Pl. Exh. "A", Blanas
2 Depo. 68:10-69:2, 77:13-78:1, 91:2; Pl. Exh. 2; Twomey Exhibit "D", Page: 98-99; Twomey
3 Exhibit "J". Most importantly, she was "denied" for "no compelling reason", but then it is
4 written, "O.K. permit do amend review if status changes Chief B Roberts." Again, the so-called
5 committee is overruled by a higher authority.
6

7 236. Alvin and Gary Ricci contributed to Defendant Blanas's campaign, and received a
8 CCW, and the records were destroyed by SIB. Pl. Exh. "A", Blanas Depo. 68:10-69:2, 75:1-2; Pl.
9 Exh. 2; Twomey Exhibit "J", Page: 20, 68, 86; Twomey Exhibit "D", Page: 100-102. The
10 application merely mentions the name of Ricci's business, and that is it.
11

12 237. Kermit Schayltz, owner of Lucky Derby Casino, was issued a CCW in 1996 for
13 "course of business - to and from bank." with only two members present on the three member
14 review panel. Twomey Exhibit "J", Page: 28, 59, 76, 94, 151 (Point Walker, Inc. dba Lucky
15 Derby Casino), 196; Twomey Exhibit "D", Page: 103-122. Interestingly, a person who has had a
16 CCW since 1996, is suddenly denied in 2007 by McGinniss, apparently because Schayltz did not
17 contribute to McGinniss' campaign.
18

19 238. The important point is that this individual has been operating the same business for
20 years, and is eventually denied a CCW for the same reason one was approved. At a minimum,
21 this shows an arbitrary and capricious policy with absolutely no standard for the reviewing
22 committee members to abide by. Then, for Gerry Harris, he has a CCW and no application was
23 provided, and he too is believed to be affiliated with Lucky Derby. Twomey Exhibit "J", Page:
24 56, 194, 196 (Point Walker/Lucky Derby); Twomey Exhibit "O", D_01561.
25

26 239. Bill Myers, "the Padillas" (i.e. Alejandro, Anselmo, Greg, Jess, Michael a.k.a.
27 Padilla Bail Bonds) contributed to Defendant Blanas's campaign, and received a CCW. Pl. Exh.
28 "A", Blanas Depo. 68:10-69:2, 74:21-25. More importantly, here again, the "SSD Air Squadron"

1 is named as the only justification for issuance in 1997. Twomey Exhibit “D”, Page: 123, 133;
2 Twomey Exhibit “J”, Page: 21, 78; Pl. Exh. 2 and 3. One of the Padilla’s states “self protection”
3 with no immediate threats. Twomey Exhibit “D”, Page: 133.
4

5 240. Dave Mastagni contributed to Defendant Blanas's campaign, and received a CCW in
6 1989 for “course of business”. Twomey Exhibit “D”, Page: 134; Pl. Exh. "A", Blanas Depo.
7 68:10-69:2, 72:16, 88:6-8; Twomey Exhibit “J”, Page: 40, 60, 109. I know David Mastagni
8 personally, been to his office, sought legal advice from him, and at no time did I ever perceive
9 that Mastagni was ever in any danger working in his law office, nor was his office ever located in
10 a high crime area.
11

12 241. Bill Spurgin gave Defendant Blanas jewelry, donated to his campaign and received
13 a CCW, and his CCW is a non-law enforcement CCW issued in 1996 and is still current. Pl. Exh.
14 "A", Blanas Depo. 68:10-69:2, 76:8-14.

15 242. Joseph Mohamed, Asghar Mohamed, Ahmed, and John Mohamed were issued
16 CCWs in 2001, 2005 respectively, and their files were purged, and Joseph is a very heavy
17 contributor to Defendant Blanas. Blanas Depo Exhibit 1, 2 and 3, Twomey Exhibit “J”, Page:
18 10, 12, 27; Twomey Exhibit “D”, Page: 125-132. Of particular interest is that he too is a real
19 estate broker and property manager, collecting rents. The application states: “My concealed
20 weapon has provided me with a sense of security in these situations.” (126) It is noted that
21 basically no reason was provided for the others.
22

23 243. Attorney John Virga contributed to Defendant Blanas's campaign, and received a
24 CCW. Pl. Exh. "A", Blanas Depo. 68:10-69:2, 76:15-23; Twomey Exhibit “J”, Page: 57; Pl. Exh.
25 2, Twomey Exhibit “O”, D_01574.
26

27 244. Margaret A. Abrate of Capitol Steel, Co. contributed to Defendant Blanas's
28 campaign and received a CCW. Twomey Exhibit “J”, Page: 47, 70, 102, Twomey Exhibit “O”,

1 D_01609.

2 245. John Morgan contributed to Defendant Blanas's campaign, and received a CCW. Pl.
3 Exh. "A", Blanas Depo. 83:2-84:24, 89:1-6. Twomey Exhibit "J", Page: 28, 78, 109, Twomey
4 Exhibit "O", D_01551.

5 246. Jerry a.k.a. George Brannigan contributed to Defendant Blanas's campaign
6 commencing in 1995 or 1999, and received a CCW. Pl. Exh. "A", Blanas Depo. 18:6-14;
7 21:2-15. Twomey Exhibit "J", Page: 5, 19, 37, 95, Twomey Exhibit "O", D_01591.

8 247. Jack Kearns a.k.a. John Kearns contributed to Defendant Blanas's campaign, and
9 received a Non-peace officer CCW. Pl. Exh. "A", Blanas Depo. 67:9, 70:9-16, Twomey Exhibit
10 "O", D_01538.

11 248. Bill Mosier contributed to Defendant Blanas's campaign, and received a CCW. Pl.
12 Exh. "A", Blanas Depo. 25:17-25, 26:23-25; Twomey Exhibit "O", D_01596.

13 249. A CCW was issued on 8/28/93 to Steve Beneto of Beneto Petroleum Products whom
14 also forgave a \$15,000.00 loan to Defendant Blanas. Twomey Exhibit "J", Page: 4, 19, 37, 95;
15 Twomey Exhibit "O", D_01636.

16 250. On 8/12/1998, Spencer Bole was issued a CCW and contributed to Defendant
17 Blanas' campaign in 1999. Twomey Exhibit "J", Page: 5, 50, 87. Twomey Exhibit "O",
18 D_01636.

19 251. John Manikas was issued a CCW October 1994, and contributed to Blanas'
20 campaigns under Color Core Incorporated and Five Star in 1999. Twomey Exhibit "J", Page: 6,
21 23, 88, 92 [\$25,000], 96, 108. Twomey Exhibit "O", D_01604.

22 252. Dave Commons was issued a CCW in 1996, and contributed to Blanas' campaigns.
23 Twomey Exhibit "J", Page: 23; Twomey Exhibit "O", D_01577.

24 253. David S. Smith, Eagle Ridge Construction was issued a CCW October 1994, and
25
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1 contributed to Blanas' campaigns. Twomey Exhibit "J", Page: 24, 72, 104. Twomey Exhibit
2 "O".

3 254. Ed Rincon was issued a CCW 1997, and contributed to Blanas' campaigns.
4 Twomey Exhibit "J", Page: 25, 53, 73. Twomey Exhibit "O", D_01573.

5 255. Doug Barkdull was issued a CCW, and contributed to Blanas' campaigns. Twomey
6 Exhibit "J", Page: 49, 101; Twomey Exhibit "O", D_01609.

7 256. Darrell Dettling was issued a CCW in 1994, and contributed to Blanas' campaign in
8 1999. Twomey Exhibit "J", Page: 7, 24, 52, 72, 103, 170; Twomey Exhibit "O", D_01601.

9 257. My attention was also directed to Defendant Blanas being deliberately evasive in
10 responding to questions regarding who he issued a CCW and Honorary Badges to and who
11 contributed to his campaigns, with coaching by his attorney. Pl. Exh. "A", Blanas Depo.
12 23:15-25:24, 29:13-30:21, In fact, at one point, Defendant Blanas deliberately lied about his
13 ownership of a million dollar vacation home in Reno with CCW and campaign contributor Edwin
14 Gerber, then he changed his mind on the subject. Pl. Exh. "A", Blanas Depo. 46:7-16,
15 47:9-48:12.

16 258. Moreover, take Twomey Exhibit "J", Page: 115, this is a list of outstanding loans to
17 Defendant Blanas in the year 2001, and out of nine loans, two of which are by the same individual
18 under different companies (i.e. Manikas with Color Core and Five Star Services), so there are
19 only eight individuals. Of these eight, five have CCWs (Beneto, Brannigan, Manikas, Cummings,
20 and Frink), one indirectly employs Defendant Blanas' wife (Angelo Tsakoploulos through
21 Christie), and one sold a house to Defendant Blanas and Gerber, who is a Co-owner and also just
22 happens to have a CCW. This is just an example of what the volumes of documents show.

23 259. In fact, it is more likely than not that on every page one will find at least one CCW
24 permit holder who has contributed to Defendant Blanas' campaign. For instance, Twomey
25
26
27
28

1 Exhibit “J”, Page: 119, 2 of 3 have CCWs (i.e. Beneto and Brannigan) and the third sold a house
2 to Defendant Blanas (i.e. Bardis) See Twomey Exhibit “K”, Page: 1. At Twomey Exhibit “J”,
3 Page: 120, 4 of 5 have CCWs (Brannigan, Manikas under Color Core and Five Star, and Frink).
4 Then, at Twomey Exhibit “J”, Page: 121, 3 of 5 have CCWs (Jack, Ron, and Steve Sellers).
5
6 There is also a Manolakas that has a CCW and it is more likely than not under a totality of
7 circumstance that this person is related. Then, Twomey Exhibit “J”, Page: 122, 1 of 2 individuals
8 has a CCW (Valensin), and the other (Tsakopoulos indirectly employs Defendant Blanas’ wife).

9 260. My analysis does not just stop there. The application of Roland Lewis (Twomey
10 Exhibit “O”, D_ 01561) is particularly puzzling because here is a man that has absolutely no
11 records connecting him to any company or individual, and he was issued a CCW for “Self
12 protection Bus related”, a reason that is more cryptic than anything. This is a very good example
13 of the capriciousness and arbitrariness that Plaintiffs, at a minimum, were subjected to.
14

15 261. Next, I compared applications of those who were approved CCWs with those who
16 were denied, noting that most applications of “current” holders of CCWs were either not turned
17 over or are missing pages; those that were provided, most of the documents associated with the
18 application itself are missing, such as the “CONCEALED WEAPONS PERMIT EVALUATION”
19 (For an example of one provided in an denied application, see **Exhibit “8”** D_01067), the “CCW
20 BRIEFING SUMMARY” (See **Exhibit “8”** D_01068)
21

22 262. Attached hereto as Twomey Exhibit “D”, Page 2 (Plaintiffs’ Exhibit “E”), is a letter
23 from Defendant himself to a Mr. Edwin Gerber, and man who Defendant Blanas not only owns a
24 vacation home with, but also has received campaign contributions from. Mr. Blanas
25 acknowledges that a so-called “verbal” application for a CCW was made directly to himself, and
26 that he approved the CCW. Blanas testifies in his deposition that he owns a house with Gerber,
27 that Gerber personally, and through his company contributed to his political campaign, and the
28

1 attached Twomey Exhibit “K” and Exhibit “M”, a true and correct copy of official assessor
2 records of Nevada, showing the Gerber and Blanas ownership interest in the house.

3 263. Further, there is no objective criteria. As such, it is subject to abuse on its face.

4 264. In sum, this pattern is consistent throughout, just compare any name in Twomey
5 Exhibit “J”, Pages: 1-249 with the list of CCW permit holders markes as Plaintiffs’ Exhibits 1, 2,
6 and 3, and Twomey Exhibit “O”, and it becomes obvious.
7

8 265. Therefore, based upon my education, training and experience, and to a degree of
9 reasonable certainty, I can state that Defendants CCW permit process is wrought with
10 capriciousness and arbitrariness, and continues till this day.

11 266. I further opine, based upon my education, training and experience, and to a degree
12 of reasonable certainty, that Plaintiffs were denied an equal and fair opportunity to receive a
13 CCW as compared to those who received CCWs.
14

15 267. I further opine, based upon my education, training and experience, and to a degree
16 of reasonable certainty, that Plaintiffs were denied equal opportunity under the law to receive a
17 CCW from Defendants.

18 268. I further opine, based upon my education, training and experience, and to a degree
19 of reasonable certainty, that selective issuance of CCWs to those with close affiliation to the
20 Sheriff (i.e. elected official) is a systemic problem that is inherent in a system whereby money
21 influences those with the “power” to issue CCWs, which in this case, is the Sheriff of Sacramento
22 County.
23

24 269. I further opine, based upon my education, training and experience, and to a degree
25 of reasonable certainty, that what this evidence demonstrates is that those who have access to the
26 Sheriff indeed have a very high probability of receiving a CCW, if they apply for one, as
27 compared to a very low probability for those who do not have access to the Sheriff, nor
28

1 contributed to his campaign, such Plaintiffs.

2 270. I further opine to a degree of reasonable certainty, that Plaintiffs Mehl and Lau did
3 not receive equal treatment for the review, if any, of their CCW applications since they did not
4 contribute or have any relationship to then Sheriff Blanas or then Undersheriff McGinniss. I can
5 state to a degree of reasonable certainty that both Plaintiffs CCW applications were denied simply
6 because they were not known contributors to Sheriff Blanas' political campaigns for Sheriff, and
7 his Undersheriff's quest to become sheriff. This is what the evidence shows.

9 ACTIVE AND HONORABLY RETIRED MEMBERS OF THE CRIMINAL
10 JUSTICE SYSTEM

11 271. There is no supporting data as to why all active or honorably separated member of
12 the criminal justice system directly responsible for the investigation, arrest, incarceration,
13 prosecution or imposition of sentence on criminal offenders are provided preferential treatment
14 for the issuance of a CCW. See Twomey Exhibit "J", responses 17-27. In fact, no research was
15 done determining what members of society were more inclined to be victims of crime (i.e.
16 geographic location, race, gender, etc.) Therefore, the policy is flawed from the start since there
17 was no effort to determine if certain demographics or variables are present in order that certain
18 citizens are more inclined to be the victims of crime, thus requiring a CCW more so than others.

19 272. Also, the Defendants, when implementing the purported CCW written policy, relied
20 upon absolutely no data or facts as to what constitutes good cause. See Exhibit "J", Defendants
21 responses to requests 17-27. There is absolutely no evidence supporting a prima facie good
22 standard for issuance of a CCW to honorably retired peace officers of individuals who are or were
23 members of the criminal justice system. In fact, I am unaware of any off-duty or retired officer
24 being subjected to crime at a greater rate than other members of society.

25 273. Based upon the totality of evidence, including the opined abuses noted above and
26
27
28

1 Defendants admitted lack of research or evidence supporting the prima facie good cause policy, it
2 is my opinion to a degree of reasonable certainty that the prima facie good cause standard lacks
3 any merit or support, and creates a separate privileged class of citizens who are rewarded for their
4 affiliation with law enforcement.

5
6 274. I am not aware of any specialized training in the criminal justice system for
7 determining what constitutes cause for issuance of a CCW.

8 275. In fact, I have never even heard of any policy debates or issues regarding how, when
9 and why CCWs should be issued.

10 276. However, it is well known throughout the Sheriff's Department that CCW,
11 Honorary Deputy Badges and IDs were given to Craig's and Blanas' campaign contributors.

12
13 277. In sum, it is my opinion, based upon a degree of reasonable certainty, that the CCW
14 policy of the Sacramento County Sheriff's Department, as both written and unwritten, is applied
15 in a discriminatory, unfair, biased, prejudicial, and capricious manner, and that there is obviously
16 extreme favoritism towards two distinct groups, to the exclusion of all other citizens of
17 Sacramento County: 1) those with political influence and ties (e.g. campaign contributors and
18 other who can contact the Sheriff directly and receive CCWs, Badges, and I.D.s.) and, 2) "active
19 or honorably separated member of the criminal justice system directly responsible for the
20 investigation, arrest, incarceration, prosecution or imposition of sentence on criminal offenders"
21 are also provided preferential treatment (i.e. the prima facie good cause standard for issuance)
22

23 RESIDUAL OPINIONS

24 278. It is my understanding that Plaintiff Lau is a former FBI Agent who was adjudicated
25 with a PTSD work disability due to his long time undercover operations in hostile foreign
26 Countries as a Counter-Intelligence FBI Agent, which included extensive polygraph exams to
27 which no other CCW applicant/campaign contributor underwent in all likelihood. This is
28

1 Sheriff Blanas, and that he was able to physically approach then Sheriff Blanas and ask for a
2 CCW. There is a Mr. Foondos on Defendant Blanas' campaign records. Mr. Foondos
3 deliberately avoids stating his relationship to Mr. Blanas. Most importantly, he did NOT submit a
4 CCW application. Neither one of the Plaintiffs had this type of access to the then-Sheriff Blanas.
5

6 285. Mr. Beutler states that he was able to physically approach then Under-
7 Sheriff Blanas and ask for a CCW, and again as Sheriff. He never submitted an application,
8 though Sheriff Blanas has approved CCWs for so-called "emergencies." (e.g. Ed Gerber case in
9 point.) Campaign records clearly reveal that Mr. Beutler is a campaign contributor of Sheriff
10 Blanas. Again, this proves access.

11 286. Mr. Dennis Treadaway received an honorary Deputy badge from Sheriff Blanas and
12 claims to have asked Sheriff Blanas for a CCW, to which Sheriff Blanas replied "no", indicating
13 direct access to him.
14

15 287. Mr. Artemious Roussos asked Sheriff Blanas both by telephone and in person for a
16 CCW, but was denied, but had direct access to Sheriff Blanas.

17 288. Mr. Charles Mier, owner of Club 2me, a large contributor both in monies and in
18 kind (co-chair, Lou Blanas fund raiser) was upset when Sheriff Blanas told him in a phone
19 conversation, "no" CCW. Mr Mier started the application process but abandoned the idea.
20 Again, he at least had direct access to Sheriff Blanas.
21

22 289. Mr. David Townsend, a well known political consultant, asked Sheriff Blanas for a
23 CCW but he told him "he would absolutely not issue a CCW permit, and he would not approve a
24 permit for me." If Sheriff Blanas has nothing to do with the CCW process, how is it he can deny
25 one? He would/does not have any idea who applies and who does not apply. Again a person of
26 privilege and influence had direct access to Sheriff Blanas.
27

28 290. Mr. John G. Manikas' permit expired in 1998. He asked Sheriff Blanas about

1 renewing it. Sheriff Blanas told him there was “no continuing justification for one and because
2 business had contributed to his campaign, he would not authorize a renewal of my permit.”

3 Cryptically, Manikas never identifies the name of the business.

4 291. This statement by Mr. Manikas flies in the face of statement made by Detective Fred
5 Mason in his motion in support of DEFENDANTS’ MOTION FOR SUMMARY JUDGEMENT.

6 Detective Mason states, “During both times I was assigned to SIIB, neither Sheriff Craig nor
7 Sheriff Blanas ever requested any special review of an application, denial of an application, or the
8 issuance of a permit to any individual. Neither Sheriff attended the Evaluation Committee
9 meetings where the applications were evaluated and decisions made as to whether or not a permit
10 would be issued.”

11 292. If Sheriff Blanas is not involved in any way in the application process, how can he
12 personally deny a permit to Mr. Foondos, Mr. Dennis Treadaway , Mr. Artemious Roussos, Mr.
13 Charles Mier, Mr. David Townsend, and Mr. John G. Manikas?

14 293. Again, if Sheriff Blanas was not involved in the CCW application whatsoever, how
15 is it that he can deny an applicant verbally. And what original justification evaporated and how
16 did Sheriff Blanas know that?

17 294. Ms. Nancy Dicenzo, a campaign contributor and personal friend of Sheriff Blanas,
18 asked him for a CCW but was told “he would not personally issue one because of the scrutiny
19 such an act would provoke.”

20 295. However, unlike the message given to Mr. Foondos, Mr. Dennis Treadaway, Mr.
21 Artemious Roussos, Mr. Charles Mier, Mr. David Townsend, and Mr. John G. Manikas, Sheriff
22 Blanas encourages Ms. Dicenzo to apply through the application process, EVEN THOUGH SHE
23 CONTRIBUTED TO HIS CAMPAIGN!!!

24 296. Neither one of the Plaintiffs had this type of access to the then Sheriff
25
26
27
28

1 Blanas. They are not in his circle of contributors, friends and associates.

2 297. Therefore, Defendants' declarations actually prove my point: there are
3 people who have access to the Sheriff to request simple favors, such as a CCW. The facts clearly
4 establish that those with access and money are granted CCWs. There is no doubt in my mind.
5

6 298. It is my opinion, to a degree of reasonable certainty, that the CCW approval
7 process is not a process at all, but consists of a committee of political appointments who serve at
8 the pleasure of the Sheriff. It is reasonable to infer that these appointees are also in direct contact
9 with the Sheriff's campaign contributors, or have knowledge of who they are.

10 299. Further, I opine the following conclusions: Defendant Blanas signed a
11 declaration purportedly identifying 229 individuals who were granted permits under his
12 administration who did not allegedly contribute to his campaign.
13

14 300. However, he also failed to identify the other 80 (+/-) who either personally
15 donated, or were affiliated with companies that donated to his campaign, and fails to produce a
16 single application of a person who applied after contributing to his campaign and who was denied
17 a CCW.

18 301. Defendant Blanas also fails to explain how a campaign contributor can make
19 an "oral application" for a CCW when there is no written or published policy for such a
20 procedure.
21

22 302. Defendant Blanas testified that; (1) he personally issued a CCW to Mr.
23 Gerber; (2) that both Mr. Gerber and his company Energetic Painting and Drywall, Inc. have
24 contributed to his political campaigns for Sheriff of Sacramento County, and (3) that they own a
25 vacation home together in Reno, Nevada, and in fact Sheriff Blanas flies in Mr. Gerber's airplane.
26 Blanas Depo. 46:7-16, 47:9-48:25, 55:11-18, 63:14-67:7.
27

28 303. Further, after reviewing official campaign records produced by Defendant

1 Blanas, I note that Energetic has contributed, but I could not locate a single document showing
2 how, when, and how much Mr. Gerber personally contributed, as testified to by Sheriff Blanas.

3 304. Attached hereto as Twomey Exhibit "D", commencing at page 1 (and
4 Exhibit "5" as well) are the relevant portions of the CCW application and file of one Edward
5 Gerber, as testified to by Amber Wong and Defendant Blanas.
6

7 305. On July 25, 2006, this CCW was approved personally by Blanas, though
8 Blanas has stated under the penalty of perjury that he does not get involved with the approval
9 process of CCWs. Attached hereto as **Exhibit "K"** is a true and correct copy of Blanas's Tahoe-
10 Nevada property showing ownership. Gerber's application was approved personally by Blanas
11 because Gerber likes to carry a lot of cash and jewelry for his personal use. See **Exhibit "5"**.
12

13 306. Edwin Gerber owns a million dollar vacation home in Reno with Defendant
14 Blanas, and Gerber contributes to Blanas' campaign under Energetic Drywall, which is reported
15 in campaign disclosure records under the penalty of perjury, but his individual contributions were
16 not reported, though Defendant Blanas testified that Gerber personally donated money; Defendant
17 Blanas personally approved Gerber's CCW application with a stated justification by Gerber that
18 he carries large sums of cash and wears expensive jewelry. Blanas Depo. 46:7-16, 47:9-48:25,
19 55:11-18, Blanas Depo. 63:14-67:7. Energetic Painting and Drywall, Inc., 3030 Orange Grove
20 Ave, North Highlands, CA 95660, Number: C1137947 Date Filed: 4/1/1983.
21

22 307. I am familiar with the Deputy Aaron McAfee incident through personal
23 conversations with Deputy McAfee, his watch commander at the time, and by reading a copy of
24 Deputy McAtee's arrest report which he gave me to read.

25 308. This is the now called "Colanfrancesco incident".

26 309. I have never read, been provided, nor relied upon any documents in any personal file,
27 nor any internal affairs investigation to form conclusions regarding the Colanfrancesco matter,
28

1 just the crime report and my conversation's with his watch commander regarding the report, and
2 deputy McAfee's work product.

3 310. Hence, § 832.7 of the penal code is not involved.

4 311. It was my conclusion at the time, and remains to this day that Deputy Aaron McAtee
5 was charged with and punished for conduct that any and all patrol deputies were required to do at
6 the time: show on the log sheet that a "report" was necessary, but complete the report in the next
7 few weeks without the use of overtime.

8 312. I am convinced to this day that the false charge against Deputy McAtee resulted in
9 his failure to recognize that Colanfrancesco was immunized from suffering any action resulting
10 from criminal activity in Sacramento County.

11 313. These residual facts and opinions confirm my original opinions. In fact, Defendants'
12 evasive declarations completely confirm the truth of the matter, for Defendants had every
13 opportunity to present Declarations from their biggest, most influential campaign contributors,
14 and failed to do so.

15 314. I have read and complied with the protective order issued in this case.

16 I declare that the information contained in this declaration is true and correct and made
17 under the penalty of perjury under the laws of the United States of America, signed in
18 Sacramento, CA on Wednesday, November 21, 2007.

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I declare under the penalty of perjury that the information contained herein is true and correct, and are of my own personal knowledge. Executed in the County of Sacramento, CA, on November 21, 2007.



/s/ Timothy G. Twomey (Original Signature on File with Attorney)
Lt. Timothy G. Twomey (Ret.)



Sacramento County Sheriff's Department Concealed Weapons Permit Issuance Policy and Application Process

Issuance Criteria For Permit Applicants:

- Minimum of one year residency in Sacramento County (time may be waived upon receipt of a letter from the Sheriff or Chief of Police from the applicant's previous residency indicating the applicant is a citizen in good standing). (Policy)
- Citizen of the United States. (Policy)
- Applicant must be 21 years of age or older. (Law)
- No statutory prohibitions (based on applicant's background, i.e., criminal history, drug addiction, no mental illness, etc.). (Law)
- Employees applying for job related reasons, and/or to carry a weapon during course of business hours, must provide a letter of endorsement from their supervisor and/or manager endorsing the issuance of a permit. Applications will not be accepted without the required documents. (Policy)
- Successful completion of a 64 hour hand gun training class (PC 832) or 16 hour Sacramento Sheriff's Department approved training course (certificates required) which includes passing a written and firearms proficiency test. (Law as of 01/01/99)

Note: Application for a Concealed Weapons Permit may be submitted prior to receiving training. A list of qualified instructors is on page 6.

- **Good cause** exists for issuance of a concealed weapons permit as follows:

General: The determination of good cause for the issuance of a concealed weapons permit is perhaps the most difficult aspect in this process. While every applicant may believe that he/she has good cause for a license, the Sheriff's determination is based on consideration of public good and safety. (Law)

Prima Facie Good Cause: The following are prima facie evidence of good cause for issuance of a concealed weapons permit:

- ✓ Applicant is a **specifically targeted victim**, as **documented** in official criminal justice **records** within an accompanying recommendation of an investigating peace officer (endorsed by the Department Head or Commander) that a concealed weapons permit be granted for reasons of personal safety. (Policy)
- ✓ Applicant is an **active or honorably separated member of the criminal justice system** directly responsible for the investigation, arrest, incarceration, prosecution or imposition of sentence on criminal offenders and has received threats of harm to person or family as a result of official duties.
- ✓ Applicant is a member of the **immediate family of an active or honorably separated member** of the criminal justice system as described above, and as a result of this familial relationship, has been the victim of criminal acts or threats as documented in official criminal justice records.

Non-Prima Facie Good Cause: Good cause that is not prima facie as described above may vary based upon one or more of the following factors: ¹ (Policy)

- ✓ The degree or frequency of **exposure to harm**.
- ✓ The **nature of the applicant's work** and the resulting exposure to harm. (examples include, but are not limited to, a private investigator who serves legal documents, a judge who sentences criminal defendants, probation officers, bail bondsmen). Employees must provide letter of endorsement from employer, if weapon is to be carried during course of business hours.
- ✓ **Objective evidence** of a **history of victimization** upon the applicant or member of his/her household, or his /her residence, work place, or vehicle when occupied. (Examples of objective evidence includes a **police report** or **witness corroboration via statements**.)
- ✓ **Objective evidence** of a **pattern or history of threats upon the applicant**, or member of his/her household. (Examples of **objective evidence** includes **witness corroboration via statements**).

¹ Sacramento County consists of **urban, suburban, rural and wilderness area**. What may be good cause in one area of the county may not be in another area.

In making a determination as to good cause, the Sheriff will consider all available information and, where there exists a sufficient nexus between the approval of a concealed weapons permit and the avoidance of victimization, make that decision most beneficial to public good and safety. The mere fear of victimization, or desire to carry a firearm, shall be insufficient. (Policy)

Conditions After Issuance of Approved Permits:

- Annual qualification with the weapon(s) type(s) listed on the permit and safety inspection of each weapon specifically listed on the permit.
- Permit holders must complete a legal update refresher course every three years from a Sheriff's Department approved training facility/instructor.
- Permit holders must report to the Sacramento Sheriff's Department within 10 days of any arrest of the permit holder.
- No illegal drug use.

Violations of these conditions will result in the revocation of the concealed weapons permit.

Restrictions Applicable to All Sacramento Sheriff's Department Permit Holders
(Permit invalid if violated)

- No alcohol consumption while exercising the permit and carrying the weapon.
- No weapons where prohibited by law.
- No weapons at locations where a no weapons sign is posted.
- Not within 1,000 feet of any school grounds.
- Depending on "cause" the Sheriff may impose additional restrictions.

Failure of the permit holder to adhere to these restrictions will result in the revocation of the concealed weapons permit.

New Application Fees:

\$20.00 filing fee (check or money order only) made payable to the County of Sacramento. Non refundable.

Fees-After Approval of New Application:

\$80.00 fee for all new applicants upon issuance. Check or money order only, made payable to County of Sacramento.

Additional fees are also required by the State of California Department of Justice for fingerprinting, criminal history clearance, and firearms eligibility. \$112.00 payable to State of California. (Subject to change).

Fees for Renewals of Existing Permits:

\$52.00 State of California renewal fee (check or money order only) made payable to the State of California. (Subject to change).

\$25.00 renewal fee (check or money order only) made payable to the County of Sacramento.

All renewal and newly approved applicants are processed on Tuesdays only at:

**Sacramento County Sheriff's Department
711 G Street
Sacramento, CA 95814**

9:00 AM – 11:00 AM ONLY

Denial of Application/Appeals Process:

All applicants will receive notice in writing regarding the approval or denial of their application. Applicants who are denied a concealed weapons permit will be advised of the reason for the denial.

Applicants may appeal if their application for a permit is denied. All appeals must be submitted in writing to:

Sacramento County Sheriff's Department
Attention: Gun Permits
711 G Street, Room 410
Sacramento, CA 95814

Written appeals should be specific, clearly outlining the applicants rebuttal to the reason stated for denial. Additional information, which may be pertinent to the applicants request for a permit should also be included.

Note: Appeals must be received by the Sheriff's Department no later than (30) thirty days from the date of the notification letter.

Additional Information:

For additional information or questions regarding the Sacramento Sheriff's Departments concealed weapons permit process or policy, please contact the **Special Investigations/Intelligence Bureau at (916) 874-5371.**

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(c)).

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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Standard Application for CCW License

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):

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):**

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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 #

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.				
2.				
3.				

State of California, Department of Justice
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.

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

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.

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

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.

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

Date

Witness Signature / Badge Number

Date

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

Section 7 – Investigator’s Interview Notes – (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).

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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

Date

Witness Signature / Badge Number

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)(!) 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 Taber 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 Taber 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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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).

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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.



JOHN MCGINNESS

Sheriff

September 8, 2006

ATTENTION ALL CCW APPLICANTS:

Listed below are the procedures for filing a Concealed Weapons Permit application with the Sacramento County Sheriff's Department. Please follow these instructions, or your application will not be accepted.

- Please leave pages 10, 11, 12, 13 and 14 **blank**. These will be completed during a **face to face interview with SSD personnel**.
- Applications will be accepted **Thursday mornings only** between 9 and 11am. Please bring two forms of identification, as well as a check or money order for \$20.00 to cover the filing fee.
- **Interviews** will be conducted on a first come first serve basis. Please plan to wait if there is an applicant ahead of you.

If you have any questions please don't hesitate to call. I can be reached at the telephone number listed below.

Very truly yours,

JOHN MCGINNESS, SHERIFF

Amber M. Wong, Sr. SRS

Special Investigations/Intelligence Bureau
711 G Street, Room 410
Sacramento, CA 95814
(916) 874-5371

California Department of Justice



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

BCIA 4012 (6/99)