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and Orange County Sheriff-Coroner Department

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION – SANTA ANA**

DOROTHY McKAY, DIANA KILGORE,  
PHILLIP WILLMS, FRED KOGEN,  
DAVID WEISS, and THE CRPA  
FOUNDATION,

Plaintiffs,

v.

SHERIFF SANDRA HUTCHENS,  
individually and in her official capacity as  
Sheriff of Orange County; ORANGE  
COUNTY SHERIFF-CORONER  
DEPARTMENT; COUNTY OF ORANGE;  
and DOES 1-10,

Defendants.

Case No. 8:12-cv-01458 JVS (JPRx)

**DECLARATION OF LIEUTENANT  
SHERYL DUBSKY IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO THE  
MOTION FOR PRELIMINARY  
INJUNCTION**

**DATE: October 29, 2012  
TIME: 1:30 p.m.  
PLACE: Courtroom 10C**

I, Lieutenant Sheryl Dubsky, declare:

1. I have personal knowledge of the statements contained in this declaration, and if called upon to testify, I could and would competently testify to the facts stated below.
2. I am currently a Lieutenant with the Orange County Sheriff's Department ("OCSD"), and have been with the OCSD for 24 years. I am currently assigned to the Professional Standards Division ("PSD") and have held that assignment for approximately 15 months. In my role as Lieutenant of PSD, I manage and supervise the Internal Affairs,

1 Backgrounds, and Recruiting and Human Resources units, and the Carry Concealed  
2 Weapons ("CCW") and Business License desks. Prior to joining PSD, I served as Watch  
3 Commander at the Theo Lacy Jail Facility.

4 3. In my capacity in PSD, I also serve as Sheriff Sandra Hutchens' sole  
5 authorized designee to review and make final determinations on the issuance of CCW  
6 Licenses in the County. I review all completed submitted applications and evaluate good  
7 cause on an individual basis.

8 4. As the sole authorized designee to make final determinations with regard to  
9 CCW licenses, I am familiar with and implement on a daily basis OCSD's Policy 218. I am  
10 also familiar with Penal Code section 26150, the basis for Policy 218, which sets forth  
11 under what circumstances the sheriff of a county may issue a license to an applicant to carry  
12 a concealed weapon. Moreover, I am familiar with the Penal Code sections criminalizing  
13 the carrying of a concealed firearm, and the exceptions thereto – Penal Code sections  
14 25400, *et seq.* A true and correct copy of Policy 218 is attached hereto as Exhibit "A."

15 5. California is not a "shall issue" or "right to carry" State, but is instead a "may  
16 issue" State. The Penal Code sets forth the requirements that applicants for CCW licenses  
17 must meet. Of the requirements, the "good cause" requirement affords sheriffs or their  
18 authorized designees, discretion. Policy 218 is OCSD's implementation of the Penal  
19 Code's requirements. Policy 218 provides guidance and sets forth examples of criteria that  
20 establish "good cause":

21 Specific evidence that there has been or is likely to be an attempt  
22 on the part of a second party to do great bodily harm to the  
applicant.

23 The nature of the business or occupation of the applicant is such  
24 that it is subject to high personal risk and/or criminal attack, far  
greater risk than the general population.  
25 A task of the business or occupation of the applicant requires  
frequent transportation of large sums of money or other valuables  
26 and alternative protective measures or security cannot be  
employed.

27 When a business or occupation is of a high-risk nature and  
requires the applicant's presence in a dangerous environment.  
28 The occupation or business of the applicant is such that no means

1 of protection, security or risk avoidance can mitigate the risk other  
2 than the carrying of a concealed firearm.

3 Personal protection is warranted to mitigate a threat to the  
4 applicant that the applicant is able to substantiate.

5 Good cause could include, but not be limited to, documented  
6 instances of threats to the personal safety of the applicant, his/her  
7 family or employees. Threats to personal safety may be verbal or  
8 demonstrated through actual harm committed in the place or work,  
9 neighborhood or regular routes of travel for business. The  
10 applicant should articulate the threat as it applies personally to the  
11 applicant, his/her family or employees. Non-specific, general  
12 concerns about personal safety are insufficient.

13 The finding of good cause should recognize that individuals may  
14 also face threats to their safety by virtue of their profession,  
15 business or status and by virtue of their ability to readily access  
16 materials that if forcibly taken would be a danger to society.  
17 Threats should be articulated by the applicant by virtue of his/her  
18 unique circumstances.

19 **Note:** These examples are not intended to be all-inclusive they  
20 are provided merely for your reference. Also, state and local laws  
21 do not prohibit an adult from having a concealed weapon in their  
22 home or place of business.

23 6. In considering good cause, I analyze the criteria listed in Policy 218. Good  
24 cause is evaluated on an individual basis. In Orange County, general, non-specific concerns  
25 about personal safety are not sufficient to establish good cause.

26 7. Melissa Soto, an Office Specialist in the Internal Affairs Division is charged  
27 with the task of intake and initial review of CCW license applications. After Ms. Soto  
28 intakes all application materials, assures completeness of the application, conducts an  
applicant interview, and writes a summarizing memorandum, she delivers the applications  
to me for initial review and a good cause determination. I meet with Ms. Soto to review  
each application individually and discuss them. On occasion, I will ask Ms. Soto to verify  
statements and/or documents in the application prior to making a decision. On these  
occasions, a second meeting takes place before I make the decision to conditionally grant or

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1 deny an application. If the application does not require any follow up, I make the decision  
2 to conditionally approve the application or to deny it after the initial review and meeting.  
3 This initial determination includes a determination of whether good cause has been  
4 demonstrated.

5 8. If I conditionally approve the application, Ms. Soto works with the applicant to  
6 assure that the remaining requirements for issuance of the license pursuant to Penal Code  
7 section 26150 are satisfied. If they are, I grant final approval of the application and a  
8 license is issued.

9 9. If the application is denied, I sign a denial letter, which is sent to the applicant.  
10 The applicant may request review of the determination, and submit additional support for  
11 the application. I review the application again and make a determination. An applicant may  
12 also request review directly to the Captain of PSD. Occasionally, an applicant will send  
13 their appeal request directly to the Sheriff, who will then designate an Assistant Sheriff,  
14 Commander, or Captain to review the application again. Nothing in the law or Policy 218  
15 prevents an applicant from re-applying at any time.

16 10. I have been provided with a copy of the First Amended Complaint and Motion  
17 for Preliminary Injunction in the matter of *McKay, et al. v. Sheriff Sandra Hutchens, et al.*  
18 Case No. SACV 12-1458JVS. I am familiar with the allegations of the named Plaintiffs,  
19 Dorothy McKay, Diana Kilgore, Phillip Willms, Fred Kogen and David Weiss. After  
20 reviewing the court documents, I had each application and file for each Plaintiff pulled to  
21 refresh my memory regarding these applicants. I reviewed and made the final  
22 determination to deny Ms. McKay, Mr. Willms, Mr. Kogen, and Mr. Weiss's applications.

23 11. Plaintiff Ms. Kilgore did not apply for a CCW license.

24 12. Plaintiff Ms. McKay's CCW license was denied because she did not establish  
25 sufficient good cause. She demonstrated no particularized threat to her personal safety, but  
26 instead stated a generalized fear due to her travelling. Attached hereto as Exhibit "B" is a  
27 true and correct copy of Ms. McKay's redacted good cause statement submitted with her  
28 application. The statement has been redacted for Court filing pursuant to the right to

1 privacy and California Government Code section 6254(u)(1): “(u)(1) Information contained  
2 in applications for licenses to carry firearms issued pursuant to Section 26150, 26155,  
3 26170, or 26215 of the Penal Code by the sheriff of a county or the chief or other head of a  
4 municipal police department that indicates when or where the applicant is vulnerable to  
5 attack or that concerns the applicant's medical or psychological history or that of members  
6 of his or her family.”

7 13. Plaintiff Mr. Willms' CCW license was denied because he did not establish  
8 sufficient good cause. Mr. Willms is the owner of a business who sometimes transports  
9 cash for deposit to his bank. He expressed a concern that he may be targeted while moving  
10 cash. However, in his written good cause statement provided November 1, 2011 he writes  
11 in the last sentence of the second paragraph, “With that I have told you so far, this is still not  
12 the reason I feel I need a CCW.” His letter then detailed his competitive shooting  
13 background. After the initial denial, Mr. Willms asked for reconsideration, again  
14 expressing that he could be targeted due to his making cash deposits. I again denied the  
15 application for failure to establish good cause. Attached hereto as Exhibit “C” are true and  
16 correct copies of Mr. Willms' redacted original good cause statement submitted with his  
17 initial application and his redacted letter requesting an appeal and reiterating his asserted  
18 good cause. The statements have been redacted for Court filing pursuant to the right to  
19 privacy and California Government Code section 6254(u)(1) as noted in paragraph 12.

20 14. Plaintiff Mr. Weiss has applied for a CCW license twice recently, once in 2011  
21 and again in 2012. In 2011, I was not the Lieutenant that denied the application, but after  
22 reviewing the notes from the prior authorized designee and the summary of the application,  
23 it appears that addresses and telephone numbers could not be verified and good cause was  
24 not established. In 2012, Mr. Weiss re-applied and was denied because he did not establish  
25 good cause. Mr. Weiss stated that he was a pastor, whose church has approximately 20  
26 members, and that he travelled to visit church members and other congregations sometimes  
27 in “undesirable” areas. He had no particularized threats, but felt he needed a CCW License  
28 due to “the changing times” and media reports about attacks on other citizens. Attached



1 hereto as Exhibit "D" are true and correct copies of Mr. Weiss' redacted good cause  
2 statements from his 2011 and 2012 applications. The statements have been redacted for  
3 Court filing pursuant to the right to privacy and California Government Code section  
4 6254(u)(1) as noted in paragraph 12.

5 15. Plaintiff Mr. Kogen's CCW license was denied because he did not establish  
6 sufficient good cause. Mr. Kogen is a medical doctor who regularly acts a *mohel*,  
7 conducting newborn circumcisions in homes. Mr. Kogen submitted with his application an  
8 email he received in April 2012. The emailed denounced his chosen profession and  
9 implored him to stop. Neither the email nor its sender could be verified, and no imminent  
10 threat against Mr. Kogen was made. Attached hereto as Exhibit "E" is a true and correct  
11 copy of Mr. Kogen's redacted good cause statement. The statement has been redacted for  
12 Court filing pursuant to the right to privacy and California Government Code section  
13 6254(u)(1) as noted in paragraph 12.

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

16 EXECUTED this 2 day of October 2012 at Santa Ana, California.

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19 Lieutenant Sheryl Dubsky  
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## Orange County Sheriff-Coroner Department

Policy Manual

# Carry Concealed Weapons License

### 218.1 PURPOSE AND SCOPE

The Sheriff is given the statutory discretion to issue a license to carry a concealed firearm to residents within the community. This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 12050.2, this policy shall be made accessible to the public.

#### 218.1.1 APPLICATION OF POLICY

Nothing in this policy shall be construed to require the Sheriff to issue a Concealed Weapons License at any time. The issuance of any such license shall only be pursuant to the terms and conditions of this policy and applicable law.

Nothing in this policy shall preclude the Sheriff from entering into an agreement with any chief of police within the County for the Sheriff to process applications and licenses for the carrying of concealed weapons within that jurisdiction (Penal Code § 12050(g)).

### 218.2 QUALIFIED APPLICANTS

In order to qualify for a license to carry a concealed weapon, the applicant must meet the following requirements:

- (a) Be a resident of the County of Orange.
- (b) Be at least 21 years of age.
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character.
- (f) Show good cause for the issuance of the license.
  - Criteria that may establish good cause include the following:
    - Specific evidence that there has been or is likely to be an attempt on the part of a second party to do great bodily harm to the applicant.
    - The nature of the business or occupation of the applicant is such that it is subject to high personal risk and / or criminal attack, far greater risk than the general population.
    - A task of the business or occupation of the applicant requires frequent transportation of large sums of money or other valuables and alternative protective measures or security cannot be employed.
    - When a business or occupation is of a high-risk nature and requires the applicant's presence in a dangerous environment.
    - The occupation or business of the applicant is such that no means of protection, security or risk avoidance can mitigate the risk other than the carrying of a concealed firearm.

## Orange County Sheriff-Coroner Department

### Policy Manual

#### *Carry Concealed Weapons License*

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- Personal protection is warranted to mitigate a threat to the applicant that the applicant is able to substantiate.
  - Good cause could include, but not be limited to, documented instances of threats to the personal safety of the applicant, his / her family or employees. Threats to personal safety may be verbal or demonstrated through actual harm committed in the place of work, neighborhood or regular routes of travel for business. The applicant should articulate the threat as it applies personally to the applicant, his / her family or employees. Non-specific, general concerns about personal safety are insufficient.
  - The finding of good cause should recognize that individuals may also face threats to their safety by virtue of their profession, business or status and by virtue of their ability to readily access materials that if forcibly taken would be a danger to society. Threats should be articulated by the applicant by virtue of his / her unique circumstances.
  - **Note:** These examples are not intended to be all-inclusive they are provided merely for your reference. Also, state and local laws do not prohibit an adult from having a concealed weapon in their home or place of business.
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership and registration of any weapon to be licensed for concealment.
- (i) In order to help establish the "good character" of the applicant, it is recommended that the applicant submit at least three reference letters from individuals in the community who are not members of the applicant's immediate family. Although this is not a requirement, it can assist in showing the applicant's good moral character.
- (j) Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon
- (k) Complete required training.

### **218.3 APPLICATION PROCESS**

The application process for a license to carry a concealed weapon shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

#### **218.3.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)**

- (a) Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License Application to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 12051 (b) & (c)).
1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination.
  2. If an incomplete CCW Application package is received, the Sheriff or authorized designee may do any of the following:
    - (a) Require the applicant to complete the package before any further processing.



## Orange County Sheriff-Coroner Department

### Policy Manual

#### *Carry Concealed Weapons License*

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- (b) Advance the incomplete package to Phase Two for conditional processing pending completion of all mandatory conditions.
  - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a CCW license even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time of initial approval, the applicant shall submit a check made payable to the Orange County Sheriff's Department for the required Department of Justice application processing costs.
  - 1. Full payment of the remainder of the County's fees will be required upon issuance of a license.
  - 2. The County's fee does not include any additional fees required for training or psychological testing.
  - 3. All fees paid are non refundable
- (c) The applicant shall be required to submit Livescan fingerprints for a complete criminal background check. Photos are taken on site or a recent passport size photo (two inches by two inches) may be submitted for department use. Fingerprint fees will be collected in addition to the application fees. No person determined to fall within a prohibited class described in Penal Code §§ 12021 and 12021.1 or Welfare and Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.
- (d) The applicant may, but is not required to, submit at least three signed letters of character reference from individuals other than relatives. Once the Sheriff or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of or during phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later (Penal Code § 12052.5).

#### **218.3.2 PHASE TWO**

This phase is to be completed only by those applicants successfully completing phase one.

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Sheriff or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
  - 1. The determination of good cause should consider the totality of circumstances in each individual case.
  - 2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
- (b) The applicant may be required to provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. All costs associated with this requirement shall be paid by the applicant. Failure to provide satisfactory

## Orange County Sheriff-Coroner Department

### Policy Manual

#### Carry Concealed Weapons License

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evidence of medical fitness shall result in removal of the applicant from further consideration.

- (c) The Sheriff may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. This testing is not intended to certify the applicant is psychologically fit to carry a weapon. It is instead intended to determine whether an applicant has any outward indications or history of psychological problems that might render him/her unfit to carry a concealed weapon. If it is determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.
- (d) The applicant shall submit any weapon to be considered for a license to the Sergeant or other departmentally authorized gunsmith for a full safety inspection. The Sheriff reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer's specifications.
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by the department Sergeant or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a concealed weapon will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. (Penal Code § 12052.5).

#### **218.4 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON**

The authority to issue a limited business license to carry a concealed weapon to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 12050(a)(2)(ii)). Therefore, such applicants may be referred to the Sheriff for processing .

An individual who is not a resident of the County of Orange, but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of Orange.
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance and will be valid only in the County of Orange.
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides.
- (d) Any application for renewal or re-issuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides.

## Orange County Sheriff-Coroner Department

### Policy Manual

#### *Carry Concealed Weapons License*

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### **218.5 ISSUED CONCEALED WEAPONS LICENSE**

In the event a license to carry a concealed weapon is issued by the Sheriff, the following shall apply:

- (a) The license will not be valid outside the State of California, unless recognized by another State.
- (b) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the concealed firearm.
  - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 12050(c)).
  - 2. The licensee will be required to sign a Terms of License Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (c) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of weapon, restrictions and other pertinent information clearly visible.
  - 1. Each license shall be numbered and clearly identify the licensee.
  - 2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer.
- (d) The license will be valid for a period not to exceed two years from the date of issuance.
  - 1. A license issued to state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
  - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer or custodial officer.
- (e) The licensee shall notify this department in writing within ten days of any change of place of residency. If the licensee moves out of the County of Orange, the license shall expire ninety (90) days after the licensee has moved.

#### **218.5.1 LICENSE RESTRICTIONS**

- (a) The Sheriff may place special restrictions limiting time, place and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:
  - 1. Consuming any alcoholic beverage while armed
  - 2. Falsely representing himself or herself as a peace officer
  - 3. Unjustified or unreasonable displaying of a weapon
  - 4. Committing any crime
  - 5. Being under the influence of any medication or drug while armed
  - 6. Interfering with any law enforcement officer's duties
  - 7. Refusing to display his/her license or weapon for inspection upon demand of any peace officer

## Orange County Sheriff-Coroner Department

### Policy Manual

#### *Carry Concealed Weapons License*

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- (b) The Sheriff reserves the right to inspect any license or licensed weapon at any time.
- (c) The alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

#### **218.5.2 MODIFICATIONS TO LICENSES**

Any licensee may apply to modify a license at any time during the period of validity by completing and submitting a written Application for License Modification along with the current processing fee to the Department in order to accomplish one or more of the following:

- (a) Add or delete authority to carry a firearm listed on the license
- (b) Change restrictions or conditions previously placed on the license
- (c) Change the address or other personal information of the licensee

In the event that any modification to a valid license is approved by the Sheriff, a new license will be issued reflecting the modification(s). A modification to any license will not serve to extend the original expiration date and an application for a modification will not constitute an application for renewal of the license.

#### **218.5.3 REVOCATION OF LICENSES**

Any license issued pursuant to this policy may be immediately revoked by the Sheriff for any reason, including but not limited to:

- (a) If the licensee has violated any of the restrictions or conditions placed upon the license; or
- (b) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon; or
- (c) If the licensee is determined to be within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103; or
- (d) If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license.

The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, modification or revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is revoked, the Department will immediately notify the licensee and the Department of Justice pursuant to Penal Code § 12053.

#### **218.5.4 LICENSE RENEWAL**

No later than 90 days prior to the expiration of any valid license to carry a concealed weapon, the licensee may apply to the Sheriff for a renewal by completing the following:

- (a) Verifying all information submitted in the renewal application under penalty of perjury;
- (b) The renewal applicant shall complete a 4 hour community college course certified by the Commission on Peace Officer Standards and Training (POST). The course will minimally include firearms safety and the laws regarding the permissible use of a firearm;
- (c) Submitting any weapon to be considered for a license renewal to the department's armorer for a full safety inspection. The renewal applicant shall also successfully

## Orange County Sheriff-Coroner Department

### Policy Manual

#### Carry Concealed Weapons License

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complete a firearms safety and proficiency examination with the weapon to be licensed by the license renewal, to be administered by the armorer, including completion of all releases and other forms; and

- (d) Payment of a non-refundable renewal application fee.

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a concealed weapon will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from DOJ, whichever is later (Penal Code § 12052.5).

### **218.6 DEPARTMENT REPORTING AND RECORDS**

Pursuant to Penal Code § 12053, the Sheriff shall maintain a record of the following and immediately provide copies of each to the Department of Justice:

- (a) The denial of a license
- (b) The denial of a modification to a license
- (c) The issuance of a license
- (d) The modification of a license
- (e) The revocation of a license

The Sheriff shall annually submit to the State Attorney General the total number of licenses to carry concealed weapons issued to reserve peace officers and judges.

### **218.7 CONFIDENTIAL RECORDS**

The home address and telephone numbers of any peace officer, magistrate, commissioner or judge contained in any application or license shall not be considered public record (Government Code § 6254(u)(2)).

Any information in any application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).



GOOD CAUSE STATEMENT FOR ISSUANCE OF A CONCEALED CARRY PERMIT

Dear Sheriff Hutchens:

I am a resident of the City of [REDACTED] in Orange County. My positions and duties include:

Public school teacher in the City of [REDACTED]

- To be clear, my intent is not to carry on school grounds, but merely to provide my background
- I am a full time Middle School Humanities teacher

Private tutor

- Attend clients' homes or public meeting places, often at later hours after school and in rural areas where cell coverage is minimal or non-existent

Professional (NRA Certified) Firearms Instructor and Range Safety Officer:

- Teach Basic Pistol course per NRA course guidelines
- Teach introduction to pistol at Women On Target clinics (an NRA sanctioned program)
- Oversee and coordinate shooting range activities
- Conduct Range Safety Briefings for new shooter events

President, NRA Members' Council of South Orange County:

- Speak before government bodies, private organizations, and public forums
- Organize and manage political interest groups that work in elections, gun shows, and public events
- Host membership meetings that are publicly advertised, identifying me as the point of contact
- [REDACTED] for use as exhibits or to be given away as prizes at NRA events
- Collect and/or [REDACTED] that may be given to the NRA
- Visit and build relationships with firearms-related businesses (gun shops, gun manufacturers, gun clubs, and firing ranges, etc.)
- Assist in the development, operation, and/or participation of firearms training seminars for elected officials, civilians (example: youth and women's groups, etc.), and other organizations

To fulfill my professional and volunteer duties, I am required to travel extensively and must operate in both urban and rural areas that are inherently unsafe. I travel by car throughout Orange County and the state, and I am often traveling alone along isolated roads. It is not unusual for me to [REDACTED] as part of my work, volunteer activities, and recreation.

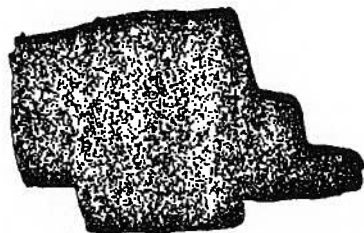
Because of my work and position as a volunteer, my personal contact information is available to almost anyone that desires to seek it out. My status as a Firearms Instructor and Range Safety Officer makes me a target of those who might assume I am transporting or carrying firearms for them to steal.

My experience with firearms comprises several years as a recreational shooter, as well as being an NRA Certified Pistol Instructor and NRA Certified Range Safety Officer. As such, I am extremely familiar with the proper usage of and safety protocol for firearms. I understand the responsibilities associated with carrying a firearm.

With recent legislation banning the open carrying of unloaded firearms being signed into law by Governor Brown (Assembly Bill 144, Portantino), the only lawful alternative available to me for carrying a firearm for self-defense purposes, which is my right guaranteed by the Second Amendment to the U.S. Constitution, is pursuant to a permit issued from the Orange County Sheriff's Office under California Penal Code section 12050 (to be section 26150 starting January 1, 2012).

In conclusion, for the reasons contained herein, I need a Concealed Carry Weapons Permit for personal protection and seek one from the Orange County Sheriff's Office.

Dorothy McKay



Wednesday, February 22,  
2012



To Sheriff Sandra Hutchens;

You recently notified me that my application for a ccw was turned down. I would like to appeal that decision and I have included more [REDACTED] deposits. As our advertising budget has grown larger over the last few months our showroom and oc marketplace sales have grown also. This has generated larger [REDACTED], and I am sure they will get even bigger with time. People may be using more cash instead of using plastic. No mater how large or small the deposit is, I still go to the bank and make a deposit [REDACTED]. Bad guys don't really know how much cash is in any deposit bag. I think the success of the company and its founders are important factors to consider. If those same bad guys have a brain they are going to go after some one who is worth taking the chance for; someone with deeper pockets. Someone who might go to an A.T.M. after dark. I really try not to do that, but I am trying to give you examples of what could happen. My business is very successful, thank god, many businesses are struggling. I guess what I am trying to say is, I could be targeted.

I am a good citizen, involved with the community. If you would like any more info please let me know.

Phillip H Willms

A handwritten signature in black ink, appearing to be 'Phillip H Willms', written over the typed name.



Tuesday, November 01, 2011

To  
Sheriff Sandra Hutchens

My name is Phillip H Willms I live at [REDACTED] ca. I would like to apply for a ccw . I realize That this is very difficult to obtain, but I will try to explain why I would think this is important to me, and my Safety.

I have a successful company here in [REDACTED] where we manufacture waterproof sport seatcovers for cars and Trucks . We also manufacture other products for hunting and fishing, some for firearms. Everything we make is Made from neoprene. We have a very successful retail showroom here and at our original location in [REDACTED] We opened our showroom in [REDACTED] in 1992. One of our biggest cash generators is [REDACTED] . We have almost 90 employees working in our facility Here and [REDACTED] . Most of my employees have been with us a long time and I trust most of them. I have helped many become legal. Recently one of my most trusted employees who I helped Get papers, embezzled 37,000 dollars from our business. I look at this as a lesson and a cheap lesson at that. things Happen. With what I have told you so far , this is still not the reason I feel I need a ccw.

I am a competitive shooter. I shoot IPSC every [REDACTED] at [REDACTED] . I shoot all national Matches, or most anyway. My competition pistol is worth about \$[REDACTED] and I have a back up worth the same.

I also do 3 gun , I just returned from the nationals in Vegas, I did OK for my super senior class. I also travel Up and down the state and out of state for these matches. When you add the modified shotgun and rifle plus Pistol, in [REDACTED] . I have a special compartment built into [REDACTED] . I built it myself, when locked its very secure. I still have to carry them from my safe to [REDACTED] and all my employees and all the people they have told know about them . [REDACTED] is one of our Biggest customers in the Midwest. Last week while talking to their customer service rep he even mentioned He knew I was a very competitive shooter . I don't think I am being paranoid , but I am not dumb, lots of people Know I have guns .

If you google (3 gun nation ) you will get an idea what I do.

In answering question section 2 I do have some ccw s from some of the other states I compete in , I go to Arizona And Nevada the most , .I have heard you look down on this, but I have to be honest.

If you have any question please call

Phillip H Willms

[REDACTED] or [REDACTED]



[REDACTED]  
[REDACTED]  
[REDACTED] California [REDACTED]

O.C. Sheriff Department  
320 N. Flower St.  
Santa Ana, CA. 92703-0449  
Attn: Melissa Soto

I respectfully request your consideration in granting me a permit to carry a concealed weapon. As a pastor, I am frequently called upon to assist members in emergency situations. This requires me to travel to their homes, meet them at the hospital or help them if they are stranded. Often, these situations occur in the evening or early morning hours. In addition, the members in the congregation live in different cities and I am required to travel through questionable areas at night in order to assist them with the emergency at hand.

Also, as a member of the clergy my wife and I travel throughout the state and across country multiple times a year in order to attend conferences, speak to assemblies and assist sister churches who are in crisis. Your consideration concerning this request is greatly appreciated.

David E. Weiss, Sr.

December 12, 2011

O.C. Sheriff Department  
Attn: Melissa Soto  
320 N. Flower St.  
Santa Ana, CA. 92703-0449

Re: Application for CWP – David E. Weiss Sr.

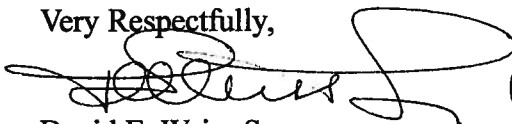
Earlier this year, I submitted a request for a CWP and it was subsequently declined for “good cause”. Due to my position as a pastor, I continue to do a significant amount of traveling both up and down the state of California as well as, across the states. During these travels, I frequently have to pass through undesirable areas in order to attend to a variety of church members needs at all hours of the day.

At [REDACTED] years old, I grew up in a time when nobody locked their doors or windows and you certainly never heard of drive by shootings. Therefore, the need to carry a weapon was never a consideration. However, times have changed considerably in the last 50 to 60 years. We are now told by the news media as well as, police departments to lock our doors and windows to ensure the safety of our loved ones. During the past year, a Congress woman and many others were shot outside a grocery store campaigning, an angry and upset husband committed mass murder in a local hair salon, criminals breaking into an 80 year old woman's house and robbing her at gun point and just a few days ago, a man was in the middle of Hollywood and Vine shooting wildly at unsuspecting citizens. The only reason there weren't more injuries sustained is because the person was thankfully a bad shot.

While I served this great country for [REDACTED] years in the United States Navy and continue to service the community as a Pastor, I do not consider myself a hero, nor am I a radical gun freak or a Rambo want to be. All I want to be able to do is protect my family, my congregation and myself as we strive to serve The Lord in a world that grows more dangerous by the day.

I respectfully request that you reconsider my application and issue me a CWP.

Very Respectfully,

 12/14/2011

David E. Weiss Sr.



Dear Sir/Madam,

I am a California licensed physician requesting a permit to carry a concealed weapon. I do not make this request lightly. In recent days, I have received a frightening threat. It has made me re-examine the dangers inherent in my career, which as I will explain, often leads me into unknown places with no protection. I have always been reasonably concerned about my own safety, but now with this latest threat, the potential that I or my family may suffer harm seems all too present.

I am [REDACTED] years old and have been a practicing physician for most of my adult life. I currently make my living as a professional mohel. That is, I perform ritual circumcisions for newborn male children of the Jewish faith. My work over the past 27 years, has taken me to cities and towns throughout California, from glitzy Beverly Hills to dodgy desert border towns. The ceremonies are performed in private homes, and the arrangements are typically made over the telephone. Thus, when I arrive on the scene I am often meeting my clients for the first time. There have been occasions in the past in which I have felt uncomfortable, but so far no harm has befallen me.

However, as you are undoubtedly aware, the practice of circumcision has lately become very controversial. There are anti-circumcision activists who claim that this centuries old, medically certified procedure is a violent assault on children. Like many extremists, their outrage is manifest in threats. Mohels like me have been condemned in publications, broadcasts and on-line. But when I received the following letter, addressed to me personally, the imminent danger was instantly brought home.

*"What right do you or does anyone have to violate the bodily security of a vulnerable and unconsenting human being? None at all. You are a violent criminal and you belong in jail. Cease and desist from all mohel training activities, all bris ceremonies, and kill yourself. You deserve to die. You are guilty of the crime of assault with a weapon, against infants. One day the victims of what it is you are doing will stand up and hold you accountable, and I hope they burn you alive, literally burn you on a stake over a flaming heap. This is not a death threat, it is a plea that you reconsider the moral implications of the practice of circumcision, that you reconsider the validity of whatever religious nonsensical double think has driven you to adopt such a life course, and that you come to the rational realization that you have done such tremendous wrong to so many people that you kill yourself to make amends for your crimes. I am a victim of circumcision and I am speaking out to discourage the perpetrators from harming any more innocent people as I myself have been, and will have to cope with for the rest of my life. If there were no repercussions I would kill every mohel I could myself, but because the law forbids it, I will merely implore you to stop what you are doing. For every circumcision you perform there will be more and more people who grow up with a righteous vendetta against you and one day you will face the consequences of your actions at their hands." --Mr. Nat Taggart*

Let's examine this letter. While the writer claims it is not a death threat, the tone of his writing is clear. He is angry, even fanatical. He hypothesizes about "killing mohels." He uses the word "vendetta." As a sworn law enforcement officer, this not-so-thinly veiled warning certainly must seem familiar. How many times have ugly missives like this preceeded a crime? You must agree that the "Nat Taggarts" of this world need to be taken seriously.

That being said, when I duly reportedly this threat to the authorities, I was told (perhaps rightly so) that little could be done in response to provide me with protection at this stage. The author's address could not be traced. Indeed, his name seems to be an alias.

This note, and today's political climate is why I feel compelled to request this permit.

You should know that I am a trained gun owner who practices regularly at my local shooting range. As a family man, I am extraordinarily careful when it comes to my weapons and keep

them properly protected and stored. And, it should be noted, that while working as an emergency room physician in South El Monte years ago, I was granted a permit to carry by the police chief at the time. It has since expired.

In my community (and indeed the greater Los Angeles area) I have a unblemished reputation as a skilled doctor and religious official. In the Southern California Jewish community, I am fairly well known. This also presents a potential danger. I carry [REDACTED]

[REDACTED] A number of my clients are celebrities. My contact information is public, and I am afraid that someone bent on doing me harm could easily find me. I would hate to arrive at a heretofore unknown client's home only to find someone like "Nat Taggart" waiting for me.

As I said before, I do not make this request lightly. I am fully aware of the responsibility that comes with a concealed weapons permit. But my life's record speaks for itself. (Indeed I am enclosing several letters of reference.) I am hoping that you will give my urgent request very careful consideration.

Sincerely,

Fred Kogen, MD

**CERTIFICATE OF SERVICE**

I do hereby declare that I am a citizen of the United States employed in the County of Orange, over 18 years old and that my business address is 333 W. Santa Ana Blvd., Suite 407, Santa Ana, California 92702-1379, and my email address is marz.lair@coco.ocgov.com. I am not a party to the within action.

I hereby certify that I caused the foregoing **DECLARATION OF LIEUTENANT SHERYL DUBSKY IN SUPPORT OF DEFENDANTS' OPPOSITION TO THE MOTION FOR PRELIMINARY INJUNCTION** to be served on October 9, 2012, upon all counsel of record listed below by electronic filing utilizing the U.S.D.C.'s CM/ECF:

C.D. Michel, Esq.  
Email: cmichel@michellawyers.com  
Glenn S McRoberts, Esq.  
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562-216-4444  
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Attorneys for Plaintiffs, Dorothy McKay,  
Diana Kilgore, Phillip Willms, Frederick  
Kogen, David Weiss, and the CRPA  
Foundation

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed in Santa Ana, California this 9<sup>th</sup> day of October, 2012.



Marzette L. Lair