

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHUI W. KWONG; GEORGE GRECO; GLENN
HERMAN; NICK LIDAKIS; TIMOTHY S. FUREY;
SECOND AMENDMENT FOUNDATION, INC.; and THE
NEW YORK STATE RIFLE & PISTOL ASSOCIATION,
INC.,

Plaintiffs,

-against-

MICHAEL BLOOMBERG, in his Official Capacity as
Mayor of the City of New York; CITY OF NEW YORK;
and ERIC SCHNEIDERMAN, in his Official Capacity as
Attorney General of the State of New York,

Defendants.
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**DECLARATION OF
ANDY SHIWNARAIN**

11 Civ. 2356 (JGK)
ECF Case

ANDY SHIWNARAIN, declares under the penalty of perjury, pursuant to 28
U.S.C. § 1746, that the foregoing is true and correct:

1. I am a Supervising Budget Analyst at the New York City Office of
Management and Budget ("OMB"). I have been employed by OMB since 2006. I am
responsible for overseeing revenue for several City agencies, including the Police Department,
Department of Finance, and the Department of Investigation.

2. I submit this declaration in opposition to plaintiffs' motion for summary
judgment and in support of City defendants' cross-motion for summary judgment. This
declaration is based on my personal knowledge, my review of the city's records and
conversations with employees, officers, and agents of the City of New York.

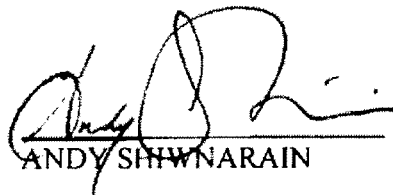
3. OMB staff worked in connection with the New York City Police
Department ("NYPD"), when the NYPD prepared its User Cost Analysis Form for Fiscal Year

2003 calculating the costs associated with the NYPD License Division's function of licensing persons for the possession of firearms in the City of New York.

4. In 2010, I worked closely with NYPD License Division Commanding Officer Andrew Lunetta and other OMB staff in preparing the User Cost Analysis Form for Fiscal Year 2010 that analyzed the costs to the License Division for processing applications for firearms permits. The 2010 analysis looked at the costs for each type of license and permit issued by the License Division, by license type.

5. After the License Division completed its User Cost Analysis in 2010, OMB compiled the data and prepared a Pistol and Long Gun Cost Analysis Summary Sheet that set forth the cost analyses for the various licenses and permits issued by the License Division, along with conclusions about the percentage fees proposed as potential legislation at that time. A copy of the Pistol and Long Gun Cost Analysis Summary Sheet, as of July 23, 2010, is annexed hereto as Exhibit "A."

Dated: New York, New York
July 28, 2011



ANDY SHINNARAIN

Exhibit A

Pistol and Long Gun Cost Analysis As of 7/23/10

Total Annual Cost
Number of Units Rendered Annually
Cost Per Service Unit
Current Triennial Fee
Current Fee as a Percentage of Cost
CIC Proposed Triennial Fee
CIC Fee as a Percentage of Cost
Difference (CIC Proposed - Current Fee)

E1 & E5	E4 ¹	E2 & E3	E7	E9 ²	E6	E8	Total
Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit
\$1,329,825	\$601,723	\$1,037,206	\$362,962	\$3,091,666	\$1,204,624	\$1,496,782	\$9,124,789
844	839	1,057	651	8,912	883	6,159	28,345
\$1,576	\$712	\$981	\$557	\$347	\$1,364	\$243	\$472
22%	47%	35%	61%	98%	10%	58%	
\$110	\$50	\$70	\$40	\$25	\$65	\$12	
7%	7%	7%	7%	7%	5%	5%	
(\$ 170)	(\$ 28)	(\$ 205)	(\$ 453)	(\$ 415)	(\$ 71)	(\$ 178)	

Redacted

Redacted

Annual Recurring Subsidy at Current Fee
Annual Recurring Subsidy at CIC Proposed Fee

E1 & E5	E4 ¹	E2 & E3	E7	E9 ²	E6	E8	Total
Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit	Current Fee Number of Units Rendered Annually Cost Per Service Unit
\$1,042,865	\$6,327	\$677,826	\$141,508	\$35,786	\$1,080,958	\$634,568	\$3,619,839
\$1,236,985	\$11,195	\$963,216	\$336,908	\$1,663,947	\$1,147,208	\$1,422,878	\$6,782,337

Annual Revenue Estimate with Current Fee Structure³
Annual Revenue Estimate with CIC Proposed Fees
Savings / (Cost)

\$3,600,000
\$450,000
(\$3,150,000)

¹ Per NYPD, approximately 98% of Retired Law Enforcement new application permits receive a fee waiver.
² Per NYPD, in the category All Other Renewals (E9), Retired Law Enforcement accounts for approximately 43%.

9 Fees

1. Concealed Carry licenses (CB-Carry Business / CL-Limited Carry / SC-Special Carry)
2. Premise Business (PB)
3. Premise Residence (PR)
4. Retired Law Enforcement (SX)
5. Carry Guard/Gun Custodian (CG and CD)
6. Rifle/Shotgun and Theatrical permits (PE and TH)
7. Carry Business Renewals
8. Rifle/Shotgun and Theatrical permit Renewals
9. All Other Renewals

Nine (9) fees with descriptions

1) **CONCEALED CARRY LICENSES**

New application investigation fee for Carry Business, Limited Carry and Special Carry handgun license applications.

2) **PREMISE BUSINESS LICENSES**

New application investigation fee for Premise Business handgun license applications.

3) **PREMISE RESIDENCE**

New application investigation fee for Premise Residence handgun license applications.

4) **RETIRED LAW ENFORCEMENT**

New application investigation fee for Retired Law Enforcement handgun license applications that are not eligible for statutory fee waiver.

5) **CARRY GUARD/GUN CUSTODIAN**

New application investigation fee for Carry Guard and Gun Custodian handgun license applications.

6) **RIFLE/SHOTGUN**

New application investigation fee for Rifle/Shotgun permit and Theatrical permit applications.

7) **CARRY BUSINESS RENEWAL**

Renewal fee for Carry Business licenses.

8) **RIFLE/SHOTGUN RENEWALS**

Renewal fee for Rifle/Shotgun permits and Theatrical permits.

9) **ALL OTHER RENEWALS**

Renewal fee for Premise Residence, Special Carry, Limited Carry, Carry Guard, Gun Custodian, Premise Business, and Retired Law Enforcement handgun licenses.

EXPENSE CATEGORIES 1 - 14

Expense category 1

- Attributable to fee for concealed carry licenses (CB-Carry Business / CL-Limited Carry / SC-Special Carry)
- fee category 1

Expense category 2

- Attributable to fee for Premise Business licenses (PB)
- fee category 2

Expense category 3

- Attributable to fee for Premise Residence licenses (PR)
- fee category 3

Expense category 4

- Attributable to fee for Retired Law Enforcement licenses (SX)
- fee category 4

Expense category 5

- Attributable to fee for Carry Guard and Gun Custodian licenses (CG and CD)
- fee category 5

Expense category 6

- Attributable to fee for Rifle/Shotgun and Theatrical permits (PE and TH)
- fee category 6

Expense category 7

- Attributable to fee for Renewal of Carry Business and Limited Carry licenses (CB and CL)
- fee category 7

Expense category 8

- Attributable to fee for Renewal of Rifle/Shotgun and Theatrical permits (PE and TH)
- fee category 8

Expense category 9

- Attributable to fee for Renewal of all other licenses (PB, PR, CG, CD, SC, and SX)
- fee category 9