

# PLACER COUNTY COUNSEL

GERALD O. CARDEN, COUNTY COUNSEL

175 Fulweiler Avenue  
Auburn, California 95603  
Telephone: (530) 889-4044  
Facsimile: (530) 889-4069

August 22, 2016

*Via E-mail Response Only – [steve@benbrooklawgroup.com](mailto:steve@benbrooklawgroup.com)*

Stephen Duvernay  
The Calguns Foundation  
4212 N. Freeway Blvd., Suite 6  
Sacramento, CA. 95834

Re: Public Records Act Request - The Calguns Foundation

Dear Mr. Duvernay:

This letter is in further response to your Public Records Act request received by the Placer County Sheriff's Office on or about August 28, 2016. Your request seeks five categories of various records which are, at least in part, disclosable public records. [Gov. Code §6253(c)] Specifically, your request sought the following:

1. Any and all records that constitute, relate to, or refer to your and the Placer County Sheriff's Office's current policies and practices for LTC applications and licenses currently in effect, including both published and internal records.
2. Any and all records that constitute, relate, or refer to any local carry license or identification instrument, the date that any local carry instrument was placed into use or service by you and/or the Placer County Sheriff's Office, and the authorities under which such local license or identification instrument was or is issued.
3. Any and all records that constitute, relate, or refer to tables, lists, figures, statistics or reports on approved LTC license holders, denied license applications, approved amended licenses, denied license amendments, or revoked licenses generated and/or maintained by you, any former sheriff or acting sheriff, and/or the Placer County Sheriff's Office. (NOTE: This request item does not seek the generation or production of new records.)
4. For the period of January 1, 2014 to July 27, 2016: A copy of every LTC issued by you, and former sheriff or acting sheriff, and/or the Placer County Sheriff's Office, whether an initial license or a renewal license, of every type. Under this request item, we seek a copy of the active licensees' California DOJ standard license form as well as any local Placer County Sheriff's Office license form, identification instrument, and attachment/addendum, if any.
5. For the period of January 1, 2014 to July 27, 2016: A copy of every LTC application (initial or renewal) that was approved by you, any former sheriff or acting sheriff, and/or the Placer County Sheriff's Office. This includes, but is not limited to, any and all records that constitute, relate to or refer to California DOJ standard form BOF 4012, local forms, supplemental writings (e.g. "good cause" statements articulated outside of Section 7 of BOF 4012, letters of reference / recommendation, and all related or like records), and any other writing submitted with or subsequent to the submission of an LTC application.

Your request seeks records that are, at least in part, disclosable public records. [Gov. Code §6253(c)] However, your request also seeks records that are potentially exempt from disclosure. [Gov. Code §6254 (f), (k), and (n); Gov. Code § 6254.1(a); Gov. Code §6254.3(a); Gov. Code §6255; Evidence Code §1040; Health & Safety Code §11845.5; Civil Code §1798.85; Vehicle Code §1808.4; Penal Code §13300 – 13305; and CA. Const. Art. I, §1]

Each request is responded to as follows:

1. A copy of the Placer County Sheriff's Office General Order #OPER 13, Title: CCW Licenses is attached.
2. The Placer County Sheriff's Office does not use a "local license or identification instrument." An exemplar of the current DOJ CCW License template and the restrictions printed on the back. The Placer County Sheriff's Office does not use any other license form.
3. The Placer County Sheriff's Office has generated the following responsive records, which are attached:
  - a. Response to PRA request from ABC 10 dated 1/16/16, response 1 of 2.
  - b. Response to PRA request from ABC 10 dated 1/16/16, response 2 of 2.
  - c. April & May 2016 Report of New CCWs Issued from New Online Application System (applicant names and addresses redacted).
  - d. June 2016 Report of New CCWs Issued from Online Application System (applicant names and addresses redacted).
  - e. July 2016 Report of New CCWs Issued from Online Application System (applicant names and addresses redacted).
4. Placer County Sheriff's Office has only used the standard State form. An exemplar of the current DOJ CCW License template and the restrictions are printed on the back. All new, renewal and modification licenses are issued in this format.
5. An initial review indicates that there are over **2,500 applications** which would fit within the time parameters outlined in your request. Each application will have to be reviewed to determine the applicant's employment and whether or not the application is exempt from disclosure pursuant to the above statutes. Further, each application will have to be reviewed to determine the applicant's reasoning for wanting to carry a CCW permit, as this may exempt disclosure pursuant to Gov. Codes §6254(k) and (u)(1) and Gov. Codes §6255.

The applications that are not exempt from disclosure will then have to be copied. A fair estimate of the time it will take for one person to copy all of the applications is 32 weeks at 40 hours a week. The copy produced will then have to be redacted because the applications may contain information that is exempt from production. We estimate the redaction process for one person to be another 4 weeks. Therefore, our preliminary estimate of when you can reasonably expect the redacted copies of the applications is in 36 weeks or 9 months.

Mr. Duvernay  
Public Records Act Request  
August 22, 2016  
Page 3

A reasonable preliminary estimate for just the copy cost, assuming all applications are produced, is over **\$5,000.00**. Before the Placer County begins the above process, please advise if Calguns Foundation will pay the copy costs or agree to an alternative process.


Placer County Sheriff's Office suggests the following alternative process:

1. A summary written report with the number of applications received, approved and denied for the time period requested;
2. A written description of the current "good cause" standard used by the Placer County Sheriff's Office; and
3. The general categorical reasons for denials occurring during the time period requested.

If you would like to discuss the contents of this letter in more detail, please contact me at the telephone number or address above. It may be that your request could be modified to provide the information that you want without having to copy the actual applications.

Very truly yours,

PLACER COUNTY COUNSEL'S OFFICE

By:   
Brett D. Holt  
Attorney at Law

BDH/bhs  
cc: Capt. Mark Reed  
Daniel Ruden