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Exhibit "1"

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15
Sacramento, CA 95814
Tel. (916) 965-6800
E-mail: usrugby@pacbell.net

*Admitted in California and Pennsylvania.

September 29, 2009

Santa Clara County Office of the Sheriff
Sheriff Laurie Smith
55 West Younger Avenue
San Jose, CA 95110
Tel. (408) 808-4900
Fax (408) 283-0562

San Jose Police Department
Chief Rob Davis
201 W. Mission Street
San Jose, CA 95110
Tel. (408) 277-8900

RE: Public Records Request and Demand for Interview with an Investigator to Complete Sections 6, 7, and 8 of the California Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW).

Dear Sheriff Smith and Chief Davis:

I have been retained by Mr. Thomas Jacobs. Mr. Jacobs is a longtime resident of Santa Clara County and the City of San Jose. Mr. Jacobs has been attempting to contact someone within your respective offices for quite some time concerning the issuance process for CCW permits in Santa Clara County and the City of San Jose.

As I am sure you are aware, California Penal Code section 12050(a)(1)(B) provides a sheriff and/or chief of police of a municipal police department with the authority to issue a "license to carry a pistol, revolver, or other firearm capable of being concealed upon the person..." However, to date, Mr. Jacobs has been unsuccessful in obtaining any information regarding the issuance process for CCW permits.

As far as he and I can tell, there is no published policy on either the Police Department or Sheriffs Office website concerning the CCW application process. Further, each and every time Mr. Jacobs or myself have called either office in an attempt to obtain

information we have been placed on hold for an indefinite period of time with no response.

This letter constitutes a formal request for the following pursuant to the Public Records Act:

- 1.) Please provide a DOJ CCW application;
- 2.) Please provide a list of all current and past CCW permit holders since your tenure in office, inclusive of all good cause data relied upon for issuance;
- 3.) Please provide a copy of your written CCW permit issuance policy;
- 4.) If your department defers to the other for the processing of CCW applications, please provide that policy or letter/memorandum of understanding.

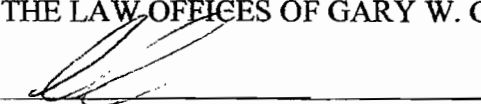
In addition to the above requests, please provide a date and time that my client can meet with your department to complete sections 6, 7, and 8 of the California Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW), and have the application "witnessed" and "signed" by the investigator.

If you prefer, you can e-mail the information to me at usrugby@pacbell.net. If you choose this avenue, please copy my legal intern as well at craigcweaver@gmail.com. Otherwise, please mail the information to my office at 1207 Front Street, Suite 15, Sacramento, CA 95814.

If you have any questions regarding this request, I can be reached at (916) 965-6800. Thank you for your time and consideration. I look forward to an amicable resolution to this issue so we can both tend to other business.

Very Truly Yours,

THE LAW OFFICES OF GARY W. GORSKI



Gary W. Gorski
Attorney at Law

TRANSMISSION VERIFICATION REPORT

TIME : 09/29/2009 15:40
NAME : GWGORSKI
FAX : 9169656801
TEL : 9169656800
SER.# : L8J814214

DATE, TIME	09/29 15:40
FAX NO./NAME	14082830562
DURATION	00:00:25
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15

Sacramento, CA 95814

Tel. (916) 965-6800

E-mail: usrugby@pachell.net

*Admitted in California and Pennsylvania.

September 29, 2009

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Sheriff Laurie Smith
55 West Younger Avenue
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Tel. (408) 808-4900
Fax (408) 283-0562

San Jose Police Department
Chief Rob Davis
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Tel. (408) 277-8900

RE: Public Records Request and Demand for Interview with an Investigator to Complete Sections 6, 7, and 8 of the California Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW).

Dear Sheriff Smith and Chief Davis:

I have been retained by Mr. Thomas Jacobs. Mr. Jacobs is a longtime resident of

TRANSMISSION VERIFICATION REPORT

TIME : 09/29/2009 15:39
NAME : GWGORSKI
FAX : 9169656801
TEL : 9169656800
SER. # : L8J814214

DATE, TIME	09/29 15:39
FAX NO. /NAME	14082830562
DURATION	00:00:25
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15
Sacramento, CA 95814
Tel. (916) 965-6800
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September 29, 2009

Santa Clara County Office of the Sheriff
Sheriff Laurie Smith
55 West Younger Avenue
San Jose, CA 95110
Tel. (408) 808-4900
Fax (408) 283-0562

San Jose Police Department
Chief Rob Davis
201 W. Mission Street
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RE: Public Records Request and Demand for Interview with an Investigator to Complete Sections 6, 7, and 8 of the California Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW).

Dear Sheriff Smith and Chief Davis:

I have been retained by Mr. Thomas Jacobs. Mr. Jacobs is a longtime resident of

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Exhibit "2"

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15
Sacramento, CA 95814
Tel. (916) 965-6800
E-mail: usrugby@pacbell.net

*Admitted in California and Pennsylvania.

October 6, 2009

Santa Clara County Office of the Sheriff
Sheriff Laurie Smith
55 West Younger Avenue
San Jose, CA 95110
Tel. (408) 808-4900
Fax (408) 283-0562

San Jose Police Department
Chief Rob Davis
201 W. Mission Street
San Jose, CA 95110
Tel. (408) 277-8900

RE: Public Records Request and Demand for Interview with an Investigator to Complete Sections 6, 7, and 8 of the California Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW).

Dear Sheriff Smith and Chief Davis:

As I stated in my earlier letter dated September 29, 2009, I have been retained by Mr. Thomas Jacobs. A copy of my earlier letter is enclosed. Mr. Jacobs is a longtime resident of Santa Clara County and the City of San Jose and wishes to apply for a CCW permit. However, to date our attempts to contact someone in either of your respective offices have been ignored.

You were faxed the above referenced letter on September 29, 2009, and also mailed the same letter through the U.S. Postal Service the following day. In addition, Mr. Jacobs and myself have made numerous attempts by telephone to contact someone in either of your respective offices regarding the issuance process for a CCW permit. Invariably, each time either of us call we are placed on hold for an indefinite period of time with no response.

Although in my previous letter I demanded an interview with an investigator to assist Mr. Jacobs in the completion of sections 6, 7, and 8 of the California Department of


Justice Standard Application for License to Carry a Concealed Weapon (CCW), my demand has been ignored. Thus, Mr. Jacobs has completed two (2) applications. On the first, Mr. Jacobs has filled out the entire application. On the second, Mr. Jacobs has refrained from filling out sections 6, 7, and 8 since, according to the terms of the application, those sections must be filled out in the presence of an investigator and “witnessed” and “signed” by an investigator. Please find both these applications enclosed with this letter.

Regardless, Mr. Jacobs has taken substantial steps to determine the proper application process in Santa Clara County and the City of San Jose. Therefore, consider this letter and the enclosed applications as Mr. Jacobs’ formal application for a CCW permit. If necessary, Mr. Jacobs is still willing to meet with an investigator. Please contact me to make arrangements if this is still required.

If you have any questions regarding this request, I can be reached at (916) 965-6800, or through e-mail at usrugby@pacbell.net. Thank you for your time and consideration.

Very Truly Yours,

THE LAW OFFICES OF GARY W. GORSKI



Gary W. Gorski
Attorney at Law

California Department of Justice



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

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

Official Use Only – Type of Permit Requested
 Standard Judge
 Reserve Officer 90 Day

Public Disclosure Admonition

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

Thomas C Jacobs
Applicant Signature

9/27/09
Date

Witness Signature / Badge Number

Date

Section 1 – Applicant Personal Information

Name: Jacobs Thomas C
Last First Middle

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

City and County of Residence: San Jose, Santa Clara Country of Citizenship: U.S.A.

Date of Birth: 02/03/51 Place of Birth: Vallejo, Solano CA
City County State

Height: 6'3" Weight: 210 Color Eyes: Brown Color Hair: Brown

Section 2 – Applicant Clearance Questions

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

Issuing Agency _____ Issue Date _____ CCW# _____

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

State of California, Department of Justice
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):

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

Section 2 – Applicant Clearance Questions – (continued)

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

Date	Violation / Accident	Agency / Citation #

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.	Ruger	P94	9 mm	30852828
2.	Ruger	P90	45 ACP	66176638
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.

State of California, Department of Justice
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.

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

Section 6 – Agreement to Restrictions and to Hold Harmless

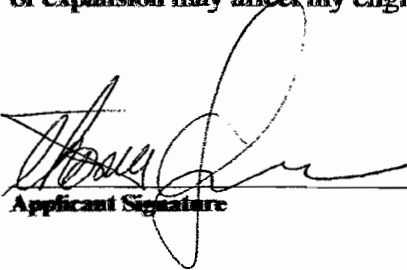
I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued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

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

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

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

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



Applicant Signature

10/7/09

Date

Witness Signature / Badge Number

Date

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

Section 7 – Investigator’s Interview Notes

Applicant Name: Jacobs Thomas Claude
Last First Middle

Date of Birth: 02/03/81 Age 58

Social Security No.: 557-80-5349

California DL/ID No.: S0317066

Driver’s License Restrictions: _____

Residence Address:

3309 Padilla Way San Jose CA 95148
Number Street Apt. City State Zip

Mailing address (if different):

Number Street Apt. City State Zip

Home / Personal Phone Numbers: (408) 274-3774 or (408) 499-0800

Spouse’s Name and Address: Mary Ventre Jacobs

3309 Padilla Way, San Jose, CA 95148

Applicant Occupation: General Contractor

Business / Employer Name: Thomas Jacobs Construction

Business Phone Number: : (408) 499-0800

Business Address:

3309 Padilla Way San Jose CA 95148
Number Street Apt. City State Zip

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

None

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).**

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

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

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

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

I desire a CCW permit so that I may possess a concealed handgun on my person to protect myself, my family, my property and my friends in my home, my vehicle, my RV, while camping, while hunting, while performing various other activities such as carrying large sums of cash associated with my job.

Specifically, I have concern for the safety of myself and family in my home because in 1999 my home was broken into in broad daylight and my daughter came home while the burglars were still in the home.

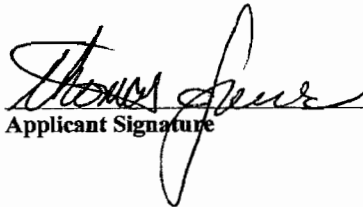
State of California, Department of Justice
Standard Application for CCW License

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

9/26/09
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.

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

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).

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

Attachment 2 (Continued)

**CALIFORNIA PROHIBITING MISDEMEANORS
As of January, 1999**

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

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

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

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

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

Attachment 3

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

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

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

California Department of Justice



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

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

Official Use Only – Type of Permit Requested

- Standard Judge
- Reserve Officer 90 Day

Public Disclosure Admonition

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

Thomas C Jacobs
Applicant Signature

9/27/09
Date

Witness Signature / Badge Number

Date

Section 1 – Applicant Personal Information

Name: Jacobs Thomas C
Last First Middle

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

City and County of Residence: San Jose, Santa Clara Country of Citizenship: U.S.A.

Date of Birth: 02/03/51 Place of Birth: Vallejo, Solano CA
City County State

Height: 6'3" Weight: 210 Color Eyes: Brown Color Hair: Brown

Section 2 – Applicant Clearance Questions

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

Issuing Agency _____ Issue Date _____ CCW# _____

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

State of California, Department of Justice
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):

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

Section 2 – Applicant Clearance Questions – (continued)

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

Date	Violation / Accident	Agency / Citation #

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.	Ruger	P94	9 mm	30852828
2.	Ruger	P90	45 ACP	66176638
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.

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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.

State of California, Department of Justice

Standard Application for CCW License

Section 6 – Agreement to Restrictions and to Hold Harmless

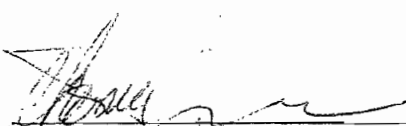
I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued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

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

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

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

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



Applicant Signature

10/9/09

Date

Witness Signature / Badge Number

Date

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

Section 6 – Agreement to Restrictions and to Hold Harmless

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

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

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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).

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

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)(1) are prohibited until they reach age 30.
- Persons who are subject to a protective order as defined in section 6218 of the Family Code, or a temporary restraining order or injunction issued pursuant to sections 527.6 or 527.8 of the Code of Civil Procedure.
- Persons found by a court to be a danger to others because of mental illness.
- Persons found by a court to be mentally incompetent to stand trial.
- Persons found by a court to be not guilty by reason of insanity.
- Persons adjudicated to be a mentally disordered sex offender.
- Persons placed on a conservatorship because they are gravely disabled as a result of a mental disorder or impairment by chronic alcoholism
- Persons who communicate a threat to a licensed psychotherapist, against a reasonably identifiable victim, and the psychotherapist reports to law enforcement pursuant to WIC section 8100(b), are prohibited from purchasing or possessing a firearm for 6 months.
- Persons in a mental health facility certified pursuant to WIC sections 5250, 5260, and 5270.15 are prohibited from possessing or purchasing or attempting to purchase firearms for 5 years.
- Persons who are voluntary patients in a mental facility who are determined to be a danger to self or others are prohibited from purchasing or possessing a firearm between admission and discharge.
- Persons under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year.

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

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).

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

Attachment 2 (Continued)

**CALIFORNIA PROHIBITING MISDEMEANORS
As of January, 1999**

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

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

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

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

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

Attachment 3

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

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

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

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15
Sacramento, CA 95814
Tel. (916) 965-6800
E-mail: usrugby@pacbell.net

*Admitted in California and Pennsylvania.

September 29, 2009

Santa Clara County Office of the Sheriff
Sheriff Laurie Smith
55 West Younger Avenue
San Jose, CA 95110
Tel. (408) 808-4900
Fax (408) 283-0562

San Jose Police Department
Chief Rob Davis
201 W. Mission Street
San Jose, CA 95110
Tel. (408) 277-8900

RE: Public Records Request and Demand for Interview with an Investigator to Complete Sections 6, 7, and 8 of the California Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW).

Dear Sheriff Smith and Chief Davis:

I have been retained by Mr. Thomas Jacobs. Mr. Jacobs is a longtime resident of Santa Clara County and the City of San Jose. Mr. Jacobs has been attempting to contact someone within your respective offices for quite some time concerning the issuance process for CCW permits in Santa Clara County and the City of San Jose.

As I am sure you are aware, California Penal Code section 12050(a)(1)(B) provides a sheriff and/or chief of police of a municipal police department with the authority to issue a "license to carry a pistol, revolver, or other firearm capable of being concealed upon the person..." However, to date, Mr. Jacobs has been unsuccessful in obtaining any information regarding the issuance process for CCW permits.

As far as he and I can tell, there is no published policy on either the Police Department or Sheriff's Office website concerning the CCW application process. Further, each and every time Mr. Jacobs or myself have called either office in an attempt to obtain

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15, Sacramento, CA 95814 – Tel. (916) 965-6800 – Email: usrugby@pacbell.net

information we have been placed on hold for an indefinite period of time with no response.

This letter constitutes a formal request for the following pursuant to the Public Records Act:

- 1.) Please provide a DOJ CCW application;
- 2.) Please provide a list of all current and past CCW permit holders since your tenure in office, inclusive of all good cause data relied upon for issuance;
- 3.) Please provide a copy of your written CCW permit issuance policy;
- 4.) If your department defers to the other for the processing of CCW applications, please provide that policy or letter/memorandum of understanding.

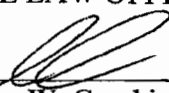
In addition to the above requests, please provide a date and time that my client can meet with your department to complete sections 6, 7, and 8 of the California Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW), and have the application "witnessed" and "signed" by the investigator.

If you prefer, you can e-mail the information to me at usrugby@pacbell.net. If you choose this avenue, please copy my legal intern as well at craigcweaver@gmail.com. Otherwise, please mail the information to my office at 1207 Front Street, Suite 15, Sacramento, CA 95814.

If you have any questions regarding this request, I can be reached at (916) 965-6800. Thank you for your time and consideration. I look forward to an amicable resolution to this issue so we can both tend to other business.

Very Truly Yours,

THE LAW OFFICES OF GARY W. GORSKI



Gary W. Gorski
Attorney at Law

TRANSMISSION VERIFICATION REPORT

TIME : 10/06/2009 09:08
NAME : GWGORSKI
FAX : 9169656801
TEL : 9169656800
SER.# : L8J814214

DATE, TIME : 10/06 09:01
FAX NO./NAME : 14082830562
DURATION : 00:06:34
PAGE(S) : 46
RESULT : OK
MODE : STANDARD
ECM

**FAX TRANSMISSION
COVER SHEET**

LAW OFFICES OF GARY W. GORSKI
8549 NEPHI WAY
FAIR OAKS, CALIFORNIA 95628
TEL. (916) 965-6800 | FAX. (916) 965-6801

TO: Sheriff Laurie Smith
FAX#: 408-283-0562

DATE: October 6, 2009
NO. PAGES: 45
(+ cover sheet)

FROM: Gary W. Gorski
REPLY TO: Gary W. Gorski

TEL: 916-965-6800
FAX: 916-965-6801

E-MAIL: usruaby@pacbell.net

SUBJECT: CCW Permit Application for Thomas Jacobs

Comments:

[Empty rectangular box for comments]

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Exhibit "3"

FOLSOM PO
FOLSOM, California
956309998
0566760630 -0095
09/30/2009 (800)275-8777 02:05:51 PM

Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price
Vacation / Hold Mail Pickup			\$0.00
44c Purple Heart PSA	2	\$0.44	\$0.88
SAN JOSE CA 95148			\$1.56
Zone-2 First-Class Large Env			
4.20 oz.			
Issue PVI:			===== \$1.56

Total: \$2.44

Paid by:
Visa \$2.44
Account #: XXXXXXXXXXXXX7770
Approval #: 00553D
Transaction #: 207
23 903440907

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill#: 1000503164989
Clerk: 08

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

Customer Copy

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Exhibit "4"

METRO STATION
 SACRAMENTO, California
 958149998
 0566760814 -0095
 10/06/2009 (800)275-8777 02:01:57 PM

Product Description	Sales Receipt		Final Price
	Qty	Unit Price	
SAN JOSE CA 95110 Zone-2 First-Class Large Env 7.70 oz.			\$2.07
Issue PVI:			\$2.07
SAN JOSE CA 95110 Zone-2 First-Class Large Env 7.90 oz.			\$2.07
Issue PVI:			\$2.07
Total:			\$4.14

Paid by:
 Visa \$4.14
 Account #: XXXXXXXXXXXX7770
 Approval #: 00523C
 Transaction #: 263
 23 903441228

Order stamps at USPS.com/shop or call
 1-800-Stamp24. Go to USPS.com/clicknship
 to print shipping labels with postage.
 For other information call 1-800-ASK-USPS.

Bill #: 1000502426355
 Clerk: 20

All sales final on stamps and postage
 Refunds for guaranteed services only
 Thank you for your business

 HELP US SERVE YOU BETTER
 Go to: <https://postalexperience.com/Pos>
 TELL US ABOUT YOUR RECENT
 POSTAL EXPERIENCE
 YOUR OPINION COUNTS

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Exhibit "5"



SJPD Home	Reporting Crime	Recruiting Join SJPD	Crime Stats. & Maps	Reports & Records	Community Outreach	Volunteer Opportunities
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[SJPD](#) » [Records](#) » [Document Center](#)

Reports & Records

- [Obtaining Reports & Records](#)
- [Document Center](#)
- [Fees](#)

Related Information

- [Accident Reports - Get Copies](#)
- [Document Center](#)
- [Fees](#)
- [File A Report Online](#)
- [How to obtain Police reports and records](#)
- [Permit Applications -Online Forms](#)
- [Permits Unit Hours of Operation](#)
- [Records Unit Hours of Operation](#)

Other Links

- [SJPD History \(18 MB PDF\)](#)



Document Center

This table provides links to select on-line resources including informational documents and forms. Depending on your need or interest, these resources may be filled out on-line, or downloaded, printed, and mailed to the Department.

Check the **Fee Schedule** for a list of associated document production fees.

For contact information and mailing address, see [SJPD Contact List](#).

Forms and Documents

- [Police Clearance Letter - English](#)
- [Police Clearance Letter - Spanish](#)
- [Personal Inventory Police Property Loss Report](#)
- [Public Records Act Requests Form \(English\)](#)
- [Public Records Act Requests Form \(Vietnamese\)](#)
- [Public Records Act Requests Form \(Spanish\)](#)

[Police Report Request Only](#)

Purpose / Description

- This letter is used for Visa and Immigration purposes.
- This letter is used for Visa and Immigration purposes.
- To keep as a record for insurance purposes or Police reports in the event of theft of property.
- Formal request for police reports (Traffic Accident Reports and Crime Reports)

Police Administrative Documents

- [Duty Manual 2008 \(2MB PDF *\)](#)
- [Pre-Processing Manual](#)
- [Pre-Processing manual Appendices](#)
- [Police Staffing Report](#)

- San Jose Police Department - Policies, Rules, Procedures (Note: The Duty Manual is updated regularly. The most recent updates may not be included in the online version.)
- Pre-Processing Center Standard Operating Procedures Manual
- San Jose Police Department - Policies, Rules, Procedures - Appendices
- San Jose Police Department - Department Totals RECAP REPORT - As of September 30, 2007

Frequently Requested Police Documents

- [Excited Delirium Protocol](#)
- [Five Year Staffing Plan \(3.35MB PDF\)](#)
- [2007 SJPD Force Response Report \(286KB PDF\)](#)

- SJPD Training Bulletin - "Management of Subjects in Excited Delirium"
- Police Department's Proposed Five-Year Staffing Plan and Addendum
- The 2007 Force Response Report is attached to this memo

Permit Application Forms

- [Current Permit Fee Schedule](#)
- [Bingo Permit Application \(English\)](#)
- [Block Party Instructions and Permit Application \(English\)](#)
- [Canvasser Application](#)
- [Close Out Sale Permit Application](#)
- [Entertainment Business Application and](#)

Purpose

- Updated pricing details
- Permit application to operate a Bingo concession
- Permit application to hold a block party
- Permit application to engage in canvassing in San Jose
- Permit application to conduct a close out sale
- Information sheet and permit application for an

Ownership/Management License Questionnaire	Entertainment/ Ownership/Management licence
Event Promoter Application	Application for Event Promoter Permit. Required when promotion of any event will be promoted under the event promoter permit exception, by an unpermitted event promoter.
Indemnification Agreement	Permit application to operate an Ice Cream Truck
Ice Cream Truck Application	Application for press pass and press vehicle identification.
Press Pass Application	Permit application to tow vehicles parked on private property.
Private Property Tow Application	Street closure/parade application - <i>Please call Secondary Employment Unit for an appointment at least 10 days prior to event: (408) 277-4980.</i>
Special Events Permit	
Taxi Company Application	Apply for or renew a Taxi Company permit
Taxi Driver Application	Apply, renew or transfer a Taxi Driver permit

San José Police Department, 201 W. Mission Street, San Jose, CA 95110 | General Information 408-277-8900 | [Contact Us](#)

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[SJPD Home](#) | [Contact Us](#) | [City of San Jose](#) | [Terms of Use](#) | [FAQs](#) |

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Exhibit "6"

PERMIT	FEE	COMMENTS	TERM
Bingo			
General	\$ 50	New Clnr. year	
	\$ 50	Renewal & Location chng. Clnr. year	
Special	\$ 40	One day	Per event
Block party	\$181	New (Initial permit issued)	Per permit
No Charge		Renewal (if renewed <u>within</u> 1 year)	
Canvasser	\$ 66	New & Renewal	6 Months
Cardroom			
Owner		Contact City Attorney	
Employee	\$333	New/Renewal/Rehire	*4 years
Close-out sale	\$104	New (2 renewals allowed)	60 days
	\$104	Renew	30 days
Dance			
Classes "A" & "C"	\$486	New	1 year
	\$367	Renew	1 year
Class "B"	\$179		Per permit
Entertainment			
Business Permit	\$1,057	New and Renew	2 years
Owner/Mgr Lic.	\$1,057	New and Renew	2 years
I.D. Card	\$ 45	Owner/Mgr Lic	
Firearm Dealer	\$537	New/Renewal	1 year
(If expired, good 1 yr. from original application date)			
Funeral Escort			
Vehicle operator	\$388	New	2 years
	\$149	Renew	2 years
Vehicle inspection	\$ 75	New & Renew	2 years

PERMIT	FEE	COMMENTS	TERM
Ice Cream Vendor			
Business Permit	\$224	Includes Picture	1 year
	\$164	Renew	
Employee License	\$224	Includes Picture	1 year
	\$164	Renew	
Ice Cream Trk Insp	\$ 90	New/Renew	2 years
Massage Parlor (Including Off Premise)			
Business Permit	\$1,750	New & Renew	2 years
Owner/Mgr Lic	\$ 284	New & Renew	2 years
Mass. Therapist	\$ 194	New & Renew	1 year
ID Card	\$ 45	New & Renew	1 year
Suspended until further notice			
Media Production	\$566		Per permit
One-day Liquor	\$134		Per permit
Parade	\$284		Per permit
Paseo Use	\$ 60		Per event
Peddler			
Approved Location			
New	\$418		1 year
	\$149	Renew	1 year
ID Card	\$ 45		
Mobile			
Business Permit	\$149	New/Renewal	1 year
ID Card	\$ 45		
Employee Lic.	\$149	New and Renew	1 year
ID Card	\$ 45		

PERMIT	FEE	COMMENTS	TERM
Peep Show	\$269 \$ 80	New & Renew Per machine	2 years
Pool & Billiards	\$456		1 year
Press Pass	\$ 45		Clnr. yr
Replacement IDs	\$ 45		Each time
SEU Fees	\$443 \$443 \$ 35 \$200	New Renew School/Public Entity Events 5 days or less	Per year Per Year Per year Per event

PERMIT	FEE	COMMENTS	TERM
Tow Business			
Owner	\$458 \$149	New Renew	2 yrs. 2 yrs.
Driver	\$164 \$ 98	New Renew	2 Yrs 2 yrs.
Private Prop. Tow	\$298	Per Inspection	
Non-Profit Organization Fundraiser	\$537	Per Event	
Event Promoter	\$1,057		2 Yrs

Secondhand Dealer/Pawnbroker

State License Fees

D.O.J.	\$195.00	
D.O.J. Renewal	\$ 10.00	2 years

Street Closure	\$284	Per permit
Taxicab Company		
Owner & Restricted Owner	\$9,957	New 1 time
Restricted owner	\$2,737	New 1 time
Taxi company renewal	\$1,894	Yr
Taxicab Inspection	\$ 98	Per Taxi
	per re-inspection & missed inspection	
Taxicab Driver	\$275	2 yrs.
	New/Renewal/Transfer	
Taxicab Driver's Written Re-Test	\$149	Per retest

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A-Z Services

This is an alphabetical listing of common topics on programs and services provided by the County of Santa Clara.

View Alphabetically:

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Related Life Events:

- Temporary Events

Related Articles on Licenses and Permits:

- Marriage Licenses
- Fishing & Gaming Permits
- Fireworks Permits
- Driver's License
- Getting a Disabled Parking Plackard
- Development & Land Use Permits
- Pesticides & Pest Control
- Applying for a Building Permit

Related Agencies on Permits:

- Planning Department
- Division of Agriculture
- Office of Development Services
- Fire Department

Related Articles on Permits:

- Applying for a Building Permit
- Development and Land Use Permits
- Fishing & Gaming Permits
- Fireworks Permits
- Consumer Division Permits, Applications & Fees
- Burn Permits

QUICKLINKS

- > News Room
- > County Services
- > County Executive's Office
- > Employment Opportunities
- > SCC Basic Salary Plan
- > County Ordinance Code
- > Find Your Elected Representatives
- > Cities within the County
- > Sister Counties
- > County Holidays Calendar

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**PROPERTY
VALUE
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Be Aware, Prepare!

...more



2-1-1 Santa Clara County

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SHARE

A-Z Services

This is an alphabetical listing of common topics on programs and services provided by the County of Santa Clara.

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**OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA**

70 West Hedding Street, 9th Floor
San Jose, California 95110-1770
(408) 299-5900 / (408) 292-7240 (FAX)



Miguel Márquez
ACTING COUNTY COUNSEL

Winifred Botha
Lori E. Pegg
ASSISTANT COUNTY COUNSEL

October 8, 2009

Gary Gorski
Law Offices of Gary Gorski
1207 Front Street
Suite 15
Sacramento, CA 95814

Re: Public Records Request and Demand for Interview

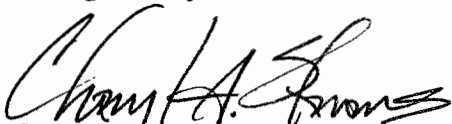
Dear Mr. Gorski:

I am writing to respond to your September 29, 2009 CPRA request. Enclosed please find a copy of the DOJ CCW application and a copy of the County of Santa Clara's written CCW permit policy. The Sheriff's Office does not maintain a list of all current permit holders including the data relied upon to grant the application. Accordingly, we are unable to provide a document responsive to your second request.

If you have any questions, please do not hesitate to contact me.

Sincerely,

MIGUEL MÁRQUEZ
Acting County Counsel


CHERYL A. STEVENS
Lead Deputy County Counsel

Enclosure

cc: Sheriff Laurie Smith (w/o enclosures)

Letter to: Gary Gorski

Re: CPRA Request

Date: October 8, 2009

Page 2

bcc: Undersheriff John Hirokawa
Sgt. Rick Sung

Document in ProLaw

California Department of Justice



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

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 applicants 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(a)(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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State of California, Department of Justice
Standard Application for CCW License

Official Use Only -Type of Permit Requested	
<input type="checkbox"/> Standard	<input type="checkbox"/> Judge
<input type="checkbox"/> Reserve Officer	<input type="checkbox"/> 90 Day

Public Disclosure Admonition

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

 Applicant Signature

 Date

 Witness Signature / Badge Number

 Date

Section 1 - Applicant Personal Information

Name: _____
Last First Middle

If Applicable,
 Maiden Name or Other Name(s) Used: _____

City and County of Residence: _____ Country of Citizenship: _____

Date of Birth: _____ Place of Birth: _____
City County State

Height: _____ Weight: _____ Color Eyes: _____ Color Hair: _____

Section 2 - Applicant Clearance Questions

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

Issuing Agency _____ Issue Date _____ CCW# _____

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

State of California, Department of Justice
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):

State of California, Department of Justice

Standard Application for CCW License

Section 2 - Applicant Clearance Questions - (continued)

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

Date	Violation / Accident	Agency / Citation #

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.

State of California, Department of Justice

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

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

Section 6 - Agreement to Restrictions and to Hold Harmless

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

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

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

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

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

Applicant Signature

Date

Witness Signature / Badge Number

Date

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

Section 7 - Investigator's Interview Notes

Applicant

Name: _____
Last First Middle

Date of Birth: _____ **Age:** _____

Social Security No.: _____

California DL/ID No.: _____

Driver's License Restrictions: _____

Residence Address:

Number Street Apt. City State Zip

Mailing Address (if different):

Number Street Apt. City State Zip

Home / Personal Phone Numbers: () _____

Spouse's Name and Address: _____

Applicant Occupation: _____

Business / Employer Name: _____

Business Phone Number: () _____

Business Address:

Number Street Apt. City State Zip

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

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 within the U.S. or any other country (civilian or military).

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

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) (1) are prohibited until they reach age 30.
- Persons who are subject to a protective order as defined in section 6218 of the Family Code, or a temporary restraining order or injunction issued pursuant to sections 527.6 or 527.8 of the Code of Civil Procedure.
- Persons found by a court to be a danger to others because of mental illness.
- Persons found by a court to be mentally incompetent to stand trial.
- Persons found by a court to be not guilty by reason of insanity.
- Persons adjudicated to be a mentally disordered sex offender.
- Persons placed on a conservatorship because they are gravely disabled as a result of a mental disorder or impairment by chronic alcoholism.
- Persons who communicate a threat to a licensed psychotherapist, against a reasonably identifiable victim, and the psychotherapist reports to law enforcement pursuant to WIC section 8100(b), are prohibited from purchasing or possessing a firearm for 6 months.
- Persons in a mental health facility certified pursuant to WIC sections 5250, 5260, and 5270.15 are prohibited from possessing or purchasing or attempting to purchase firearms for 5 years.
- Persons who are voluntary patients in a mental facility who are determined to be a danger to self or others are prohibited from purchasing or possessing a firearm between admission and discharge.
- Persons under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year.

State of California, Department of Justice

Standard Application for CCW License

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).

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

Attachment 2 (Continued)

**CALIFORNIA PROHIBITING MISDEMEANORS
As of January, 1999**

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

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

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

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

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

Attachment 3

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

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

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

AUTHORIZATION TO RELEASE INFORMATION

To Whom It May Concern,

I am an applicant for a **License to Carry a Concealed Weapon** in Santa Clara County, a California County. This permit requires a background investigation by the Sheriff's Office of Santa Clara County into all areas of my background which may affect my suitability for this permit.

I hereby authorize you, your organization, and/or persons in your employ to release any and all information, including medical and/or psychiatric information, which you may have about me, this includes information which may be of a confidential, privileged and/or derogatory nature as stated in the Santa Clara County Ordinance Code. I release and hold harmless you, your organization, its officers, agents or assigns from any liability or damages, whether in law or in equity, for furnishing information requested by the bearer of this authorization form.

I reserve the right to refute or dispute any information that results in a denial of this license. You may retain this form for your files. A photocopy of this release is to be considered as valid as the original.

Applicant's Signature

Applicant's Printed Name

SSN

Driver's License No.

Date

CERTIFICATE OF ACKNOWLEDGEMENT

State of California)
County of _____)

On _____ before me, _____

personally appeared _____,
personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to within the instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)



Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 808-4900

Laurie Smith
Sheriff

Office of the Sheriff, County of Santa Clara

C.C.W. Firearms Proficiency

Date:

Name:



WEAPONS:

Make: Serial #: Cal: Model:

Condition: _____

Make: Serial #: Cal: Model:

Condition: _____

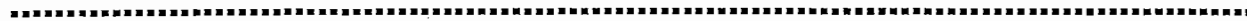


<u>Firearms Handling Proficiency</u>	<u>Satisfactory</u>	<u>Unsatisfactory</u>
--------------------------------------	---------------------	-----------------------

Safety	<input type="checkbox"/>	<input type="checkbox"/>
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Familiarity	<input type="checkbox"/>	<input type="checkbox"/>
-------------	--------------------------	--------------------------

Weapon Handling	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

Renewal Class:

Signature of Range Master: _____ Date: _____

Santa Clara County
Sheriff's Office
CCW
Class

Office of the Sheriff, County of Santa Clara County

Hold Harmless Agreement

I, *(PLEASE PRINT YOUR NAME)* _____,
on, *(DATE)* _____, understand and have considered the
potential hazards and risk of personal injury inherent in my participating in
the Santa Clara County Sheriff's Office "Carrying Concealed Weapon's
Training Course and/or Firearms Qualification Course."

I hereby agree and consent to release and hold harmless the following:

- The County of Santa Clara, their agents and employees
- The Sheriff of Santa Clara County

from any accident, occurrence, claim, suit, damages, or liability which may
arise out of my voluntary participation in the Training Course and/or
Qualification Course referred to as the "Santa Clara County Sheriff's Office
Carrying Concealed Weapons Training and Firearms Qualification Course."

Signature of participant

Date

Witness

Date

County of Santa Clara

Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 808-4900



Laurie Smith
Sheriff

**THE OFFICE OF THE SHERIFF, SANTA CLARA COUNTY
LAURIE SMITH, SHERIFF
REVISED October 30, 2000**

**Procedural Information
For
Permits for the Carrying of Concealed Weapons**

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- The applicant must not be within a prohibited class described in Sections 12021 or 12021.1 of the California Penal code or Sections 8100 or 8103 of the Welfare and Institutions Code.
- No arrest for any crime or involvement in any situation which, in the opinion of the Sheriff's Office, indicates an individual is not suited for a CCW permit
- Any applicant whose request to carry a firearm includes their place of employment may be required to submit with the application, a letter from their employer. This letter should acknowledge the fact that the employer knows and approves of the applicant carrying a firearm while working.
- Applicants are required to be fingerprinted and investigated, even if you have submitted fingerprints for another reason. **Each year** the CCW Unit will review the Permit Holder's status. Upon each **renewal**, the applicant's background will be updated.
- A licensing authority can not issue a permit until after receipt of the Department of Justice report based on fingerprints submitted.
- All applicants will be required to submit a signed form, authorizing the Sheriff's Office to conduct a thorough background check of criminal and medical history.
- Valid photographic identification and proof of residence will be required of applicants.

Section 3: Restrictions

- The license will not be issued until all requirements are completed.
- The license is valid for two (2) years for a Private Citizen, three (3) years for a Judge, four (4) years for a Santa Clara County Reserve Deputy, or less as dictated by the Sheriff.
- Only weapons listed on the license may be carried concealed.

- The Sheriff shall not be liable for any cost incurred by the applicant arising from the applicant's anticipation or holding of the permit subsequently denied, revoked, seized, amended or not renewed
- The Sheriff's Office **must be contacted** in the event that any information on your CCW permit changes. You may be required by the State Department of Justice to complete a "Modification of License to Carry Concealed Firearm."

Section 5: It is a Crime to

- Point a gun, loaded or unloaded, at another person without lawful excuse.
- Threaten someone with a gun, loaded or unloaded, without lawful excuse, even if you don't point it at him or her directly.
- Take a weapon onto State or Federal property, except for hunting with the permission of Wildlife Officers.
- Possess a weapon on lands registered with the Wildlife Commission without a valid entry permit.
- Discharge a firearm within 1,000 feet of livestock or a residence without the permission of the owner.
- Discharge any weapon for any reason, including hunting or target shooting, on the private property of another without the prior written permission of the land owner, in your possession.
- Fire a gun inside any city limit without first obtaining permission from the Chief of Police of that jurisdiction.

- Do not lend your weapon to another. You may be charged as an accessory to any crime committed with it or may incur civil liability for its use.
- If your firearm is lost or stolen, report it immediately to the appropriate jurisdiction. Always keep the serial number, model and other descriptive information concerning your weapon. It is nearly impossible to recover a stolen weapon if the owner cannot provide this information.
- If you or anyone else with access to your weapon consume alcohol, stimulants, or other drugs, lock the weapon away.
- Do not keep your weapon where anyone else, particularly a child, can find it. With the dangerously realistic "toy" weapons now on the market, a child cannot be relied upon to be able to distinguish the real thing. It is too late to worry about safety when your friend or a child is dead. Safe storage of firearms accessible to children is governed by section 12035 of the California Penal Code.
- If you leave a loaded firearm where a child obtains and improperly uses it, you may be fined or sent to prison.
- If you keep a loaded firearm, or a firearm concealed upon the person, within any premises under your custody or control, and a person under 16 years of age gains access to the firearm, you may be guilty of a misdemeanor or a felony, unless you have stored the firearm in a locked container, or have locked the firearm with a locking device to keep it from temporarily functioning.

Section 8: Self-Defense

- Under our system of law, you cannot intentionally kill or seriously injure another human being simply to protect property or possessions. **The use of deadly force should be a last resort, necessary for the protection of human life from an immediate threat of death or serious bodily injury.** Never point a weapon at another unless there is no alternative. Once the trigger has been pulled, you cannot recall the bullet. Your weapon and your actions are your responsibility.

Section 11: If your request is Denied

- You will be notified in writing of the denial and the reason for it.
- If you wish to contest the administrative denial, you may appeal **in writing**, to the Sheriff. You will be notified of the results of the appeal within a reasonable time.
- If the Sheriff upholds the administrative denial, you have no further appeals. The Sheriff's decision is final, Section 12050 of the California Penal Code.

Section 12: Other Related Forms

- Fee Schedules: Citizen, Judicial, and Santa Clara County Reserve Deputy
- Required Training for Concealed Weapons Permit
- Renewal Information form
- Range Qualification

County of Santa Clara

Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 808-4900



Laurie Smith
Sheriff

This attachment is in reference to carrying a concealed firearm within the Santa Clara County Court buildings.

Court Security Administration has requested that civilians, who possess permits to carry concealed firearms, not carry them into the county's court buildings.

If there is a specific need to bring a concealed firearm into one of the county's court buildings, arrangements may be made with Court Security Administration or with the Judicial Administration.

The Santa Clara County Sheriff's Office is requesting that our CCW holders confer with other court and law enforcement jurisdictions regarding their policies of bringing concealed firearms into their county's courtrooms.

If you have any questions, please contact Sergeant Don Morrissey at (408) 808-4905.

Carry Concealed Weapons
Outline for 4 hour Class
Office of the Sheriff, County of Santa Clara

Start Time:	0800 hr.
Instructor Introduction:	0800-0805 hr.
Attendee's sign in:	0805-0810 hr.
Course Objectives and Goals:	0810-0815 hr.
Provide information on CCW Permit and laws to be aware of	
Permissible Use:	0815-0900 hr.
Introduction, Basic Rules of Self Defense, Unreasonable Force, Reasonable Force, Defending Other People, Home Protection, Property, Preventing Crimes, and Capturing Criminals.	
FFA Regulations on Weapons/Firearms on Aircraft:	0900-0910 hrs.
Break:	<i>0910-0920 hr.</i>
Penal Codes and Civil Codes:	0920-0940 hrs.
PC 12035 (storage of firearms/accessible to children) Civil Code 50	
Stopped by Law Enforcement, What Should You Do??	0940-0955 hrs.
Weapon Safety:	0955-1030 hrs.
General Safety Rules, Range Rules, and Range Commands.	
Weapon Safety when Cleaning or Performing Maintenance:	1030-1045 hrs.
Break:	<i>1045-1100 hr.</i>
Qualification Course:	1100-1200 hr.
Class Concluded:	1200 hr.

CARRY CONCEALED WEAPONS WEAPON SAFETY CLASS

INTRODUCTION

Every CCW holder should be fully aware of the risks of firearm ownership, and should take all possible steps to minimize dangers. Firearm safety is the responsibility of each gun owner and is a matter of great concern to the community.

Unsafe handling practices, improper storage, or other acts of carelessness causes firearm accidents. All unintentional or accidental discharges of firearms are violations of one or more of the Four Golden Rules of Firearm Safety.

THE FOUR GOLDEN RULES OF FIREARM SAFETY

1. **Treat all firearms as if they are loaded, no exceptions.**
 - No one has ever been shot with an empty gun. Every time you pick up or are handed a gun, personally check to see if it is loaded. Always check the chamber as well as any magazine or cylinders for cartridges before you are satisfied the gun is unloaded. Once you are sure the gun is unloaded, treat it as if it were loaded anyway.
 - When you hand a gun to someone else always hand it to him or her with the action open so they can easily determine that the gun is unloaded.
 - Every time a firearm leaves your personal control and it's returned to you, assume the gun is loaded.

2. **Never point a weapon at anyone/thing, whether loaded or unloaded, unless you intend to shoot or destroy it.**
 - Always point the gun in a safe direction so that if it is fired it will not cause personal injury or property damage.
 - Always be aware of your shooting companions' location.

WHEN CARRYING CONCEALED;

**THE MOST DANGEROUS
SITUATION POSSIBLE IS WHEN A
CRIMINAL KNOWS YOU HAVE A
GUN BEFORE YOU KNOW HE IS A
CRIMINAL.**

DON'T LET THEM KNOW !!

Five Rules for Concealed Carry

Updated 6-21-99 to provide a more detailed discussion of the possible consequences if rule #4 is violated.

1. Your concealed handgun is for protection of life only.

Draw it solely in preparation to protect yourself or an innocent third party from the wrongful and life-threatening criminal actions of another.

2. Know exactly when you can use your gun.

A criminal adversary must have, or reasonably appear to have:

A) the ability to inflict serious bodily injury (he is armed or reasonably appears to be armed with a deadly weapon),

B) the opportunity to inflict serious bodily harm (he is physically positioned to harm you with his weapon), and

C) his intent (hostile actions or words) indicates that he means to place you in jeopardy -- to do you serious or fatal physical harm.

When all three of these "attack potential" elements are in place simultaneously, then you are facing a reasonably perceived deadly threat that justifies an emergency deadly force response.

3. If you can run away -- RUN!

Just because you're armed doesn't necessarily mean you must confront a bad guy at gunpoint. Develop your "situation awareness" skills so you can be alert to detect and avoid trouble altogether. Keep in mind that if you successfully evade a potential confrontation, the single negative consequence involved might be your bruised ego, which should heal with mature rationalization. But if you force a confrontation you risk the possibility of you or a family member being killed or suffering lifelong crippling/disfiguring physical injury, criminal liability and/or financial ruin from civil lawsuit. Flee if you can, fight only as a last resort.

4. Display your gun, go to jail.

Expect to be arrested by police at gunpoint, and be charged with a crime *anytime* your concealed handgun is seen by another citizen in public, regardless of how unintentional or innocent or justified the situation might seem. Choose a method of carry that reliably keeps your gun hidden from public view at all times.

You have no control over how a stranger will react to seeing (or learning about) your concealed handgun. He or she might become alarmed and report you to police as a "man or woman with a gun." Depending on his or her feelings about firearms, this person might be willing to maliciously embellish his or her story in attempt to have your gun seized by police or to get you arrested. An alarmed citizen who reports a "man with a gun" is going to be more credible to police than you when you're stopped because you match the suspect's description, and you are found to have a concealed handgun in your possession.

Before you expose your gun in public, ask yourself: "Is this worth going to jail for?" The only time this question should warrant a "yes" response is when an adversary has at least, *both ability and intent*, and is actively seeking the opportunity to do you great harm.

5. Don't let your emotions get the best of you.

If, despite your best efforts to the contrary, you do get into some kind of heated dispute with another person while you're armed, never mention, imply or exhibit your gun for the purpose of intimidation or one-upmanship. You'll simply make a bad situation worse -- for yourself (see rule #4).

**Concealed Weapons Qualification Requirements
Office of the Sheriff, Santa Clara County**

Qualification Course

- From the 15-yard line the applicant will draw and fire 5 rounds in 40 seconds, at the center mass of the target. The applicant will render the weapon safe and re-secure/holster their weapon. A total of 5 rounds will be fired at the 15-yard line.
- From the 7-yard line the applicant will draw and fire 5 rounds in 30 seconds, at the center mass of the target. The applicant will render the weapon safe and re-secure/holster their weapon. A total of 5 rounds will be fired at the 7-yard line.
- From the 5-yard line the applicant will draw and fire 5 rounds in 25 seconds, at the center mass of the target. The applicant will render the weapon safe and re-secure/holster their weapon. A total of 10 rounds will be fired at the 5-yard line.
- From the 3-yard line the applicant will draw and fire 5 rounds in 20 seconds, at the center mass of the target. The applicant will render the weapon safe and re-secure/holster their weapon. A total of 10 rounds will be fired at the 5-yard line.

A total of 30 rounds will be fired on the course. Passing is 24 hits on a B-27 target within the 7 ring. An applicant is limited to 2 attempts for each weapon per day.

An applicant can be disqualified by the Range Master for the following reasons:

- Failure to obey the directions of the Range Master.
- Unable to handle or manipulate a firearm safely.

Required Equipment for the Range

- All weapons on the applicant's CCW permit or intended weapons for your CCW.
- Ammunition for the qualification course. The Ammunition must be Factory Ammunition of the following manufactures: Federal, Remington, Winchester, PMC, Fiocchi, CII, or Speer, etc. No Reloads
- The range recommends bringing at least 70 rounds of ammunition per weapon.
- Eye Protection *mandatory
- Ear Protection *mandatory
- Holster(s) for your weapon(s), (remember your will drawing and firing your weapon)
- Long sleeve shirt, pants, comfortable shoes and a baseball type cap.

All applicants can sign up for the Training Course and Range by calling the Sheriff's Administration Bureau at (408) 808-4900, M-F, 9am to 4pm.

Range qualification and Renewal is your responsibility to complete. The Sheriff's Office will not remind you of your CCW expiration date.

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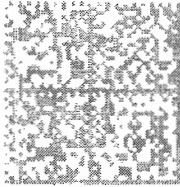
Exhibit "10"



County of Santa Clara

Office of the Sheriff
55 West Younger Avenue
San Jose, California 95110

PRESORTED
FIRST CLASS



POSTAGE
\$00.382
10/16/2009
Billed From: 95110
US POSTAGE

**Mr. Thomas Jacobs
3309 Padilla Way
San Jose, CA 95148**



95110 95148

56-008

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Exhibit "11"

County of Santa Clara



Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 808-4900

Craig

Laurie Smith
Sheriff

October 13, 2009

Re: Concealed weapon permit application.

Dear Mr. Jacobs,

After careful review and consideration, your application for a concealed weapon permit has been denied for one or more of the following reasons:

- You do not reside in Santa Clara County. Contact: _____
- You reside in a city police jurisdiction, please contact the San Jose Police Department.
- Your application and background information was found to be incomplete.
- You are no longer employed at your original employer, which provided justification for the issuance of your application.
- "Good Cause" for issuance has not been demonstrated. Permits are issued based on the validity of the reason a person wants to carry a concealed weapon (ref. PC 12050). The Sheriff has uncontestable authority to issue or not issue a concealed weapon permits.
- Requested supporting documentation was not submitted.

If your reasons or justification for requesting a concealed weapon permit should change, you have the right to resubmit your application. If item number 2 was the reason for denial, it is recommended that you submit an application to the Chief of Police in the city in which you reside.

Sincerely,

Sergeant Rick Sung #1853
Office of the Sheriff
Public Information Officer
408-808-4900

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Exhibit "12"

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15
Sacramento, CA 95814
Tel. (916) 965-6800
E-mail: usrugby@pacbell.net

*Admitted in California and Pennsylvania.

October 27, 2009

Santa Clara County Office of the Sheriff
Sheriff Laurie Smith
55 West Younger Avenue
San Jose, CA 95110
Tel. (408) 808-4900
Fax (408) 283-0562

RE: Appeal from Denial of Application for a CCW Permit

Dear Sheriff Smith:

As you know from my previous letters, I have been retained by Mr. Thomas Jacobs to help facilitate his application for a CCW permit.

On October 13, 2009, Mr. Jacobs received a letter from Sergeant Rick Sung. Please refrain from sending documents directly to Mr. Jacobs but rather please address all future correspondence to my office. In this letter, Sergeant Sung informed Mr. Jacobs that his application had been denied because he resides in a city police jurisdiction and instructed Mr. Jacobs to contact the San Jose Police Department.

Mr. Jacobs has contacted the San Jose Police Department concerning the issuance of a CCW permit and has also submitted an application to that office. However, the San Jose Police Department has informed Mr. Jacobs that since January 2004, the department has only issued CCW permits to retired San Jose Police Officers.

Since Mr. Jacobs is not a retired San Jose Police Officer, it would be a futile exercise to apply for a CCW permit through that department. Therefore, pursuant to Section 11, page 9, of the Procedural Information for Permits for the Carrying of Concealed Weapons, which we received from the County, Mr. Jacobs hereby makes his written appeal from the denial of his CCW application to the Sheriff.

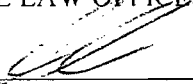
If you have any questions regarding this appeal, I can be reached at (916) 965-6800 or through e-mail at usrugby@gmail.com. I look forward to your response.

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15, Sacramento, CA 95814 – Tel. (916) 965-6800 – Email: usrugby@gmail.com

Very Truly Yours,

THE LAW OFFICES OF GARY W. GORSKI



Gary W. Gorski
Attorney at Law

TRANSMISSION VERIFICATION REPORT

TIME : 10/27/2009 15:56
NAME : FEDEX OFFICE 0274
FAX : 916--983-9888
TEL :
SER.# : 000A7J933494

DATE, TIME	10/27 15:55
FAX NO./NAME	14082830562
DURATION	00:00:37
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

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Exhibit "13"



Craig Weaver <craigcweaver@gmail.com>

Fw: Public Records Act CCW

usrugby@pacbell.net <usrugby@pacbell.net>
Reply-To: usrugby@pacbell.net
To: "Mr. Craig Dream (Cox) Weaver" <craigcweaver@gmail.com>

Fri, Oct 23, 2009 at 2:57 PM

Sent via BlackBerry by AT&T

From: "Mills, Fred" <FRED.MILLS@sanjoseca.gov>
Date: Fri, 23 Oct 2009 15:26:33 -0700
To: <usrugby@pacbell.net>
Cc: Sims, Thomas <THOMAS.SIMS@sanjoseca.gov>; Mitchell, Carl <Carl.Mitchell@sanjoseca.gov>
Subject: Public Records Act CCW

Dear Mr. Gorski:

Enclosed is the Department's response to your Public Records Act request.

Fred Mills

San Jose Police Dept.




Office of the Chief

Research and Development Unit

fred.mills@sanjoseca.gov

(408) 277-5229

3 attachments

-  **PRA response Gorski.doc**
693K
-  **ccw_app.pdf**
272K
-  **Duty_Manual_2008_Public Copy.pdf**
2471K

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Exhibit "14"



San José Police Department

October 27, 2009

The Law Offices of Gary W. Gorski
1207 Front Street, Suite 15
Sacramento, CA 95814
Attention: Gary Gorski

Re: Public Records Act Request for Police Records

Dear Mr. Gorski:

I am in receipt of your Public Records Act requests received via US mail on October 5, 2009 in which you requested the following records:

Request #1: "Please provide a DOJ CCW application"

Department Response: See enclosed electronic copy

Request #2: "Please provide a list of all current and past CCW permit holders since your tenure in office, inclusive of all good cause data relied upon for issuance"

Department Response: The Department has no record of issuing any civilian Concealed Firearm License Permits after January of 2004. All Concealed Firearm License Permits have been issued only to retired San Jose Police Officers under the provisions of 12027 and 12027.1 of the California Penal Code.

Request #3: "Please provide a copy of your written CCW permit issuance policy"

Department Response: See enclosed electronic copy of the Department's 2008 Duty Manual and refer to section L8600

Request #4: "If your department defers to the other for the processing of CCW applications, please provide that policy or letter/memorandum of understanding"

Department Response: The Department has no records responsive to this request.

Gary W. Gorski

RE: Police Record - Public Records Act Request

October 23, 2009

Page 2

Request #5: "Please provide a date and time that my client can meet with your department to complete sections 6, 7, and 8 of the California Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW), and have the application 'witness' and 'signed' by the investigator."

Department Response: Please contact the Department Permits Unit at (408) 277-4452 and asked for Sgt. McEwan #3112 to discuss submitting the California Department of Justice CCW application.

Should you have any questions, please contact Sgt. Fred Mills, Office of the Chief Research and Development Unit at 408.277.5229 or via email at fred.mills@sanjoseca.gov

Sincerely,

ROBERT L. DAVIS
Chief of Police

Sgt. Fred Mills
Research and Development Unit

RLD:FM



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Exhibit "15"

DUTY MANUAL 2008



San Jose Police Department
Policies, Rules, Procedures

ROBERT L. DAVIS
CHIEF OF POLICE

Authority to Initiate	S 3700	S 3702
Authorized Codes and Definitions	S 3700	S 3701
Cancellation	S 3700	S 3706
Initiating Restricted Traffic on SJ07 (CLEMARS 5)	S 3700	S 3707
Justification	S 3700	S 3703
Method of Initiating and Initial Responsibilities	S 3700	S 3704
Additional Responsibilities	S 3700	S 3705
Police-Initiated Radio Broadcasts		
Authority to Originate	S 3800	S 3801
APB Want Broadcast	S 3800	S 3803
Administrative Broadcast	S 3800	S 3806
Crime Broadcast	S 3800	S 3807
Longevity of Police-Initiated Broadcasts	S 3800	S 3804
Public Safety Broadcast	S 3800	S 3805
Policy		
APB Want Broadcasts	S 3900	S 3903
Disposition Codes	S 4200	S 4200
Extension of "APB Wants"	S 4000	S 4001
Felony Vehicle Wants	S 4100	S 4100
General Provisions	S 3600	S 3601
Limited Radio Transmissions	S 3700	S 3701
Police-Initiated Radio Broadcasts	S 3800	S 3800
COMMUNITY RELATIONS TRAINING	S 1700	S 1707
COMPLAINT (definition)	C 1700	C 1700
Conduct Complaint – Defined	C 1700	C 1707
Policy Complaint – Defined	C 1700	C 1708
COMPLAINTS (See: Internal Affairs Unit)		
CONCEALED WEAPONS PERMIT		
Application Forms	L 8600	L 8602
Application Processing and Review	L 8600	L 8607
Fees	L 8600	L 8604
Fingerprints	L 8600	L 8603
Issuance of CCW Permits	L 8600	L 8601
Notification of Results	L 8600	L 8609
Permit Revocation	L 8600	L 8610
Policy	L 8600	L 8600
Psychological Screening	L 8600	L 8605
Restrictions on Possession	L 8600	L 8608
Training	L 8600	L 8606
CONDUCT (Also See: Ethical Responsibilities)		
Ethical Responsibilities		
Behavior Involving an Act of Discrimination or Harassment		
Toward a Member of the Department	C 1300	C 1311
Behavior Toward Other Department Members	C 1300	C 1310
Constitutional Rights	C 1300	C 1303
Courtesy	C 1300	C 1308



POLICY **NON-CRIMINAL MATTERS -**
L 8600 **CARRYING CONCEALED WEAPON**
PERMIT (CCW):

The Department seeks to issue concealed weapons permits only to those qualified persons who demonstrate a need based upon circumstances present at the time of application. It is recognized that there are many alternatives available to citizens to safeguard themselves and their families. The existence of these alternatives tends to limit the need to carry a weapon. A CCW Permit is, therefore, issued only in those extreme circumstances where other means of protection are not practical.

PROCEDURE

L 8601 **ISSUANCE OF CCW PERMITS:**

In accordance with California Penal Code Sections 12050 - 12054, the applicant must complete the following steps:

L 8602 **APPLICATION FORMS:**

The application packet may be obtained at the San Jose Police Department Permits Unit. Information may be obtained over the phone by calling the Firearms Detail. Applicants must be residents of the City of San Jose.

L 8603 **FINGERPRINT CARDS:**

Two fingerprint cards must be taken of the applicant to insure that the California Department of Justice and the FBI are able to complete an accurate criminal history background check. The San Jose Police Department must take the fingerprints at the time of application.

L 8604 **PAYMENT OF FEES:**

Two fees are paid at the time of application, one to the Department of Justice (DOJ) and one to the City of San Jose (CSJ). The amount varies depending on the type of application. These fees are non-refundable and are set by statute.

L 8605 **PSYCHOLOGICAL SCREENING:**

All applicants must undergo a psychological screening to determine their suitability to carry a concealed firearm. This testing is administered by the current Department psychologist and takes 4 1/2 to 5 hours.

L 8606 **TRAINING:**

The applicant must successfully complete the 16-hour Security Firearms Course as administered by the Department of Consumer Affairs. This training is provided by several state-certified instructors acting as private vendors. The cost may vary depending on the course provider.

L 8607 **APPLICATION PROCESSING AND REVIEW:**

Once the above steps are completed, a CCW Committee-comprised of five chief officers of the Department and chaired by the Assistant Chief of Police reviews the application packet, the results of the background check, psychological screening, and the firearms training course. Their recommendations are then forwarded to the Chief of Police for final approval or denial.

L 8608 RESTRICTIONS ON POSSESSION:

In accordance with state regulation, the reviewing committee can recommend to the Chief of Police that the carrying of the weapon be restricted to certain occasions and/or circumstances. These restrictions, when approved by the Chief of Police, will be plainly noted on the permit.

L 8609 NOTIFICATION OF RESULTS:

All applicants are notified in writing of the results of their application for a CCW. Bear in mind that in California it is wholly within the discretion of the issuing authority whether or not a permit will be issued.

L 8610 PERMITS REVOCATION:

All concealable weapons license applications, whether they are for a new or renewal license, are subject to the following restrictions: Restriction violations of this license may constitute an immediate revocation and subject the bearer to provisions of 12025 of the Penal Code. Additionally, the license may be seized by any police officer and returned to the San Jose Police Department, Office of the Chief of Police. While exercising the privilege granted to them under the terms of this permit, permittees shall not do any of the following:

- Consume any alcoholic liquor.
- Represent to any person that they are police officers unless they are, in fact, peace officers defined by law.
- Abuse this privilege by an unjustified display of a deadly weapon.
- Violate any law of this state, county or city.
- Be under the influence of any medication or narcotic drug.
- Impede law enforcement officers in the conduct of their activities.
- Refuse to display said permit or to surrender said concealable weapon to any peace officer for inspection upon demand.