

## REBUTTAL AND ADDITIONAL FACTS TO SAN DIEGO SHERIFF'S DEPARTMENT

The California Penal Code Sections 12050 to 12054, clearly establish a uniform application process which establishes specific mandates and prohibitions directed to issuing authorities and applicants pertaining to CCW applications, approvals, denials etc.

The California Penal Code clearly permits and prohibits certain actions that may or may not be implemented in the CCW application process. Available information and facts document the fact that a patchwork of policies, procedures and practices has been adopted by various issuing agencies which create a **rules de jour** situation on a county by county, agency by agency, applicant by applicant basis. The California Penal Code is clearly silent and brings into question many current policies and practices implemented by issuing authorities across the state of California

### PUBLISHED ON SHERIFF'S DEPARTMENT STATIONARY

March 16, 2009

To: A. Skoglund, Commander  
Law Enforcement Operations - Area 1

From: **Blanca Pelowitz, Manager**  
License Division

Subject: Edward Peruta - **CCW GP25466**

The CCW application background investigation for CCW Peruta has been completed. The results of the investigation failed to substantiate good cause for the issuance of the license. In addition, the results of the investigation reflect doubt and uncertainty as to his "permanent" residency in San Diego County and reveal certain negative character issues.

On November 17, 2008, Edward Peruta initially came in to request a CCW license and was interviewed by Donna Burns, Licensing Supervisor. Mr. Peruta was very vague with his answers and was mainly interested on what the Departments policy for issuance and residency requirements were. On December 4, 2008 Peruta came back to the building to deliver to the legal department what he called "FORMAL INQUIRY AND REQUEST FOR CLARIFICATION" related to CCW P&P. Peruta finally submitted the application February 3, 2009 after trying to challenge staff and department policy. Peruta seems to be seeking and preparing to challenge the department if he is denied. He has made that point clear to staff, and other Law Enforcement agencies throughout the County (**SDPD & CLERB**). See **Millie's report**.

The primary reasons Peruta is requesting a CCW vary from ... he is a resident of the County, he travels in his motor home, and/or enters high crime areas as part of his media and legal investigative activities. What ever business he conducts in this State if any, is not currently registered anywhere,

The information gathered by Millie Pai, Licensing Specialist outlines in detail the concerns and issues with Mr. Peruta and the fact he does not meet the 3 main issuing criteria as prescribed in §12050 et seq. Mr. Peruta has made it clear even to staff that he is one to challenge and seems to be making it a goal to have a ccw issued in every state he travels.

Therefore, based on the results of the investigation and the **lack of credibility** as well as **lack of satisfactory supporting documentation** in meeting the main criteria, **I recommend denial**.

Every statement made in the above Sheriff's department document has been responded to on a sentence by sentence basis.

**SENTENCE/STATEMENT: The CCW application background investigation for CCW Peruta has been completed.**

The Los Angeles property referenced in the background investigation is the pre marital property of my wife Lois Sigafos-Peruta, and is recorded on the Los Angeles land records exclusively under her name. My wife Lois Sigafos-Peruta has since purchasing same, maintained the California home as her permanent Domicile

With the exception of Chief Michael Custer of the Rocky Hill Police Department, NO local San Diego County references that I provided were contacted or interviewed to verify information as to residence, background or character. The background investigation appears to have consisted of review of documents submitted to the Sheriff's Department, review of my written and verbal presentation to the San Diego County Citizens Law Enforcement Review Board, my visit to the lobby desk of the San Diego Police Department where I attempted to make a legitimate department policy inquiry, a written questionnaire sent to a CT. Police Chief and phone calls and conversations made to various staff employees of the Town of Rocky Hill, CT, who although correct, provided answers that led an inexperienced Sheriff's Department employee to improper conclusions on the part of the San Diego Sheriff's Department investigator(s).

With very little effort or a few simple questions, any investigator could have verified that my wife and I have several residences in several states, including but not limited to a bedroom, dresser and closet of clothes and access to the entire house at (Redacted Address in San Diego). We also own and reside in our motor home while in San Diego.

**The CCW denial letter was sent to and received at, (address redacted), was placed on my chest by the owner of the property, while sleeping in our bed in our bedroom at that location.**

The investigator checked with Campland on the Bay, but did not contact or check with the Admiral Baker military RV Park, California State Parks, Camp Pendleton's Delmar Cottages and RV camping area, or other RV camping areas or Casinos in San Diego County. I am in possession of a Military Identification Card, a National Park Golden Access Pass and a California Disabled Veteran/Prisoner of War Pass which allows the bearer space available FREE RV camping at State parks throughout the State of California.

As for any question regarding my media status, Connecticut, has for the past 30 years realized that government agencies **may NOT** determine and **regulate by license, permit or credentials**, ANY members claiming to be members of the Media under provisions of the First Amendment of the United States Constitution or the Constitution of Connecticut. The issue arose approximately 30 years ago when the Connecticut State Police tried to make decisions regarding who would and who would not be issued State Police Press Credentials.

A paper that published weekly printed news that the State Police didn't like. When they applied for media credentials, they were refused and challenged the entire system successfully.

Unfortunately, my plans on exercising my rights to gather and disseminate news, information, Still Photos and Videos in San Diego was hampered by a current media policy that prevented me from doing so with the benefit of media credentials, a policy that will be addressed in the future.

**For the record, I am NOT at this time, an active advocate or participant in the OPEN CARRY MOVEMENT in California, but I am likely to OPEN CARRY UNLOADED because of the failure to issue the applied for Permit to Carry Concealed.**

If left with no other choice, I will OPEN CARRY UNLOADED without regard to the facts, circumstances or costs, and deal with any related issues as they arise.

**STATEMENT:** The results of the investigation failed to substantiate good cause for the issuance of the license.

The required “good cause”, does not have to be proven or substantiated as does “good moral character” as evidenced by the lack of the word “and” between both elements in the first paragraph of California Penal Code Section 12050., and is not limited to good cause issues exclusive to San Diego County, as evidenced by the flyer posted by the Ventura County Sheriff’s Department and rejected by the San Diego Sheriff’s Department.

Criminals, crime and threats to life and property are found and documented in every community in California and the United States.

The Sheriff upon receipt of proof that the person applying is of “good moral character”, and presentation of a statement of “good cause” as expressed by the applicant to the investigator whether verbally or in writing in the standard application, meets two of the basic elements to qualify for a CCW permit.

The Sheriff was provided in writing as part of the Standard CCW application a written statement of good cause, as mandated by Ms. Donna Burns together with a copy of the Ventura County Notice which was submitted as a late exhibit to the standard application.

**The Sheriff’s Department of Ventura County considered the threat to individuals (regardless of their place of residence or domicile), serious enough to post warnings of current and possible criminal activity along the Pacific Coast highway in their county and on their official website. To post this warning, the Ventura County Sheriff’s Department acknowledged that individuals residing in their RVs may become victims of criminal acts.**

**In order to provide equal protection under the law, the Sheriff has a duty and responsibility to evaluate all new statements of good cause against past and present approved statements that have resulted in CCW permits being issued throughout the State of California.**

If there is no central location where existing approved statements of good cause are stored, evaluated and available in redacted form for public officials and applicants to review and compare, then the only vehicle to do so is the **civil discovery** phase of any litigation. Her requirement that the applicant fill in section 7 of the standard application directly contradicts the written instructions supplied with the application and is evidenced by the online fill in PDF form which doesn’t allow the investigators section to be filled in by the applicant prior to printing same for submission. [http://www.sdsheriff.net/licensing/ccw\\_app.pdf](http://www.sdsheriff.net/licensing/ccw_app.pdf)

I believe that the San Diego Sheriff’s Department has known and currently knows the provisions of the California Penal Code sections that pertain to the CCW statewide standardized application process.

Completing the Application **(DOJ form BCIA 4012 (6/99))**

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.**

**SENTENCE/STATEMENT:** In addition, the results of the investigation reflect **doubt and uncertainty** as to his "**permanent**" residency in San Diego County and **reveal certain negative character issues.**

Any "doubt and uncertainty" resulting from the "completed" investigation may originate with San Diego Sheriff's Department personnel being improperly trained and/or unfamiliar with proper investigative techniques. Individuals involved in this investigation may also lack the required understanding of Federal and Connecticut provisions for operating a business, the First Amendment prohibition against establishing ANY laws, regulations and policies specifically limiting the freedoms of the PRESS/MEDIA, and a current lack of understanding of the relevant provisions of the California Penal Code pertaining to CCW permits. At no time was I contacted or asked to clarify any issues or answer any questions by Millie Faiai, Sheriff's Licensing Specialist. The San Diego Sheriff's Department and Millie Faiai, appear (I believe), to have a belief that applicants for CCW permits must maintain a "**PERMANENT**" residence in San Diego prior to making an application for a CCW permit application. This appears to have been done without any concept or research into the actual wording of the Penal Code in Section 12050 or any research into **the difference between residency and domicile.**

At no time did any member of the San Diego Sheriff's Department contact or seek information from George or Gloria Henderson, regarding the room that my wife and I have maintained in their home which consists of a bed, dresser, closet full of our clothes and other personal possessions for a period of approximately 16 years.

**It appears, and has appeared, since first contact with the San Diego Sheriff's Department that the department does not understand or follow the specific provisions of the California Penal Code as it pertains to CCW license applications.**

**Without being provided with any supporting specifics of the "negative character issues" as stated, I am left to believe that my previous law enforcement training, ability to read and understand the provisions of the California penal code, together with my willingness to SPEAK FREELY AND QUESTION AUTHORITY may have raised concerns with an improperly trained person regarding past and present policies, procedures and practices.**

**It is evident as demonstrated in the written record, that the staff and supervisors in the license and permits section were not comfortable with having to answer questions made by an applicant, and became very upset and unnerved when confronted with the facts which documented their improper conduct.**  
(SEND EMAIL TO DONNA BURNS regarding initial interviewer)

**SENTENCE/STATEMENT:** On November 17, 2008, Edward Peruta initially came in to request a CCW license and was interviewed by Donna Burns, Licensing Supervisor.

My initial appearance at the Sheriff's Department was approximately a week prior to November 17th, as I had initially attempted to speak to someone on the topics of obtaining a CCW and submitting a firearms training course for approval prior to the November deadline. I believe I spoke with Donna Burns.

The date November 17th referenced in this statement was the initial appointment date given to me during the previous week. The original submission of a firearms safety course is dated November 12, 2008. After reading and familiarizing myself with the provisions and requirement of the California Penal Code Sections 12050 to 12054 and the instructions printed on the standard CCW application, I proceeded to the Sheriff's Department License and Permit section, without an appointment, **signed in to a written log**, and when called, made inquiries of staff to ascertain information regarding my planned CCW application and submission of a firearms training curriculum for approval,

During the initial contact, I asked questions and was informed that two appointments would be required to submit an application as part of the CCW process and explained my Instructor certification with the NRA and pending approval of a course of instruction with the State of Connecticut Department of Public Safety for Permits to Carry Pistols or Revolvers.

I explained to Ms. Donna Burns, that I had read and familiarized myself with the minimum CCW training requirements and would adapt and edit my Connecticut Firearms Training Course curriculum to comply with the California Penal Code requirements and any additional requirements of the San Diego Sheriff's Department.

The first draft of my proposed training course was submitted on November 12, prior to any expiration date as explained in the written documentation supplied by Ms. Burns. Evidence in the form of emails and cell phone records will document that repeated problems with communicating with both Donna Burns and Deputy Steve Winchell of the Weapons Training Unit delayed and prevented the timely submission of the course outline which was initially submitted on Wednesday November 12, 2008.

On or about November 25, 2008, approximately eight days after submitting the initial training course, I was informed by Donna Burns, (who claimed she couldn't get me on the phone that my CCW course required a syllabus, which was immediately submitted on November 25, 2008. Ms. Burns also informed me that the delay in approval was due to approximately 18 courses being reviewed for approval by Deputy Steve Winchell, and further informed me that she was unable to give any contact information for Deputy Winchell.

**STATEMENT:** Mr. Peruta was very vague with his answers and was mainly interested on what the Departments policy for issuance and residency requirements were.

Any vagueness in my verbal answers could have and would have been non existent had Ms. Burns agreed to look at, read or accept my written statement regarding good cause. Ms. Burns and the other members of the permit unit seem to believe that just cause for personal protection requires police reports, TROs, ROs or some type of police or court document to establish "PROOF OF GOOD CAUSE".

Having read and familiarized myself with the California Penal Code Sections pertaining to CCW permits together with the instructions for filling in the DOJ standard application, I attempted to supply Ms. Burns with a computer generated typed attachment where I had reduced to writing the answers to every question in The Investigators Note Section through the end of the application. My typed answers were complete including but not limited to a detailed explanation of my proof of good cause minus the posted flyer printed and publicly and posted by the Ventura County Sheriff's department which I submitted on a later date as an example of what I was explaining in my statement of good cause. I also had a rather lengthy in depth discussion with Ms. Burns regarding the difference between residence and domicile and my belief that the Sand Diego Sheriff's

Department was applying incorrect criteria to determine residence as used in California Penal Code Sec. 12050-12054.

I could not convince her that there is a **distinct difference between residence and domicile** when used in the law. I further explained that because there is no definition section contained in the firearms section of the California Penal Code that one must adhere to the commonly used basic meaning of the word.

Ms. Burns apparently was not willing to entertain any questions, suggestions, advice, instruction or assistance from a member of the public, regardless of whether the individual was right or wrong. This attitude became even more evident after receipt of the denial letter and she was questioned about **collecting 100% of the CCW permit fees** with the application during the second interview, which is in direct conflict with, and clearly prohibited by the California Penal Code. I explained to Ms. Burns and other members of the License unit my brief involvement in law enforcement, my current involvement as a legal investigator for one or more Attorneys in CT, and further explained my extensive involvement in firearms research, investigations and litigation in CT where the difference between residence and domicile was a major issue which was properly researched and resolved as part of a case before the Connecticut Firearms Permit Review Board.

The total disregard of my concerns, together with the unwillingness of the Sheriff's Department staff to review and explain their position(s) in writing, did inform members of the license and permit unit that I was prepared to litigate the issue if I was denied a CCW permit by any misinterpretation of the penal code regarding my established 15 year residency status in San Diego, County.

**SENTENCE/STATEMENT:** On December 4, 2008 Peruta came back to the building to deliver to the legal department what he called **FORMAL INQUIRY AND REQUEST FOR CLARIFICATION**" related to CCW P&P.

Realizing that a major misunderstanding with members of the license and permit section could not be resolved, In early December, I attempted to seek clarification on one or more issues with the Sheriff's Department Legal staff in hopes of resolving the CCW application issues without the need for further complaints or litigation. In response to my request to legal, I received a written response dated December 9, 2008, which assured me as follows:

“The Sheriff's Department is in receipt of your letter dated December 5, 2008, inquiring about the requirements for CCW permits. I have referred your inquiry to the Sheriff's Licensing Division. You may **expect a response within 2 weeks.**”

Attorney Toyen's letter assured me that I would be contacted by someone in the license and permits section within two weeks.” Having not heard within the two week time period, (9+14=23), as stated in the letter from Attorney William Toyen, I proceeded to the license and firearms unit on Friday December 31, 2008 (a full eight days after the two week period), and arrived without an appointment and signed in at approximately 10:15 am. I presented Attorney Toyen's letter of December 9, 2009, explained that it was the reason for my visit and proceeded to wait approximately 25 minutes before being invited to speak to **Blanca Pelowitz**. I had a meeting and discussion with Blanca Pelowitz the unit manager who informed me that she was totally unaware of the letter that I had received, and that there was nobody in legal to discuss the matter. During our discussion, I made her aware of my concerns regarding several issues, including but not limited to the residency vs. domicile issue, and further explained that I would like the issue resolved **prior to submitting any application or paying the any fees** to do so. Again, (like with Ms. Burns), I explained my background and involvement with firearms issues and made it very clear that I would if necessary litigate any unresolved issues pertaining to my ability to obtain a CCW permit in San Diego. Ms. Pelowitz assured me that the department would comply with the provisions of the Penal Code and that she would get back to me after speaking with legal after the holiday weekend.

It was no surprise that I did not hear back from Ms. Pelowitz or any other member of the firearms unit regarding my issues, concerns and questions. I have over the past 35 years been ignored and treated in a similar manner and forced to resolve similar issues and questions of law through administrative or legal proceedings.

**STATEMENT:** Peruta finally submitted the application February 3, 2009 **after trying to challenge staff and department policy.**

**For the record, I believe that this single statement clearly explains the reason for the denial of my CCW application.**

In a written response to the Sheriff's Department's legal advisor, I stated my belief that my CCW permit would be denied if submitted, and attempted to resolve any issues prior to doing so. Attorney Toyen, the Sheriff's legal advisor, in his letter of response dated February 3, 2009, went as far as to encourage **me to seek the answers to my questions in a different forum if I was denied.**

I did and will continue to question public employees who fail to understand the provisions of the law, especially those that don't like being challenged and try to explain themselves by saying, "Because that is what we are told to do"

As an individual who has maintained a residence in San Diego for the past 15 plus years, I have the right to question authority and ask questions of public officials and employees.

I've dedicated my entire adult life to living by the law and helping others who don't have the knowledge or resources to do so. I do not deny that I have challenged the policies of the San Diego Sheriff's Department, and will continue to do so until the issues I have found are addressed and resolved by whatever administrative or judicial body hears the facts and renders a decision.

**SENTENCE/STATEMENT:** Peruta seems to be seeking and preparing to challenge the department if he is denied.

**The only alternative would be to walk away, accept the actions and decisions without question, and simply subject myself to possible unjustified and illegal actions and decisions on the part of public officials and staff.**

Because I sensed a problem, based on my extensive experience in similar matters, **I chose to document my actions and questions,** knowing full well that certain public officials tend to follow guidelines and directives regardless of whether they are right or wrong, legal or illegal until challenged and forced to do the right thing or comply with the law.

As suggested by Attorney Sanford Toyen in his letter of February 3, 2009, and I quote:

"If your application is denied, and you believe the Sheriff's Department applied an erroneous definition of "residency", **you may avail yourself of whatever legal remedies are available to you** at that time.

But until such time that the Sheriff's Department receives an application from you, we will not attempt to prejudge the merits of any **"particular hypothetical situation."**

**My response to Attorney Toyen's February 3, 2009 letter was on point, accurate appropriate and now a matter of public record. The situation is no longer a "particular hypothetical situation" and could have been discussed and resolved without the need for me to retain legal counsel at considerable unnecessary expense. This is no longer a hypothetical situation, its real!**

**SENTENCE/STATEMENT:** He has made that point clear to staff, and other Law Enforcement agencies throughout the County (SDPD & CLERB). See Millie's report.

I always attempt to resolve issues prior to filing administrative or civil actions, and have nothing to hide or be ashamed of in this particular situation. Many facts and documents are still to be obtained and reviewed, but my news and legal background tells me that there is much more to this story. Consider this, one or more members of the Sheriff's Department may have participated in a scheme to "OBTAIN MONEY BY FALSE PRETENSES". The facts are clear, the evidence readily available, and a complaint may be made to Internal Affairs, the local District Attorney or the Attorney General's office.

**SENTENCE/STATEMENT:** The primary reasons Peruta is requesting a CCW vary from ... he is a resident of the County, he travels in his motor home, and/or enters high crime areas as part of his media and legal investigative activities.

This statement does not dignify a response.

For the record: The **PRIMARY** reason I submitted an application for a CCW permit was to conceal the weapon that I will now be forced to carrying openly in plain sight for everyone to see and react to.

As a reasonably intelligent 60 year old adult, who has served in the military and on a police department, I know that the only difference between open carry and conceal carry is inserting the magazine and chambering the first round.

I was mistaken in my belief that law enforcement in San Diego California preferred and advocated concealed carry, and amazed that law enforcement prefers to force individuals to carrying openly.

I made application because my wife and I often find ourselves in areas where there is no ability to summon public safety short of owning a satellite phone or ham radio. The fact that we maintain several residences and currently have the time, health and financial resources to travel throughout California and other states creates situations totally different from someone who has one residence and domicile.

Had any investigator conducted a face to face interview and asked for more details they would have been told the exact amount of emergency U.S. currency kept on hand together with other items of extreme value such as jewelry and media equipment that is maintained in our motor home.

**SENTENCE/STATEMENT:** What ever business he conducts in this State if any, is not currently registered anywhere.

This comment has nothing to do with the current application which was not submitted for business purposes.

**SENTENCE/STATEMENT:** The information gathered by Millie Paiai, Licensing Specialist **outlines in detail** the concerns and issues with Mr. Peruta and the fact he does not meet the 3 main issuing criteria as prescribed in §12050 et seq.

All three main issuing criteria have been met.

**SENTENCE/STATEMENT:** Mr. Peruta has made it clear even to staff that he is one to challenge and seems to be making it a goal to have a CCW issued in every state he travels.

Regardless of what the writer seems to believe, I have never thought of, planned or attempted to have a CCW

issued to me in every state I travel in. I currently have a Connecticut permit that does not have reciprocity with other states, I have a Utah permit that allows me to carry concealed in many states, and I have a permit pending with the State of Florida which also has reciprocity with many states. I applied for a permit in California as a resident entitled to do so, and require the permit so that I may carry concealed rather than openly together with the fact that California does not have reciprocity or recognize any of the out of state permits I currently possess or may obtain .

**SENTENCE/STATEMENT:** Therefore, based on the results of the investigation and the **lack of credibility** as well as lack of satisfactory supporting documentation in meeting the main criteria, I recommend denial.

To deny my CCW permit and then go on in writing to claim that I lack credibility is a personal attack that will not, and can not, go unchallenged.

I will, based on statements made upon the public record, expend whatever funds it takes, and go to whatever administrative or legal forum necessary, to clear up the published “**doubt and uncertainty**”, or beliefs and findings which led to the statements that I may have a “**lack of credibility**”, and have “**certain negative character issues**”.

**The current Federal law suit will allow a Federal Judge to decide among other issues, whether or not I lack credibility or have certain negative character issues.**

**WRITTEN INVESTIGATIVE FINDING OF MILLIE FAIAI, SHERIFFS LICENSING SPECIALIST**

**March 7, 2009**

TO: Blanca Pelowitz, Manager (0-41)  
Sheriff's License Division

Millie Faiai, Sheriffs Licensing Specialist (O-41)  
Sheriffs License Division

VIA: Chain of Command

On February 10, 2009, I received the file on Edward Allan PERUTA who submitted an application for a CCW license on February 3, 2009. PERUTA is retired and travels throughout the country in his RV. PERUTA lists numerous reasons on his CCW application for desiring a CCW license. He listed the following:

He and his wife like other individuals who maintain a mobile home/residence often carry large sums of cash, valuables and equipment in the motor home.

He and his wife while traveling in their mobile residence, often find it necessary to stop and spend evenings in extremely remote rural areas of the United States and the State of California where there is no means to contact or summons assistance in the event of a public safety emergency.

He and his wife are fearful of the possibility that they and their mobile residence may become the target of criminal acts and violent crime(s) while spending nights in remote areas where in many situations, there are no means to summon public safety personnel.

He is also the founder and Bole stockholder of American News and Information Services Inc. and often gathers and disseminates breaking news video and still photographs together with timely information as an active member of the news media and legal investigator. As a full *time* member of the media and part time legal investigator, who specializes in breaking news and information he travels throughout the United States and California for business and pleasure. He often finds it necessary to enter high crime areas and location where there is no opportunity or means to summon assistance while performing his assignments.

When I received PERUTA'S application, it shows he was interviewed by Donna BURNS (License Supervisor) on November 17 2008, for the initial phase of the CCW application process. **He was advised, by BURNS he did not meet the criteria for a CCW license.** PERUTA not satisfied with this returned in December 2008 and again in January 2009 to speak with Blanca PELOWITZ (Manager.) who also concurred with the information given to him by her staff

Despite the fact that **PERUTA** was told, he did not meet the criteria for a CCW license PERUTA insisted this office accept his application. PERUTA **was advised that no monies would be refunded** once his application was accepted.

While reviewing PERUTA'S application he did not provide any current documents (i.e. police reports, **TRO**, etc) to substantiate or support his need for a CCW license based on the reasons he listed. The residence address PERUTA listed on his application, (REDACTED Drive, San Diego CA 921XX, is owned by his wife's sister and brother-in-law (Gloria and George REDACTED) who also reside there. I conducted a search of the County of San Diego's assessor's database as well as the Registrar of Voters system to determine whether PERUTA owns property(s) or is registered to vote in San Diego County. The searches produced "no record" results. I also conducted an ARJIS search to determine if there were any reports of threats or violence against PERUTA and his family also with no results. PERUTA lists his business as American News and Info Services located at, 38 Parish Road in Rocky Hill, Connecticut 06067. I conducted search of that business and address and it revealed the property is a single family residence owned by PERUTA (Hartford County Assessor #14-01-004.39). Also, listed on his application was a mailing address in Pensacola, Florida. The background investigation revealed PERUTA has a single family residence located at, 2036 20<sup>th</sup> Avenue SW in Vero Beach, Florida 32962 (Indian River County Assessor #33393500002146000007,0) and another one at 8120 Holy Cross Place in Los Angeles (LA County Assessor #4113-006-005).

On 03/4/09, I called the Finance Department (860-258-2720) in Rocky Hill, CT to verify whether PERUTA'S business was still active. I spoke with Kathy who referred me to the Town Clerk's office. Kathy asked me the name of the business and told me she wasn't familiar with it. I called the Town Clerk's office (860-258-2705) and spoke with Linda who said a business has to file a trade name with that office and then pay taxes to the Assessor's Dept. **in order to conduct business** American News and Information Services, Inc. filed a trade name in 1997 by Edward PERUTA. Linda said a person can file a trade name but it does not necessarily mean they are in business, I asked Linda if this filing was something like a Fictitious Business Name statement and she said "yes". The only way to verify whether they are in business is to check with the Assessor's office and she transferred me. I spoke with Cassandra (Assessor's Dept.) who checked the business name, address and owner information and could not find anything in their system. Cassandra said if the business was paying taxable personal property for the business it would have shown on their database. **Based on our conversation PERUTA does not have a valid business license in Rocky Hill, CT at this time.** However the business is filed as an active corporation in the State of Connecticut and not California.

On 03/04/09, I called Jocelyn PEREZ (Los Angeles's Sheriffs Dept.) who processes CCW licensee in Los Angeles County. Since PERUTA has a residence in Los Angeles I wanted to find out whether he had applied to their department as well. PEREZ left me a message stating she checked their files and have no record of PERUTA applying with them.

On 03/04/09, I called Campland on the Bay because PERUTA stated, on the initial application he submitted, **he resides full time at this facility**, I spoke with Kim (Reservations Office) who said they offer long term stays which is 30 days or more up to a maximum of 270 days in a calendar year. Because they are a **transient** park, they have the campers vacate every 90 days for at least 24 hours then they can return. I asked whether PERUTA was a camper at their park and she stated he reserved the spot on November 15, 2008 until April 15, 2009. Kim, checked her records and stated he was also at the campgrounds in February 2007 to April 2007 but showed nothing for 2006.

On 03/04/09, I received information regarding a telephone call received from SDPD Officer LIMON regarding an incident at their front counter involving PERUTA. I called the phone number provided (619-531-2231) and spoke with Officer HARVEY. HARVEY stated his partner Officer LIMON was the one who had dealt with PERUTA but was out due to a family emergency. HARVEY stated he would be speaking to LIMON later in the afternoon and would have him send me a narrative of the incident via Interoffice (**see statement by LIMON**). It should also be noted that PERUTA attended the Citizens' Law Enforcement Review Board (CLERB) meeting on December 9, 2008, and addressed the Board requesting clarification on the California Penal Code sections 12050 through 12054 pertaining to the Sheriffs Department's denial of his application for a concealed weapon permit (**see attached minutes**)

Although PERUTA travels extensively throughout the United States and has property in Florida and Los Angeles) California, **based on the information revealed** during the background investigation it appears PERUTA'S **primary residence** and business is in Rocky Hill, Connecticut. PERUTA is also registered as a voter there.

In reviewing PERUTA'S reasons for the CCW license it appears his main reason in applying for a CCW is to have it when he's traveling throughout the country in his RV.

On 03/09/09, PERUTA showed, up at the license counter to submit **HIS 8 HOUR BASIC SAFETY COURSE**. He also provided a photo of a Theft Warning notice that he wanted to submit as proof of his need for a COW license. Since the notice is posted for the Rincon Beach Campers in **Ventura County** (not San Diego County) **this document is not sufficient proof**.

One of the requirements an applicant must meet when applying for a COW license is to show "good cause." PERUTA listed **numerous reasons** for a CCW license, but did not provide any **sufficient document(s)** that would support his need. Although he was advised by licensing staff he did not meet the criteria for a ccw license, **he insisted on submitting the CCW application for Processing**.

The **"burden of proof" lies solely on the applicant** to **provide the necessary documents** to substantiate his reason(s) for a CCW license. It is his responsibility to make sure these documents are submitted to show "**good cause**" and the "need" for a CCW license. PERUTA **failed to provide any of these** upon submission of his application. I could not locate any report(s) of past/current threats against PERUTA or his family.

Therefore, based on the **information revealed during the background investigation** and the fact that **PERUTA has failed to provide the necessary documents to substantiate and/or support his need** for a CCW license, **this office recommends denial of his CCW application for "good cause"**.

Submitted By,

Millie Faiai, Sheriffs Licensing Specialist  
Sheriffs License Division  
Attachments