

William B. Kolender, Sheriff
San Diego Sheriff's Department
P.O. Box 939062
San Diego, California 92193-9062

Attention:

Office of the Sheriff – Legal Affairs Unit
Attention: **Sanford A. Toyen**, Legal Advisor

Office of the Sheriff – Licensing Division
Attention: **Bianca Pelowitz**, Manager

William Gore, Al Guerin Robert Ahern, James Cooke, Kim Quaco, John Gains, Jan Caldwell, Andy Chmielinski, Lori Bird, John Ingrassia, Michael McNally, Rich Miller, Anthony Nares, Ed Prendergast, Glenn Revell, Alan Skoglund, Agoston Haraszthy, Robert Faigin, John Madigan, Sanford Toyen, Maria Marshall, Brian Sampson, Mary Walsh, Weapons Unit Commander

Re: **Second FORMAL INQUIRY AND REQUEST FOR CLARIFICATION**

As you know, I submitted a written inquiry/request, (included in this letter) to your department on December 5, 2008.

At the time of my request, I also made your department aware of the fact that I had sent a copy of my correspondence to the County Law Enforcement Review Board together with a request to address them at their December 9th 2008 meeting.

At the meeting of the County Law Enforcement Review Board I stated my belief that the San Diego County Sheriff's Department is improperly applying the definition of domicile to the Penal Code requirement of residency for CCW permits.

In the response by Attorney Sanford A. Toyen dated December 9, 2008, I was assured that a response would be made in two weeks.

On December 31, 2008 at approximately 10:15am, I presented myself to your department and met with Bianca Pelowitz, manager of your Licensing Unit, who informed me that my presentation to her of the December letter was the first she had heard of my request.

At the meeting with Ms. Pelowitz, I made her aware of my belief that my request was being ignored.

Ms. Pelowitz in our meeting on 12/31/08, assured me that she would look into the situation and get back to me.

On or about January 26, 2009, I again presented myself to the Permit and Licensing Unit and spoke with an employee named Donna who informed me that Ms. Pelowitz was not available at the time.

I believe that I have been very reasonable in waiting for the response that was promised, and now find myself looking to other more formal ways to resolve the issue of residency as addressed in my letter of December 5, 2008.

With this letter, I formally request a timely resolution to this issue.

Respectfully,



Edward A. Peruta
American News and Information Services Inc.
860-978-5455

FORMAL INQUIRY AND REQUEST FOR CARIFICATION

Friday, December 05, 2008

San Diego County Sheriff's Department
9621 Ridgehaven Court
San Diego, CA 92123

Attention: **Sheriff William Kolender**, William Gore, Al Guerin Robert Ahern, James Cooke, Kim Quaco, John Gains, Jan Caldwell, Andy Chmielinski, Lori Bird, John Ingrassia, Michael McNally, Rich Miller, Anthony Nares, Ed Prendergast, Glenn Revell, Alan Skoglund, Agoston Haraszthy, Robert Faigin, John Madigan, Sanford Toyen, Maria Marshall, Brian Sampson, Mary Walsh, Weapons Unit Commander, License and Permits Unit.

To Whom It May Concern:

The undersigned Edward A. Peruta is in need of a clarification on the current policies and practices of the San Diego County Sheriff's Department which mandate questionable requirements regarding the required "**RESIDENCE**" of applicants for CCW permits in San Diego County.

THE ISSUE

California Penal Code Sections 12050 thru 12054 require CCW applicants to be a "**RESIDENT**" of the city or county in which application is made.

In order to properly understand the law and instruct individuals in the mandated requirements to obtain a CCW permit in California, I have conducted an extensive review of the California Penal Code regarding firearms and CCW permits

This document is prepared and submitted in an attempt to seek a clarification and understanding of the legislative intent and requirements imposed upon the San Diego Sheriff's Department by the California Legislature through their use of the term "**RESIDENT**" as it appears in the California penal code.

Recent events lead me to believe that the San Diego Sheriff's Department is currently requiring CCW applicants to establish and maintain what amounts to a "**DOMICILE**" in San Diego County in order to make application for a California CCW permit.

A serious issue may currently exist where members of the California law enforcement community, by their written and verbal directives, policies, procedures and practices have exceeded the mandates of the California Penal Code by expanding the definition of "**RESIDENT**" in a manner that compels applicants to establish or maintain a "**DOMICILE**" in the geographical area where the application is submitted.

If, any incorrect application of the penal code through the restrictive nature of requiring applicants to establish and/or maintain a "**DOMICILE**" rather than a simple "**RESIDENCE**" it is incumbent upon law enforcement to immediately correct the situation.

If after any review, it is found that a more restrictive definition of the term "**RESIDENT**" is currently being incorrectly applied to deny current and future applicants their rights under current California law, it may in fact evidence a clear and unmistakable abuse of power by those who implement the policies and practices of the Department.

The following four questions are posed regarding this issue:

Is there a clear and defined difference between a person who maintains a residence and person who maintains a domicile?

Can an individual in San Diego County maintain a residence in the county without establishing a domicile?

For purposes of applying for a CCW permit in San Diego County, may applicants have more than one residence?

What are the minimum legal time and fact requirements to establish or maintain a RESIDENCE in applying for a CCW permit in the State of California?

Respectfully Requested,



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