

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
SUPREME COURT

---

JARREN GENDREAU, :  
Petitioner :  
 :  
v. : Case No. SU 13-0055  
 :  
JOSUE D. CANARIO, :  
In his capacity as Chief of Police of :  
The Bristol Police Department :  
Respondent :

---

**OBJECTION TO PETITION FOR CERTIORARI FROM THE DENIAL OF A  
CONCEALED CARRY PERMIT BY THE BRISTOL POLICE CHIEF**

---

Michael A. Ursillo, Esq. (2676)  
Bristol Town Solicitor  
**Ursillo, Teitz & Ritch, Ltd.**  
Two Williams Street  
Providence, RI 02903  
(Tel) 401-331-2222  
(Fax) 401-751-2427  
Email: [mikeursillo@utrlaw.com](mailto:mikeursillo@utrlaw.com)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
SUPREME COURT

---

JARREN GENDREAU,  
Petitioner

v.

JOSUE D. CANARIO,  
In his capacity as Chief of Police of  
The Bristol Police Department  
Respondent

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. SU 13-0055

---

**OBJECTION TO PETITION FOR CERTIORARI**

**I. Introduction**

**A. Regulatory Framework**

It is illegal in Rhode Island to carry a pistol or revolver in public without the appropriate license or permit. R.I. Gen. Laws § 11-47-8 (“No person shall, without a license or permit ... carry a pistol or revolver in any vehicle or conveyance or on or about his or her person whether visible or concealed”). There are two avenues by which an individual may procure a license to carry a pistol or revolver in Rhode Island. First, an application may be made to the Attorney General, who may issue pistol permits to persons over the age of 21, “upon a proper showing of need.” R.I. Gen. Laws § 11-47-18. Second, “[t]he licensing authorities of any city or town shall ... issue a license or permit ... if it appears that [an] applicant has good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver, and that he or she is a suitable person to be so licensed,” provided the applicant meets an age and residency or place of business requirement. R.I. Gen. Laws § 11-47-11.

The Town of Bristol, Rhode Island (“Town”) has developed a policy regarding the power delegated to it by the General Assembly to license individuals to carry a pistol or revolver, set forth in the Town’s “Weapons Carry Permit Packet” (“Regulations”). See Ex. A. The Town requires an application pursuant to R.I. Gen. Laws § 11-47-11, as well as a fee of \$100.00.<sup>1</sup> The Town also conducts a background check, including a check of court records and other sources for “pending criminal cases, restraining orders and/or discrepancies in the applicant’s background, including prior history of mental illness.” Ex. A at 3. The Town does not issue permits to anyone who is forbidden to possess or carry a firearm by state law, federal law, or court order. Id.

The Regulations then set forth several factors that guide the Town when making a determination as follows:

---

<sup>1</sup> The Petitioner contends that the \$100 fee is ultra vires because R.I. Gen. Laws § 11-47-12 does not explicitly authorize a fee of \$100. This contention is incorrect. Section 11-47-12 requires a \$40 fee to be assessed that will be applied “for the use and benefit of the city, town, or state of Rhode Island.” There is nothing in the law forbidding additional fees related to the processing of the application for a pistol permit. The Rhode Island Constitution in article XIII, section 5, states that “[n]othing contained in this article shall be deemed to grant to any city or town the power to levy, assess and collect taxes or to borrow money, except as authorized by the general assembly.” However, the additional \$60 fee levied by the town is not an ultra vires tax, but instead a permissible licensing fee.

This Court has noted the “distinction between a tax – which is primarily a revenue-raising measure – and a licensing fee – which is primarily a regulatory imposition.” Kent County Water Authority v. State of Rhode Island (Dept. of Health), 723 A.2d 1132, 1135 (R.I. 1999) (citing State v. Foster, 46 A. 833, 835-36 (R.I. 1900) (“[i]f the imposition ... has for its primary object the regulation of the business, trade, or calling to which it applies, its exercise is properly referable to the police power; but if the main object is the obtaining of revenue, it is properly referable to the taxing power”)). Here, it is clear that the initial \$40 of the \$100 fee is a tax authorized by R.I. Gen. Laws § 11-47-12, because it is general revenue raising feature intended “for the use and benefit of the city, town, or state of Rhode Island.”

However, the \$60 remainder of the fee is clearly a permissible licensing fee intended, not where the “main object is the obtaining of revenue,” but rather it has for “its primary object the regulation of the business, trade, or calling to which it applies.” Foster, 46 A. at 835-36. The Town’s Regulations explicitly state that the fee covers the cost of the regulation, specifically “processing fees and to allow the department to electronically file the fingerprints [of the applicant] through the local, state, and federal law enforcement database systems.” Ex. A at 3. There is nothing ultra vires about this licensing fee.

While there cannot be any set formula or criteria to limit or restrict the Town of Bristol's discretion to issue or deny a concealed weapon license, the Town will afford a hearing to each applicant before ruling on the application. The Town of Bristol considers the following factors in assessing an applicant's proper showing of need.

1. Has the applicant demonstrated a specific articulable risk to life, limb or property? If so, has the applicant demonstrated how a pistol permit will decrease the risk?
2. Can the applicant readily alter his or her conduct, or undertake reasonable measures other than carrying a firearm, to decrease the danger to life, limb or property?
3. Are there means of protection available to the applicant other than the possession of a firearm that will alleviate the risk to his or her person or property?
4. Has the applicant demonstrated the skill, training and ability to properly use a firearm in accordance with Rhode Island laws?
5. Has the applicant presented a plan to properly secure the firearm so that it does not fall into unauthorized hands?
6. How greatly will the possession of a firearm by the applicant increase the risk of harm to the applicant or to the public?
7. Has the applicant demonstrated that he or she will not use the firearm for an unlawful or improper purpose, and that he or she has not used a firearm for n (sic) unlawful or improper purpose in the past?
8. Does past unlawful, dangerous or violent conduct of the applicant justify denial of the license by the Town even if it is not sufficient to disqualify the applicant as a matter of law from possessing a firearm?
9. Has a protective order been issued relative to the applicant pursuant to chapter 15-5, chapter 15-15, or chapter 8-8.1 of the general laws?
10. Are other factors deemed lawful and appropriate by the Town to demonstrate that the applicant is or is not a person suitable to possess a firearm in public? Id. at 4-5.

After assessing the above factors the Town makes a decision to grant or deny the application in writing. Id.

## **B. Facts and Travel**

The Petitioner filed an application for the Permit on approximately February 23, 2012. See Ex. B. In Petitioner's application he set forth three reasons that he "has good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver." R.I. Gen. Laws § 11-47-11. The Petitioner asserted that: (1) he had a valuable firearms collection that he sometimes transported to a firing range; (2) that he often transports large sums of money; and (3) that he desires to work in the security field, where he might potentially be required to carry a pistol. Ex. B. at 7.

Petitioner was then given an interview.<sup>2</sup> A panel appointed by the Chief of Police conducted the interview, which proceeded according to the Town's Regulation. The panel provided a recommendation to the Chief to deny the permit. In its recommendation, the panel suggested that the request be reviewed if the Petitioner obtained a letter from his employer. See Ex. C at 1, 2. After considering the panel's recommendation, the Chief of Police notified the Petitioner in writing that he had had been denied a pistol permit. Ex. C at 3.

---

<sup>2</sup> Petitioner contends that under R.I. Gen. Laws § 42-46-2 and presumably § 42-46-3, the hearing was one to which the Rhode Island Open Meetings Act applies. These sections do not apply because the interview board is not a "public body" and "no public business [] was transacted." Fischer v. Zoning Bd. of Town of Charlestown, 723 A.2d 294, 295 (R.I. 1999) (per curiam). Here, there was no public business transacted, only questioning of an individual to determine whether that individual had a need for a firearm. Further, even if this was a meeting to which the Open Meeting Act applies it is irrelevant because the Petitioner offers no evidence that he did anything to exercise his alleged remedy, namely file a complaint with the Attorney General within 180 days as required by § 42-46-8. Finally, whether or not proper notice was given is irrelevant to the legal questions here, which hinge on whether the Town properly denied the Petitioner a pistol permit, not whether notice was filed with the Secretary of State pursuant to R.I. Gen. Laws § 42-46-6.

## II. Argument

### A. **The Petitioner Did Not Demonstrate That He “ha[d] good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver.”**

“An applicant who meets the criteria set forth in § 11-47-11 is entitled to a gun permit.” Mosby v. Devine, 851 A.2d 1031, 1047 (R.I. 2004). To meet the criteria set forth in § 11-47-11 the applicant “must show, for example, that he has a ‘need’ or ‘proper reason’ for carrying such a weapon.” State v. Storms, 112 R.I. 121, 127, 308 A.2d 463, 466 (1973). This means that the Town does have some discretion when making such a determination. See Mosby, 851 A.2d at 1047. Judicial review of the Town’s determination “is limited to determining whether there is evidence in the record to support its findings” and at a minimum an indication of the evidence relied upon. Mosby, 851 A.2d at 1051 (quoting Dionne v. Jalette, 641 A.2d 744, 744 (R.I.1994)).

Here, the Town, in a letter from the Chief of Police to the petitioner, indicated exactly what evidence was relied upon. The letter specifically states “after carefully reviewing the application and receiving a recommendation from the panel which interviewed you” that the decision to deny was made. Ex. C at 3. This clearly indicates that the decision was made based on the contents of the application as well as the written recommendation from the panel. It is also salient to note that two other applicants heard by the panel the same day were recommended for approval using the criteria set forth in the Regulations. Ex. C at 1, 2.

This Court’s review “is limited to determining whether there is evidence in the record to support its findings” and at a minimum an indication of the evidence relied upon. Mosby, 851 A.2d at 1051 (quoting Dionne v. Jalette, 641 A.2d 744, 744 (R.I.1994)). Here, the court can easily review the evidence, which consists only of the application and the interview of the Petitioner, which are both in the record. The Chief of Police’s decision states that based on the application and the recommendation from the interviewers, the Petitioner did not meet the

requirements of R.I. Gen. Laws § 11-47-11 and the Town's guidelines. Ex. C at 3. The Chief of Police went even further, making himself available to the Petitioner to discuss the rationale for rejecting the permit.

Petitioner cites to several cases involving zoning determinations, which require certain findings to be explicitly made and listed. Petitioner's Memorandum of Law in Support of Petition for Writ of Certiorari at 8-9 ("Petitioner's Memo"). However, these cases are inapplicable here because they specifically relate to zoning decisions made by a zoning board, rather than a decision not to grant a pistol permit. For example, Petitioner cites Bernuth v. Zoning Board of Review of New Shoreham to argue that specific findings of fact need to be listed in the Town's decision to deny the permit. Petitioner's Memo at 8. However, in Bernuth and other zoning cases, the requirement for listing of certain, specific findings of fact is mandated by statute, specifically R.I. Gen. Laws 45-24-61. See Bernuth v. Zoning Bd. of Review of Town of New Shoreham, 770 A.2d 396, 401 (R.I. 2001).

Finally, even assuming that the decision of the Chief of Police was insufficiently detailed, although that is not the case, the relief that the Petitioner asks for is inappropriate. The Petitioner asks this Court to grant its petition and remand the matter to the Chief of Police with instructions to issue the permit. Petitioner's Memo at 10. The proper remedy is spelled out in Dionne and it is to remand with instructions to "prepare a new decision, which includes findings of fact and makes reference to the evidence on which it relies." 641 A.2d at 746.

### **III. The Town's Denial of Petitioner's Application Does Not Violate the Rhode Island Constitution**

Article 1, Sec. 22 of the Rhode Island Constitution provides "[t]he right of the people to keep and bear arms shall not be infringed." In Mosby this Court specifically held that the Firearms Act, including R.I. Gen. Laws § 11-47-11, "serves to vindicate an individual's right to keep and bear arms and that the licensing scheme set forth in the Firearms Act is reasonable

legislative regulation of weapons that falls squarely within the state's police power. Mosby, 851 A.2d at 1043. This Court has explicitly stated that “the right to keep and bear arms is not absolute;” there is no “constitutional right to carry loaded weapons at all times and in all circumstances.” Id. at 1044 (quoting State v. Warren, 975 P.2d 900, 902 (Okla.1998)). This Court also found no constitutional problem with the requirement under R.I. Gen. Laws § 11-47-11 that an applicant for a pistol permit must have “good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver.” This Court has also said that when reviewing whether a regulation of arms violates Rhode Island’s Constitution “the proper question is whether the statute is a reasonable exercise of police power.” Id. (quoting State v. Cole, 665 N.W.2d 328, 337 (Wis. 2003)).

This Court has not had an opportunity to explicitly examine what constitutes “good reason to fear and injury” or “any other proper reason.” R.I. Gen. Laws § 11-47-11. However, the power to make that determination is one delegated to the “licensing authorities of any city or town.” Id., though, the Court has explicitly stated that the review of the standard used should be an inquiry into whether it is a “reasonable exercise of police power.” Mosby, 851 A.2d at 1044 (quoting Cole, 665 N.W.2d at 337). Unlike the Petitioners in Mosby, who were summarily denied upon application for their permits, the Petitioner here was given an interview on the record and invited to discuss the reasons for the rejection. Id. Again, unlike the actions in Mosby, the Town had a clearly articulated set of factors that would be used to determine whether the Petitioner had satisfied the “proper reason” requirement of R.I. Gen. Laws § 11-47-11.

There is no state constitutional infirmity with the Town’s denial of Petitioner’s application for a pistol license.



**IV. The Town's Denial of Petitioner's Application Does Not Violate the Constitution of the United States**

Recently the Supreme Court, in District of Columbia v. Heller, held that individuals have the right to carry a handgun for self-defense within the home, pursuant to the Second Amendment. See 554 U.S. 570, 635 (2008). However, that Court did not hold that individuals have the right to carry a handgun for self-defense outside the home. Nor did it hold that a state cannot limit the right to carry concealable handguns without demonstration of a proper reason. See id. at 626. (Second Amendment right is “not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose”). Petitioner’s contention that the Town’s denial of a license to carry a pistol or revolver in public violates his Second Amendment rights is incorrect.

**A. The Second Amendment Does Not Secure a Right to Carry Handguns in Public Absent a Proper Reason**

The first step in the Supreme Court's Second Amendment analysis is determining whether the challenged regulation “imposes a burden on conduct falling within the scope of the Second Amendment's guarantee,” as historically understood. United States v. Chester, 628 F.3d 673, 680 (4th Cir. 2010) (internal quotation marks omitted). The Plaintiff has not shown that the rejection of his permit application burdens any right protected by the Second Amendment as historically understood.

The Supreme Court has stated explicitly that “the right secured by the Second Amendment is not unlimited.” Heller, 554 U.S. at 626. Indeed, that Court recognized that many “longstanding” regulations that did not exist until long after the Second Amendment’s adoption were “presumptively lawful.” Heller, 554 U.S. at 626-27 & n.26. In Heller the Supreme Court made it clear that not only was the Second Amendment right not unlimited, but that longstanding public safety restrictions did not violate that right. The Town is in complete agreement with the

Petitioner that “a state may reasonably regulate the time, place and manner of carrying guns, but cannot completely abrogate the right.

Here, the relevant statute only applies to the unlicensed, concealed carry of pistols or revolvers outside of the home, property owned by the individual, or the individual’s business. R.I. Gen. Laws § 11-47-8. The Town has set forth reasonable criteria designed to protect public welfare related to its statutory command that it only issue a pistol permit to a suitable person who has a reason to fear injury or any other proper purpose. R.I. Gen. Laws §11-47-11. The Town determined that Petitioner did not meet that standard, which only precludes carrying pistols and revolvers in public, not other arms. The state statute and the Town’s denial of a permit do not interfere with the right protected by the Second Amendment.

**B. Even if The Town’s Denial of the Permit Burdened the Petitioner’s Second Amendment Rights it Satisfies the Proper Level of Scrutiny**

“Heller left open the issue of the standard of review, rejecting only rational-basis review.” Chester, 628 F.3d at 680. In United States v. Masciandaro, the 4th Circuit held that intermediate scrutiny applies to “laws that burden the right to keep and bear arms outside of the home.” 638 F.3d 458, 471 (4th Cir. 2011); See also, Kachalsky v. County of Westchester, 701 F.3d 81, 96 (2d Cir.2012) (“Because our tradition so clearly indicates a substantial role for state regulation of the carrying of firearms in public, we conclude that intermediate scrutiny is appropriate in this case.”); Woollard v. Gallagher, 712 F.3d 865 (4th Cir. 2013). In that case the regulation, similar to Rhode Island, only regulated conduct occurring outside the home, was considered “reasonably adapted” to the State’s “substantial” interest in public safety, satisfying intermediate scrutiny. Id. The petitioner suggests that this Court should adopt a prior restraint test from First Amendment jurisprudence. However no court has adopted the prior restraint doctrine in the Second Amendment context. See, e.g., Piszczatoski v. Filko, 840 F. Supp. 2d 813, 831-32 (D.N.J. 2012); Kachalsky v. Cacace, 817 F. Supp. 2d 235, 267 n.32 (S.D.N.Y. 2011).

Prior restraint has only ever been applied to expressive conduct under the First Amendment. See e.g. City of Lakewood v. Plain Dealer Pub. Co., 486 U.S. 750, 759 (1988) (a prior restraint occurred when state officials had “substantial power to discriminate based on the content or viewpoint of speech by suppressing disfavored speech or disliked speakers”). Indeed, to show prior restraint the actions by the state “must have a close enough nexus to expression, or to conduct commonly associated with expression, to pose a real and substantial threat of... censorship.” Id. It is clearly a doctrine tailored specifically for the First Amendment and inapplicable to the Second Amendment.

No similar historical justification exists for applying the doctrine here, nor is there any logical justification for “import[ing] the First Amendment's idiosyncratic doctrines wholesale into a Second Amendment context, where, without a link to expressive conduct, they will often appear unjustified.” Chester, 628 F.3d at 687 (Davis, J., concurring). Indeed, firearms regulations are not intended to limit or censor expressive conduct but rather to further compelling public safety interests. Unlike in the First Amendment context, where a state can “adequately serve[]” its interests by imposing “penalties ... after freedom to speak has been so grossly abused that its immunity is breached,” Carroll v. President & Comm ‘rs of Princess Anne, 393 U.S. 175, 180-81 (1968), the State has no “adequate[]” remedy for redressing gross abuse of one's right to bear arms, which may well result in an “unspeakably tragic act of mayhem,” particularly “as one move[s] the right from the home to the public square.” Masciandaro, 638 F.3d at 475-76.

Indeed, in Heller, the Supreme Court explicitly affirmed the constitutionality of prior restraints on the Second Amendment right, such as, bans on possession of guns by felons and the mentally ill. 555 U.S. at 626-27. While prior restraints face a “heavy presumption against [their] validity,” Bantam Books, Inc. v. Sullivan, 372 U.S. 58, 70 (1963), the limitations described in Heller were “presumptively lawful.” Heller, 554 U.S. at 627 n.26. Further, the holding in Heller

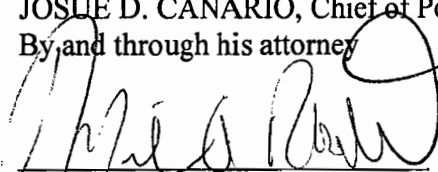
abolishing rational basis review only applies to “the right of law-abiding, responsible citizens to use arms in defense of hearth and home,” not to the use of arms in self defense in public where the state’s health and safety interests are obviously much higher. Id. at 634-35.

Here, the denial of Petitioner’s application was based on a reasonable set of factors, clearly “ reasonably adapted to a substantial governmental interest.” Woollard 712 F.3d 865 (quoting Masciandro, 638 F.3d at 471). The Town’s criteria are reasonable, limited, and serve a substantial government interest of limiting the concealed carry of handguns to only those in need. This is in complete alignment with the licensing scheme set forth in R.I. Gen. Laws § 11-47-11, requiring the showing of a “fear of injury” or other “proper purpose” before a permit will issue.

**V. Conclusion**

For the foregoing reasons the Town respectfully requests that this Court deny Petitioner’s Petition for Certiorari.

Respectfully submitted,  
RESPONDENT,  
JOSIE D. CANARIO, Chief of Police  
By and through his attorney



Michael A. Ursillo, Esq. (2676)

Bristol Town Solicitor  
**Ursillo, Teitz & Ritch, Ltd.**  
Two Williams Street  
Providence, RI 02903  
(Tel) 401-331-2222  
(Fax) 401-751-2427  
Email: [mikeursillo@utrlaw.com](mailto:mikeursillo@utrlaw.com)

Dated: May 17, 2013

**CERTIFICATION**

I, the undersigned, hereby certify that on the 17<sup>th</sup> day of May, 2013, I sent a true copy of the within Motion by regular mail and email to:

Matthew L. Fabisch, Esq. (8017)  
664 Pearl Street  
Brockton, MA 02301  
(Tel) 401-324-9344  
(Fax) 401-354-7883  
Email: [Fabisch@Fabischlaw.com](mailto:Fabisch@Fabischlaw.com)

A handwritten signature in cursive script that reads "Gwendolyn Bruno". The signature is written in black ink and is positioned to the right of the contact information for Matthew L. Fabisch.

# **Exhibit A**



# Bristol Police Department

395 METACOM AVENUE ❖ BRISTOL, RHODE ISLAND 02809  
TELEPHONE (401) 253-6900



JOSUE D. CANARIO  
Chief of Police

Dear Applicant:

By applying to the Bristol Police Department for a permit to carry a concealed pistol or revolver, you are exercising your right under Rhode Island General Law Section 11-47-11. It is this statute that gives the Town of Bristol the right and responsibility to administer this program in accordance with the law. It is intended as a service to the people of the Town of Bristol.

It is important to remember that a permit to carry a concealed pistol or revolver does not authorize you to use the firearm. Such usage of a handgun is regulated by other provisions of Rhode Island law. Please carefully read the enclosed policy regarding the issuance of the pistol or revolver permit. It is intended to serve as a guideline to aid you in understanding the authority and responsibility of the Town of Bristol to carry out RI law.

Also contained in this application package are the Rhode Island General Laws relating to weapons, known as the Firearms Act. Before you are granted a permit to carry a pistol or revolver, you must acknowledge that you are familiar with the provisions of the Act.

This application package does not include Federal laws pertaining to firearms. You must observe both Federal and Rhode Island laws. A federal law is administered by Federal agencies. For information relative to Federal regulation of firearms, you may contact the Bureau of Alcohol, Tobacco, and Firearms.

The application itself must be filled out completely and truthfully. It is a crime to knowingly give false information to obtain a permit to carry a pistol or revolver. Please read the instructions carefully and note that first time and renewal applicants must supply all information being requested to the Town of Bristol at the time of application.

The submission of the application for a permit to carry a concealed pistol or revolver is the beginning of a process of review by three board members comprised of Town employees, which may include a personal interview. You will be notified by mail stating the reason for denial.

A successful applicant for a permit to carry a concealed pistol or revolver will be notified by mail to respond personally to the Bristol Police department, Office of the Chief of Police, to obtain the permit. Please exercise your privilege to carry a concealed pistol or revolver in the State of Rhode Island responsibly, properly, and safely.

A non-refundable fee of one-hundred dollars (\$100.00) will be due at the time a completed application is submitted. All permits will expire four (4) years from date of issue. Please allow forty-five (days) for processing of the application.

Sincerely yours,

Josue D. Canario  
Chief of Police

p. 1



# Town of Bristol



## **POLICY REGARDING THE ISSUANCE OF A LICENSE OR PERMIT TO CARRY A CONCEALED PISTOL OR REVOLVER PURSUANT TO RHODE ISLAND GENERAL LAWS, 11-47-11.**

### INTRODUCTION

The Town of Bristol is authorized by Rhode Island General Law 11-47-11 to issue a license or permit to carry a concealed pistol or revolver to a person twenty-one (21) years of age or over having a bona fide residence or place of business in Bristol, or a person twenty-one (21) years of age or over having a bona fide residence within the United States who has already been issued a concealed weapon permit by another state or subdivision of the United States. The concealed weapon license may be issued only if the Town determines that the applicant has good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver, and that he or she is a suitable person to be so licensed.

Pursuant to Rhode Island General Law 11-47-18, an eligible person may make application with the Attorney General for a license or permit to carry a pistol or revolver.

Pursuant to Rhode Island General Law 11-47-15, the applicant must also qualify to obtain a permit. The right to carry a loaded, concealed firearm in public is different from the right to purchase or possess a handgun in one's own home or business. The privilege to carry a concealed firearm is limited to those who demonstrate a need for, and an understanding and acceptance of, this responsibility.

Rhode Island General Law 11-47-13 provides for the revocation of any such license or permit for just cause at any time by the granting authority.

The Town of Bristol will exercise its discretion in a manner designed to protect the public at large as well as the individual applicant for a pistol permit.

The Town of Bristol does not discriminate in the issuance of a pistol permit on grounds of race, sex, national origin, or any other reason prohibited by law.



### Procedure

An applicant for a pistol permit must submit a completed application to the Bristol Police Department, 395 Metacom Ave. Bristol, Rhode Island. A Fee of \$100.00 (non-refundable), payable by check or money order to the Town of Bristol shall be assessed for processing fees and to allow the department to electronically file the fingerprints through the local, state, and federal law enforcement database systems. The Bristol Police department will complete the required background that may include a check of court records and other sources for pending criminal cases, restraining orders and/or discrepancies in the applicant's background, including prior history or mental illness.

The Town of Bristol will not issue a pistol permit to any applicant who is prohibited from possessing or carrying a firearm under any State or Federal Law (e.g 18 U.S. 922(g)) or pursuant to any court order.

If this initial check does not disqualify the applicant from obtaining a pistol permit, the Town of Bristol shall review the application on an individual basis to determine whether there has been proper showing of need, as required by the statute, and whether the applicant is qualified.

### Proper Showing of Need

In considering each individual application for a pistol permit, the Town of Bristol must determine whether or not the applicant has demonstrated a proper showing of need to carry a loaded firearm in public, and consider the individual's demonstration of skill and responsibility to safely carry and use a firearm in compliance with all State, Federal and local laws. Because a loaded, concealed firearm in untrained hands presents danger to the public and the applicant, the Town of Bristol must consider countervailing risks to the public in assessing need.

While there cannot be any set formula or criteria to limit or restrict the Town of Bristol's discretion to issue or deny a concealed weapon license, the Town will afford a hearing to each applicant before ruling on the application. The Town of Bristol considers the following factors in assessing an applicant's proper showing of need.

1. Has the applicant demonstrated a specific articulable risk to life, limb or property? If so, has the applicant demonstrated how a pistol permit will decrease the risk?

2. Can the applicant readily alter his or her conduct, or undertake reasonable measures other than carrying a firearm, to decrease the danger to life, limb or property?
3. Are there means of protection available to the applicant other than the possession of a firearm that will alleviate the risk to his or her person or property?
4. Has the applicant demonstrated the skill, training and ability to properly use a firearm in accordance with Rhode Island laws?
5. Has the applicant presented a plan to properly secure the firearm so that it does not fall into unauthorized hands?
6. How greatly will the possession of a firearm by the applicant increase the risk of harm to the applicant or to the public?
7. Has the applicant demonstrated that he or she will not use the firearm for an unlawful or improper purpose, and that he or she has not used a firearm for an unlawful or improper purpose in the past?
8. Does past unlawful, dangerous or violent conduct of the applicant justify denial of the license by the Town even if it is not sufficient to disqualify the applicant as a matter of law from possessing a firearm?
9. Has a protective order been issued relative to the applicant pursuant to chapter 15-5, chapter 15-15, or chapter 8-8.1 of the general laws?
10. Are there other factors deemed lawful and appropriate by the Town to demonstrate that the applicant is or is not a person suitable to possess a firearm in public.

After assessing the above factors, the Town shall grant or deny the concealed weapon permit, and in the case of a denial, shall state its reasons therefore in writing. In certain cases, the Town may issue a concealed weapon permit with restrictions in lieu of a denial.

In addition to these reasons, the Town will give consideration to those persons who seek renewal of existing permits who have demonstrated through their actions and experience a level of responsibility commensurate with that expected of one who is privileged to carry a firearm in the public sector.

### Responsibilities

Approved holders must maintain, use, and store their firearm or firearms in a responsible manner. All permit holders are required to inform their respective city or town police departments, as well as the Bureau of Criminal Identification of the Department of Attorney General, within 24 hours of becoming aware of the loss or theft of a weapon. If you do not report a loss or theft timely, your permit may be suspended.

### Conclusion

This policy is meant as a general guideline to aid the public in understanding the Town of Bristol's authority to carry out the requirements of the Rhode Island General Laws 11-47-11 and it shall be followed as a guideline in the assessment of applications for a pistol permit. This policy is not intended to and does not confer any rights on any person. As required by law, the Town of Bristol shall retain the right to accept or reject any application for a pistol permit upon its sole determination of "proper showing of need".

This policy supersedes all prior policies.

Dated: July 19, 2011



# TOWN OF BRISTOL



## INSTRUCTIONS FOR APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

### NO APPLICATIONS WILL BE CONSIDERED UNLESS THE FOLLOWING HAVE BEEN ACCOMPLISHED:

1. This official application form must be filled out completely by the applicant. Please **PRINT OR TYPE** application or **IT WILL BE RETURNED.**
2. The application must be **NOTARIZED.**
3. Enclose two (2) (1"x1") pictures of the applicant taken without headgear or glasses. This photo must be a clear picture of the head and face. Please **PRINT** applicant's name on the back of the each picture. **NO laminated photos will be accepted.**
4. Proof of qualification before a certified weapons instructor; i.e., NRA Instructor or Police range instructor must be supplied along with a copy of the instructor's NRA's / FBI firearms instructor's certification.
5. Two types of positive identification must be submitted, photocopied, signed and dated by a Notary Public, attesting to be true copies.
6. **ALL NON-RESIDENT APPLICANTS** must include a copy of their home state permit.
7. All new pistol permits issued by the Town of Bristol must have a full set of applicant's fingerprints submitted on a **FBI FINGERPRINT APPLICANT CARD [FD-258 (REV.5-11-99)]** included with the application. The fingerprint card must be signed by the applicant. This is not necessary for a renewal application.
8. If the permit is to be used for employment, a **TYPED** letter of explanation must be submitted on your employer's letterhead, signed by your employer and included with the application.
9. If the permit is not for employment, a typed letter must be submitted and signed by the applicant stating the reasons why a permit is needed on a full time basis. All letters must be dated. We will not accept a photocopy of any signature.
10. Retired Police Officers applying under 11-47-18 must submit a letter of verification from the Chief of Police of the department that they retired from stating that they have completed 20 years of GOOD service.
11. A one-hundred (\$100.00) CHECK OR MONEY ORDER must be submitted with your application.
12. The applicant will be notified by mail of approval or denial of permit. If approved, the applicant must appear in person to pick up the permit. This application, fingerprint card, and photo's become part of the records of the Town of Bristol and **will not** be returned.
13. All permits will expire **FOUR (4) years** from the date of issue. Also, the renewal of your permit is your responsibility. No notification of expiration of the permit will be sent to you. Allow a maximum of 45 days for processing of your application due to the fact that the Town of Bristol is dependent on other agencies for information necessary to complete the application.

# **Exhibit B**



# TOWN OF BRISTOL



## APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

DATE \_\_\_\_\_ PERMIT NUMBER \_\_\_\_\_

NAME Jarren Ray Gendreau  
First Middle Last

ADDRESS [REDACTED] Bristol RI 02809  
Street Name and Number (No P.O. Boxes accepted) City or Town State & Zip

TELEPHONE NUMBER [REDACTED] N/A  
Home Business Other

SOCIAL SECURITY NUMBER [REDACTED] OCCUPATION Security Officer

EMPLOYED BY: General Dynamics C4 Systems  
400 John Quincy Adams rd. Taunton Ma 02780  
Employer's Address Street Name and Number City or Town State & Zip

DETAIL JOB DESCRIPTION Protect the facility, Employees, and all govt. property

DATE OF BIRTH 06/14/1989 PLACE OF BIRTH Fall River

HEIGHT 5'10" WEIGHT 190 COLOR OF EYES Brown COLOR OF HAIR Brown

ARE YOU A CITIZEN OF THE UNITED STATES? yes HOW LONG? life

(If you are not a citizen of the United States, a copy of both sides of your alien registration card must be included with this application.)

LIST ALL ADDRESSES FOR THE LAST THREE YEARS, INCLUDING DATES AND LOCATIONS  
[REDACTED] Bristol RI 02809 (8/09-present)  
[REDACTED] 02537 (6/06-8/09)

COPY

HAVE YOU EVER BEEN ARRESTED? No IF SO, GIVE DETAILS \_\_\_\_\_  
DETAILS N/A

HAVE YOU EVER BEEN UNDER GUARDIANSHIP OR CONFINED OR TREATED FOR  
MENTAL ILLNESS? No IF SO, GIVE DETAILS N/A

HAVE YOU EVER BEEN CONVICTED OF A CRIME? No IF SO, GIVE DETAILS \_\_\_\_\_  
N/A

HAVE YOU EVER PLED NOLO CONTENDERE TO ANY CHARGE OR VIOLATION? IF  
SO, GIVE DETAILS yes : speeding violation, Warren RI  
2009

ARE YOU UNDER INDICTMENT IN ANY COURT FOR A CRIME PUNISHABLE BY  
IMPRISONMENT EXCEEDING ONE YEAR? No IF SO, GIVE DETAILS  
AND DATES N/A

HAVE YOU APPLIED FOR A PERMIT TO CARRY A CONCEALED PISTOL OR  
REVOLVER FROM THE ATTORNEY GENERAL OR A LOCAL CITY OR TOWN IN  
RHODE ISLAND? No

IF SO, IDENTIFY AGENCY WHERE APPLICATION FILED. IF SO, IS IT CURRENTLY  
ACTIVE? \_\_\_\_\_ EXPIRED? \_\_\_\_\_ DENIED? \_\_\_\_\_ REVOKED? \_\_\_\_\_

(If you hold an expired permit, enclose photocopy, notary-signed and dated, attesting  
copies are true)

HAVE YOU EVER APPLIED FOR A PISTOL PERMIT TO CARRY A HANDGUN IN  
ANOTHER STATE:

YES \_\_\_\_\_ NO X IF YES, STATE AND CITY N/A

WERE YOU DENIED? \_\_\_\_\_ IS SO, GIVE DETAILS N/A

SEND PHOTOCOPY OF OUT-OF -STATE PERMIT OR LICENSE

HAVE YOU EVER HAD A LEGAL NAME CHANGE? No IF YES, PLEASE STATE  
FORMER NAME

N/A

PLEASE LIST ALL NICKNAMES OR ALIASES USED BY YOU N/A

COPY

NOTE: THE RI COMBAT COURSE IS FOR LAW ENFORCEMENT PERSONNEL ONLY. ALL OTHERS MUST QUALIFY IN ACCORDANCE TO 11-47-15.

WEAPON QUALIFICATION SCORE: CAL. OF WEAPON .45 ACP

ARMY-L  SCORE 225 R.I. COMBAT \_\_\_\_\_ SCORE \_\_\_\_\_

Thomas J. Dietzel  
SIGNATURE OF N.R.A. INSTRUCTOR OR POLICE RANGE OFFICER

2/23/2012  
DATE

Thomas J Dietzel 508-505-5837  
PRINTED NAME & TELEPHONE NO. OF N.R.A. INSTRUCTOR OR POLICE RANGE OFFICER

101000105010667  
N.R.A. NUMBER OR POLICE DEPARTMENT NAME

\*\*\*\*\*

AFFIDAVIT

I CERTIFY THAT I HAVE READ AND I AM FAMILIAR WITH THE PROVISIONS OF 11-47-1 TO 11-47-62, INCLUSIVE, OF THE GENERAL LAWS OF RHODE ISLAND, 1956, AS AMENDED, AS WELL AS ALL FEDERAL STATUTES PERTAINING TO FIREARMS AND THAT I AM AWARE OF THE PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THE CITED SECTIONS. I FURTHER UNDERSTAND THAT ANY ALTERATION OF THIS PERMIT IS JUST CAUSE FOR REVOCATION.

Jarven Benbra  
Applicant's Signature

BEFORE A NOTARY PUBLIC

SUBSCRIBED AND SWORN TO BEFORE ME IN Bristol, RHODE ISLAND  
THIS 23<sup>rd</sup> DAY OF February, 2012.

Dee-Ann Netto  
Notary Public Signature

Dee-ANN Netto #751-791  
Notary Public (Name Printed)

MY COMMISSION EXPIRES ON 7-1-14  
Month Year  
State



COPY

TO THE BRISTOL TOWN HALL OFFICIAL

THIS IS TO INFORM YOU THAT Jarren Gendreau  
Applicant's Name (Printed or Typed)

IS APPLYING FOR A CONCEALED WEAPON PERMIT TO CARRY A CONCEALED PISTOL OR REVOLVER IN THE STATE OF RHODE ISLAND. PLEASE VERIFY THAT THIS SUBJECT RESIDES OR HAS A PLACE OF BUSINESS IN THE TOWN OF BRISTOL.

[Signature] FEB 23 2012  
Town Hall Official's Signature Date

RESIDENCE OR BUSINESS ADDRESS: 627 wood st apt. 2 Bristol R.I.

ON A SEPARATE SHEET OF PAPER OR LETTERHEAD, TYPE DETAILS AND SPECIFIC REASONS WHY YOU FEEL YOU SHOULD BE ISSUED A CONCEALED WEAPON PERMIT BY THE TOWN OF BRISTOL AND WITH WHOM YOU ARE A SUITABLE PERSON TO BE SO LICENSED (ONLY TYPED LETTERS WILL BE ACCEPTED).

TWO (2) TYPES OF POSITIVE IDENTIFICATION MUST BE SUBMITTED. EXAMPLES: (1) Birth Certificate (2) Rhode Island or State Driver's License (3) Rhode Island Identification Card

A PHOTOCOPY OF ANY TWO OF THE ABOVE SIGNED AND DATED BY A NOTARY PUBLIC, ATTESTING AS BEING TRUE COPIES WILL BE ACCEPTED. PASSPORT AND OTHER POSITIVE IDENTIFICATION WILL ALSO BE ACCEPTED.

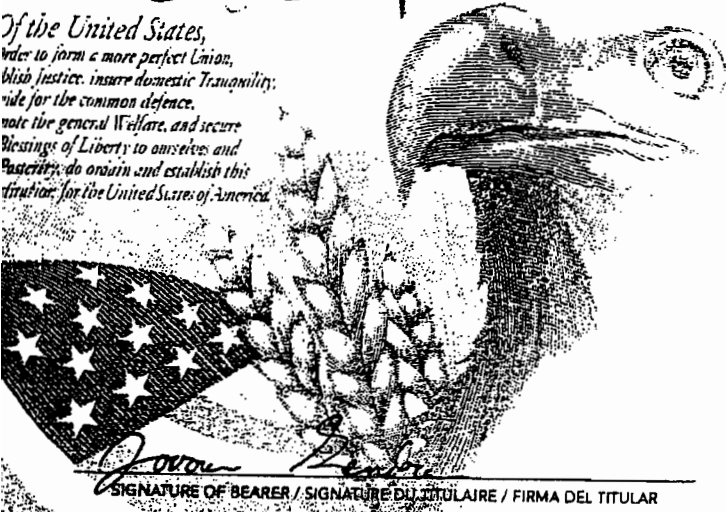
THREE (3) REFERENCES ARE REQUIRED:

Name	Address/City/State/Zip	Area Code/Tele No.	Years Known
Todd Swanson	[REDACTED]	[REDACTED]	10
Courtney Lancaster	P.O. Box 775 Bristol RI 02829	[REDACTED]	5
Jake Vailencourt	P.O. Box 931 Portsmouth RI 02871	[REDACTED]	3

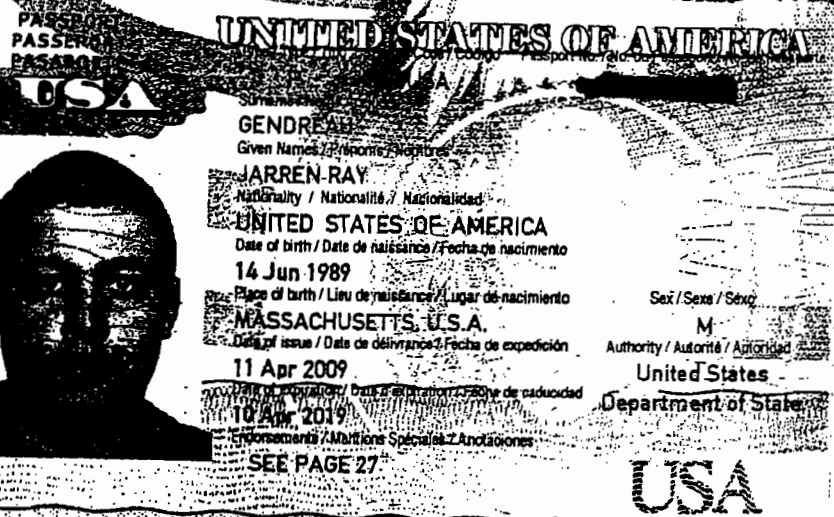
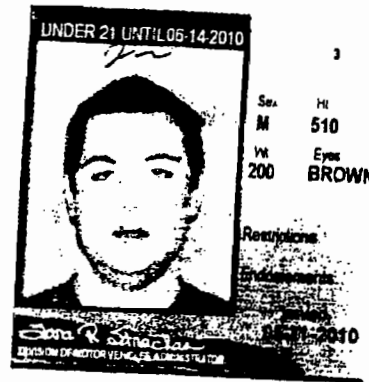
COPY

We the People

Of the United States,  
We do hereby certify that  
in order to form a more perfect Union,  
to establish Justice, insure domestic Tranquility,  
provide for the common defence,  
to promote the general Welfare, and secure  
the Blessings of Liberty to ourselves and  
our Posterity, do ordain and establish this  
Constitution for the United States of America.



Rhode Island DL  
**DRIVER LICENSE**  
Class: 10 License No.  
Birthdate Expires  
**JARREN R GENDREAU**  
BRISTOL, RI 02809



I hereby certify that  
these are true copies  
of my passport and  
drivers liscence.

Jarren Gendreau 2/23/12  
Jarren Gendreau

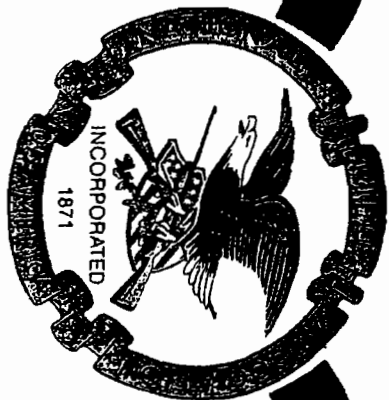
Signed before me by Jarren Gendreau at Bristol, Rhode Island this  
23rd day of February, 2012.

Dee-Ann Netto  
Dee-Ann Netto, Notary Public #751-791 MCE 7/01/14

**THOMAS DIETZEL**

*Instructor*  
**Certified Pistol and Certified Rifle**

*Edward J. Land, Jr.*  
Edward J. Land, Jr., Secretary  
NRA # 101000105010867  
Expires: 9/30/2012  
Not valid for conducting NRA Law Enforcement or NRA Security Officer Training Courses.



# *National Rifle Association of America*

*Certifies that*

**THOMAS DIETZEL**

*Having successfully met the requirements established by the  
National Rifle Association of America is hereby designated an*

**NRA CERTIFIED INSTRUCTOR**

*and is authorized to teach the following basic courses:*

**Pistol \* Rifle**

Refer to identification card for expiration date

*Edward J. Land, Jr.*  
Edward J. Land, Jr., NRA Secretary

9.6.6

COPY

Dear Chief J. Canario

The following is my reasoning behind my request for a RI CCW permit.

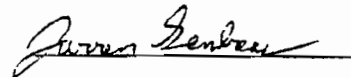
I am an avid firearms collector with over \$4,000.00 invested in both firearms and firearms accessories with a growing collection. I transport these high value goods to a bona fide target range on a weekly basis. I would like to be able to protect myself from bodily harm/injury while transporting these high value items/ purchasing new firearms.

I also am actively seeking employment in the security field. I currently hold an active government security clearance due to the fact I provide security for a government contractor (General dynamics c4 systems). For many of the security positions that I am interested in, having a Concealed weapons permit (CCW) is a prerequisite to the application process. Having a CCW would help me to expand my skills and find a better paying security based position. This would also allow me to get my CCW in Massachusetts effectively doubling the area in which I can apply for armed security positions. This would allow me to receive higher compensation as well as allow me to better support myself.

I occasionally deposit large sums of money (over \$3,000.00) for my father, who owns an apartment complex and a curtain store located in Fall River. I manage his store/apartments when he is away or on vacation. I would like the ability to protect myself from bodily harm/injury during deposit activities, and I cannot get a MA CCW without a RI CCW.

I occasionally travel with my father during business transactions. My father buys and fixes motorcycles, and on occasion I travel with him in order to help him transport the motorcycle (throughout RI and MA). We sometimes carry up to \$10,000.00, cash, to purchase a motorcycle. I would like the ability to protect myself from bodily harm/injury during such transactions.

Thank you for your time



2/23/2012

Jarren Ray Gendreau

# **Exhibit C**



# Bristol Police Department

395 METACOM AVENUE ♦ BRISTOL, RHODE ISLAND 02809  
TELEPHONE (401) 253-6900



JOSUE D. CANARIO  
Chief of Police

## MEMORANDUM

TO : CHIEF JOSUE D. CANARIO                      DATE: May 3, 2012

VIA :

FROM : PTLM. JOHN NAPPI

SUBJECT : CONCEALED WEAPON PERMIT INTERVIEWS

Sir,

On May 1, 2012 a concealed weapon permit panel interview was conducted at the Bristol Town Hall. Present on the panel were Mike Ursillo, David Barboza, and myself. There were three applicants, \_\_\_\_\_, and Jarren Gendreau. Each interview was conducted separately and confidential. Listed below are each applicant and the panel recommendations.

Mr. \_\_\_\_\_ has held a concealed weapon permit and a dealer's license in the past, which both are now expired. The panel recommended Mr. \_\_\_\_\_ be approved. \_\_\_\_\_

Mr. \_\_\_\_\_ demonstrated to the panel a good reason to fear injury to himself or his property. Mr. \_\_\_\_\_ currently is working in the capacity as a wholesale jeweler. He transports significant amounts of precious metals and gems. A letter was supplied by his employer that explained his role and duties. The panel recommended Mr. \_\_\_\_\_ is granted a concealed weapon permit with employment restrictions.

Jarren Gendreau:

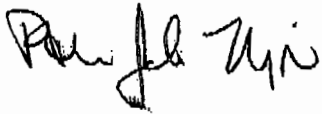
Mr. Gendreau stated to the panel he was a gun collector and had \$4000.00 worth of guns also his father owned a business and apartment complex in Fall River. On occasion Mr. Gendreau would make bank deposits in excess of \$3000.00. Mr. Gendreau stated he was actively

P.1

seeking employment that would require him to obtain a carry weapon permit concealed or not.

The panel recommended Mr. Gendreau not be granted a concealed weapon permit at the present time. The application may be reviewed if Mr. Gendreau would produce a letter from an employer requiring him to hold such a permit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Yin". The signature is written in a cursive style with a large initial "P".



# Bristol Police Department

395 METACOM AVENUE ❖ BRISTOL, RHODE ISLAND 02809  
TELEPHONE (401) 253-6900



JOSUE D. CANARIO  
Chief of Police

June 26, 2012


Mr. Jarren R. Gendreau  
627 Wood Street, Apt. 2  
Bristol, RI 02809

Dear Mr. Gendreau:

I would like to personally thank you for taking the time in submitting an application for a permit to carry a concealed weapon from the Town of Bristol. After carefully reviewing the application and receiving a recommendation from the panel which interviewed you with regards to your application for a concealed weapon permit, it is with regret that I advise you that I feel that you do not meet the criteria outlined in 11-47-11 of the General Laws of Rhode Island as amended, as well as Bristol Police Department's guidelines which would justify me issuing you a concealed weapons permit.

If you have any questions or concerns regarding my decision, please feel free to contact my office to set up an appointment to review my decision. The hours to call for an appointment are Monday - Friday between the hours of 8:00 a.m. - 4:00 p.m.

Sincerely,

  
Josue D. Canario  
Chief of Police

P.3