

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jonathan Corbett,
Plaintiff

v.

City of New York,
Thomas M. Prasso,
Defendant

Case No.: _____

**COMPLAINT FOR VIOLATIONS
OF THE 2nd, 5th, and 14th
AMENDMENTS OF THE U.S.
CONSTITUTION**

SUMMARY

1. In the City of New York, no license exists to allow an ordinary citizen to openly carry a handgun, and in practice no license is issued to ordinary citizens to carry concealed handguns¹; thus, the ordinary citizen may not carry a handgun in public in any fashion regardless of any attempt to obtain licensing.
2. In practice, the ordinary citizen is denied gun licensure via two means: the “proper cause” requirement (requiring an applicant to demonstrate a *greater* need to have a gun than the ordinary citizen) and via intrusive application questions that serve no purpose other than to predicate a denial.
3. Notwithstanding, retired police officers are exempted from these hassles and will be granted a license so long as they were in good standing with the department at retirement.
4. Plaintiff Jonathan Corbett (“Corbett”) applied for a license to carry a handgun² in the City of New York by an officer of the New York City Police Department (“NYPD”) and an administrative appeal of the same denied by Defendant Thomas M. Prasso.
5. The denial was predicated on: a) Corbett’s failure to show “proper cause” to exercise his 2nd Amendment rights, and b) Corbett’s open refusal to answer 3 questions on the license

¹ The term “open carry” means to have a handgun attached to one’s person in a manner visible to the public via the naked eye (*e.g.*, in a holster on one’s hip). “Concealed carry” means to have a handgun concealed upon one’s person in a manner that it is not visible to the public via the naked eye (*e.g.*, in an “inside the waistband” holster).

² New York statutory, administrative, and decisional law vacillates between referring to a “license” and a “permit.” The terms are equivalent in this state.

application that bear no substantial relationship with the state's interest in protecting its citizens from gun violence.

6. Compounding the issue, the licensing officer who denied Corbett's application was removed from his position weeks later when a federal corruption probe determined that his office was using the proper cause requirement as a means to enable a bribery scheme; in fact, the NYPD has regularly and repeatedly been shown to take bribes for gun licenses for a full century since the state's gun laws were enacted.
7. Corbett therefore asks this Court ^{3 4} to declare that his due process, equal protection, and Second Amendment rights have been violated together with other relief as necessary to remedy New York's disenfranchisement of the plaintiff and allow Corbett to own and carry a handgun in public (whether openly or concealed).

JURY TRIAL

8. As Corbett seeks equitable remedies, no demand is made for a jury trial.

³ To the extent that Corbett challenges the "proper cause" requirement in general, Corbett recognizes that the Court is bound by circuit precedent that would prevent the Court from granting any relief for such a challenge. *Kachalsky v. Cty. of Westchester*, 701 F.3d 81 (2nd Cir. 2012). The circuit split on the constitutionality of statutes requiring cause to obtain a gun license has recently widened. *Young v. Hawaii*, 2018 U.S. App. LEXIS 20525 (9th Cir., July 24th, 2018) (Hawaii version of proper cause unconstitutional); *Wrenn v. District of Columbia*, 864 F.3d 650 (Washington D.C. version of proper cause unconstitutional); see also *Moore v. Madigan*, 702 F.3d 933 (7th Cir. 2012) (Illinois ban on civilian carrying unconstitutional). Corbett therefore presents the matter to this Court as a prerequisite to obtaining review in the courts above as permitted by Fed. R. Civ. P. 11(b)(2) ("nonfrivolous argument for ... reversing existing law"). Further, Corbett's challenge to the "proper cause" requirement as a result of systemic corruption was not addressed by *Kachalsky*, and therefore the Court may grant relief on that basis.

⁴ Although not a prerequisite to seeking federal relief, Corbett has already exhausted his remedies in state court. *Corbett v City of New York*, 160 A.D.3d 415 (N.Y. 1st J.D., Apr. 3rd, 2018). Consistent with its past practices, the New York Court of Appeals refused to consider the case, as it has every gun rights case since *District of Columbia v. Heller*, 554 U.S. 570 (2008). *Corbett v. City of New York*, 2018 NY Slip Op 76160 (N.Y., June 28th, 2018).

PARTIES

9. Plaintiff Jonathan Corbett is a U.S. citizen residing in Miami-Dade County, Florida, and a part-year resident of New York County, New York⁵.
10. Defendant City of New York (the “City”) is the city incorporated by and through the laws of the State of New York and is the entity responsible for its New York City Police Department.
11. Respondent Thomas M. Prasso (“Prasso”) is the Director of the NYPD’s Licensing Division and issued the order denying Corbett’s intra-agency appeal of the denial of his application for a pistol permit. Mr. Prasso is sued in his official capacity.

JURISDICTION & VENUE

12. This Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 & 1343 because Corbett’s claims are presented exclusively under the United States Constitution.
13. The Court is authorized to provide the relief requested under the All Writs Act, 28 U.S.C. § 1651.
14. This Court is the appropriate venue for this action pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district, because Defendant Prasso regularly conducts business within this judicial district, and because Defendant City of New York is a municipality that lies partially within the boundaries of this judicial district.

ALLEGATIONS OF FACT

⁵ Part-year residence is sufficient under New York law for issuance of a gun license. *See Osterweil v. Bartlett*, 21 N.Y.3d 580 (N.Y. 2013).

15. In December 2015, Corbett appeared at the NYPD Licensing Division and submitted an application for a permit to own, and carry on his person outside his home, a concealed weapon.
16. Such a license is known in NYPD parlance as a “business carry” permit, despite the fact that it may be issued to individuals unrelated to a business need.
17. There exists no other permit type by which a civilian New York City resident may carry a handgun in public, whether openly or concealed (*i.e.*, there is no “personal carry” license, nor any variety of “open carry” license, available to ordinary civilians).
18. During Corbett’s appearance at the Licensing Division, Corbett provided to the Licensing Division the following:
 - a. (1) three-page application,
 - b. (1) letter of necessity,
 - c. (1) letter of explanation for checkboxes on the application that specify that they require additional explanation,
 - d. (1) notarized affidavit certifying that Corbett does not have a roommate,
 - e. (1) notarized affidavit from someone willing to take possession of Corbett’s weapons upon his death or disability,
 - f. (2) “passport-style” photos,
 - g. (1) New York identification card,
 - h. (1) U.S. passport,
 - i. (1) social security card,
 - j. (1) copy of Corbett’s business tax return,
 - k. (1) set of fingerprints, and,
 - l. \$429.75.
19. Corbett’s application was accepted for processing.

20. On December 24th, 2015, NYPD P.O. Thomas Barberio mailed to Corbett a letter advising that Corbett needed to schedule an in-person interview and provide the following additional documents:
- m. (3) letters of recommendation, notarized and signed by people who know Corbett for at least 5 years but are not family members,
 - n. (1) letter from a doctor describing any mental illness Corbett has ever suffered,
 - o. (6) months of bank withdrawal slips,
 - p. (1) copy of Corbett's out-of-state gun license⁶,
 - q. (1) statement describing any handguns Corbett owns out-of-state and how they are stored,
 - r. (1) affirmation of familiarity with New York's laws regulating use of deadly force,
 - s. (1) affirmation that Corbett has never had any "orders of protection" issued against him,
 - t. Any original court records for any interaction with criminal courts whatsoever, including driving infractions (*e.g.*, "failure to wear a seatbelt" would be sufficient to require additional records),
 - u. Pictures of Corbett's business, inside and out, and
 - v. Numerous additional tax records and other records related to the businesses Corbett owns.
21. Corbett expeditiously provided these documents to P.O. Barberio to the best of his ability and scheduled an interview.
22. On April 7th, 2016, Corbett met with P.O. Barberio for the requested interview.
23. The interview consisted of verifying that all documents were in order. No substantial "investigatory" questions were asked.

⁶ Corbett is, and at all times relevant was, licensed to carry a concealed weapon in Florida and may lawfully carry a concealed weapon in at least 36 states. Additionally, he may "open carry" a weapon in a handful more. New York is among a shrinking count of less than 10 states that prohibit Corbett from carrying a firearm in any manner.

24. Corbett was advised by P.O. Barberio at that time that the NYPD's background check results on him were clear of any issues.
25. Corbett was also advised by P.O. Barberio that the officer who would be taking over his application from Sgt. Barberio was unlikely to grant it because Corbett did not show a sufficient "need" to carry a firearm.
26. On April 18th, 2016, NYPD D.I. Michael Endall wrote to Corbett a letter with a decision regarding his permit application.
27. D.I. Endall did not find any problems with Corbett's "good moral character."
28. Indeed, Corbett has never been accused of, let alone convicted of, a crime.
29. Notwithstanding Corbett's good moral character, the letter stated that Corbett's license would not be approved for the following two reasons:
 - a. Corbett refused to answer Questions 11, 12, and 13 on the 3-page application. These questions ask whether Corbett has ever been "discharged from employment," "used narcotics or tranquilizers" (including under the care of a doctor), or "ever been subpoenaed to, or testified at, a hearing or inquiry conducted by any executive, legislative, or judicial body."
 - b. Corbett did not show "proper cause."
30. Corbett's application stated the following regarding Questions 11 – 13: "I refuse to answer questions 11, 12, and 13 because they are entirely irrelevant as to whether I am qualified to carry a handgun. Additionally, I refuse to answer question 12 because a) nearly every adult in the U.S. has been prescribed, at some point, a narcotic pain reliever or tranquilizer, and therefore I believe this question is used as subterfuge to allow the NYPD to unlawfully deny licenses, and [b]) the NYPD does not have the qualifications, nor any appropriate procedure, to determine if the usage of such medication is an indicator that a license should not be granted."

31. As it would turn out, D.I. Endall would be removed from his position as commander of the NYPD Licensing Division about 2 weeks after writing his letter to Corbett.
32. The reason for D.I. Endall's transfer to "desk duty" was that several of his subordinates were caught by federal authorities accepting cash in exchange for, among other things, approval of pistol permit applications. See <http://nypost.com/2016/04/18/shomrim-leader-busted-amid-nypd-corruption-probe/>
33. At least 1 officer under D.I. Endall's supervision has so far pled guilty to accepting cash for gun licenses, and another has been charged. See <http://newyork.cbslocal.com/2016/06/20/nypd-corruption-probe-arrests/>
34. Corbett filed a timely agency appeal on May 6th, 2016, stating that under evolving law, the NYPD's position regarding "proper cause" is an unconstitutional restraint on his Second Amendment rights, and re-iterating his position described *supra* that Questions 11 – 13 are irrelevant.
35. On May 31st, 2016, Respondent Prasso wrote to Corbett advising him that his appeal had been denied, re-iterating the NYPD's position described by D.I. Endall, and thus exhausting Corbett's administrative remedies. See Exhibit A.
36. As a result of Prasso's determination, Corbett cannot even be granted a "premises license" allowing him to keep a handgun in his home, but not carry it, because although the "proper cause" requirement cannot apply to a home license per *McDonald v. Chicago*, 561 U.S. 742 (2010), the NYPD still requires an answer to the objectionable Questions 11 – 13 as a condition of granting even a home license.
37. Before filing his application, Corbett filed a Freedom of Information Law request with the NYPD for any documents that demonstrate how pistol permit applications are evaluated.

38. NYPD Lt. Richard Mantellino processed Corbett's request and attached 4 pages of documents, none of which identify criteria by which a license is approved or disapproved. See Exhibit B.
39. Based on the foregoing, the NYPD has no written internal standards for how they evaluate the questions answered on gun license applications, and instead evaluate responses based on their own personal judgments.
40. Upon belief, the NYPD has no formal standard by which they evaluate if being fired from a job disqualifies an applicant.
41. Upon belief, the NYPD has no medical staff to evaluate, and has never sought advice from medical staff as to, whether an applicant's use of doctor-prescribed narcotics or tranquilizers is a cause for concern regarding their ability to possess a handgun.
42. Upon belief, the NYPD has no means of securely storing Protected Health Information (PHI) as defined by the federal Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. § 1320d(4) and 45 CFR § 160.103, and therefore the NYPD is requiring those who wish to exercise their Second Amendment rights, even if only to possess a gun in one's home, to submit their PHI with no guarantees on its safe storage nor limits on its dissemination.
43. The notion that testifying in front of our government may be a basis for disqualification from one's Second Amendment rights is patently absurd.
44. Upon belief, the sole basis for Questions 11, 12, and 13 is to provide the reviewing officer an *excuse* to deny an application, not a reason.
45. Instead of an equitable and transparent system that relies to the minimum on the unfettered discretion of officers, gun license applications are, in practice and when not tainted by bribery, still judged based on whether an individual has the "proper connections."

46. As an illustration, the New York Times has reported that pistol permit applications are routinely granted to well-known lawyers, radio DJs, doctors, and the like. See <http://www.nytimes.com/2011/02/20/nyregion/20guns.html>
47. Another type of “connection” sufficient to obtain licensure is retired NYPD officer status.
48. Retired NYPD officers can bypass the “proper cause” requirement by obtaining a “good guy” letter. See Exhibit C, New York Police Department, “Instructions for NYPD Retirees,” Retrieved August 5th, 2018.
49. No proper cause bypass mechanism exists for any other citizens, including Corbett.

CLAIMS FOR RELIEF

Count 1 – Constitutional Procedural Due Process Violation

(Failure to Provide Neutral Official)

50. At the time Corbett’s license application was processed, the NYPD’s Licensing Division had pervasive corruption affecting the decision-making for all applications processed therein, and Corbett’s application was ultimately denied by an officer who was forced out of the Licensing Division as a result of a corruption investigation.
51. Under these circumstances, Corbett’s license application was not considered by a neutral official.
52. The Fifth Amendment right to procedural due process, incorporated against the states via the Fourteenth Amendment, requires the state to provide neutral officials whenever process is due.
53. This requirement applies even if a neutral official would have made the same decision.
54. Process is due whenever the government restricts an individual’s constitutional rights.
55. Corbett’s constitutional right to bear arms was restricted by the decision of the licensing officer.
56. Therefore, Corbett’s right to due process was abridged because although process was due, no neutral official was provided.

Count 2 – Second Amendment Violation
(“Questions 11 – 13” of the Pistol Permit Application)

57. The NYPD requires all who wish to own a firearm – even those who wish to own it in the confines of their own home – to answer “Questions 11 – 13” of their licensing application.
58. This restriction on even home ownership must therefore pass an intermediate scrutiny test.
59. However, Questions 11 – 13 lack a rational, let alone a substantial, relationship to the state’s interest in protecting its citizens from gun violence because there is no attempt to tailor these questions to information that would actually be relevant to a background check.
60. The NYPD Licensing Division indicated that Corbett’s refusal to answer Questions 11 – 13 constituted an independent basis for denying Corbett’s license application, and resultantly not only was Corbett’s application for a carry license denied, but any future application for even a *home* license would necessarily be denied for the same reason.
61. Therefore, Corbett’s rights under the Second Amendment to the U.S. Constitution have been violated because the state has restricted his ability to own a firearm by means that lack a substantial relationship to the government’s interest.

Count 3 – Second Amendment Violation
(Proper Cause Requirement)

62. Corbett seeks his right to carry a handgun in public, whether the state wishes to fulfill that right by permitting open carry, concealed carry, or both.
63. However, no license to open carry exists⁷, and no license to concealed carry is available to ordinary citizens like Corbett.
64. New York’s blanket refusal to allow the ordinary citizen the right to bear arms – that is, to carry firearms outside the home – constitutes a total ban.
65. In the alternative, the same lacks a substantial relationship to the government’s interest because the state has ample options it may use to screen out citizens who may pose an

⁷ Police officers and on-duty, licensed security guards excepted.

elevated risk of danger if allowed to carry a firearm from the vast majority who do not present such a danger.

66. As a result of the persistent, pervasive corruption within the NYPD's Licensing Division, it has been proven that even if a proper cause requirement were a prudent means of vindicating the state's interests, it is not possible to do so in a manner that fairly adjudicates applications under that standard.
67. In light of the recent revelations of corruption, *Kachalsky* should be reconsidered and the Court should rule that the proper cause requirement cannot be constitutionally implemented.

Count 4 – Equal Protection Violation

(Proper Cause Waived for Retired Police, but Not Other Civilians)

68. The practice of the NYPD Licensing Division is to allow retired police to bypass the proper cause requirement by presenting a letter from a former supervisor stating that they are a “good guy.”
69. Such a bypass is not available to ordinary citizens such as Corbett.
70. Retired police have no more “need” to carry a firearm than other civilians⁸.
71. By granting retired police privileges different from that of everyone else the NYPD has failed to give Corbett (a member of the “everyone else” group) equal protection of the law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

⁸ A rational argument can certainly be made that retired police are more well qualified to handle a firearm safely than an average citizen. But that is irrelevant: the licensing division allows retired police a pass on the *proper cause* requirement, not a requirement of safe handling. No rational argument exists to support retired police “needing” a gun more than the ordinary citizen.

- i. Declaratory relief stating that the proper cause requirement – when combined with New York’s policy of refusing to allow any open carry at all – is unconstitutional because it constitutes an unlawful total ban, or alternatively, does not meet strict scrutiny;
- ii. Declaratory relief stating that the proper cause requirement – in light of the full century of corruption surrounding its implementation and the corruption demonstrated in the Licensing Division at the time Corbett’s application was decided – is unconstitutional as applied to Corbett.
- iii. Declaratory relief stating that exempting only police officers from the proper cause violates Corbett’s equal protection rights.
- iv. Injunctive relief, a writ of *mandamus*, a writ of prohibition, or other extraordinary writ to give effect to the declaratory relief.
- v. Cost of the action.
- vi. Reasonable attorney’s fees, to the extent that the law allows a *pro se* litigant to collect attorney’s fees⁹, and in the event Corbett retains an attorney at a later point in this matter.
- vii. Any other such relief as the Court deems appropriate.

Dated: New York, New York

August 6th, 2018

Respectfully submitted,

Jonathan Corbett

Plaintiff, *Pro Se*

228 Park Ave. S. #86952

New York, NY 10003

E-mail: jon@professional-troublemaker.com

⁹ Corbett graduates law school in the fall and intends to take the February 2019 California General Bar Examination. As such, it is possible that Corbett will be a licensed attorney before this litigation is concluded. To the extent that this may affect Corbett’s right to recover fees, defendants are hereby placed on notice that Corbett will seek recovery accordingly.

Exhibit A



POLICE DEPARTMENT
License Division
One Police Plaza- Rm. 110A
New York, N.Y. 10038
Tel: (646) 610-5560

NOTICE OF DISAPPROVAL AFTER APPEAL

May 31, 2016

Jonathan Corbett
228 Park Ave. So. #86952
New York, N.Y. 10003

Appeal# 36/16
Disap.# 110/16

Dear Mr. Corbett:

I am writing to inform you that based on my review of the entire record, your appeal of the determination denying your Carry Business license is **disapproved** due to:

- **Your failure to complete your application by refusing to answer questions 11, 12 and 13. Refusing to answer a question contained in a proper application for a license does not meet the requirements of PL 400.00 (1), that all statements in a proper application are true. Your refusal to answer these questions constitutes a failure to cooperate with the License Division's investigation of your application, see PL 400.00 (4) and 38 RCNY 5-10 (m).**
- **You have not shown "proper cause" to be licensed to carry a concealed firearm in New York City. Your statement, in response to paragraph 1 of the Letter of Necessity, is conclusory and lacks specific information needed to evaluate your claim that you need to carry a concealed handgun, see PL 400.00 (2) (f) and 38 RCNY 5-03.**

You may appeal this determination by commencing an Article 78 proceeding in State Supreme Court within four months of the date of this letter.

Very truly yours,

Thomas M. Prasso
Director

TMP:da

Exhibit B



**POLICE DEPARTMENT
LEGAL BUREAU**
F.O.I.L. UNIT, ROOM 110C
ONE POLICE PLAZA
NEW YORK, NY 10038

October 10, 2013

Jonathan Corbett
382 NE 191 Street
Miami, Florida 33179

**RE: FREEDOM OF INFORMATION LAW
REQUEST: LB #13-PL-4104**

Dear Mr. Corbett:

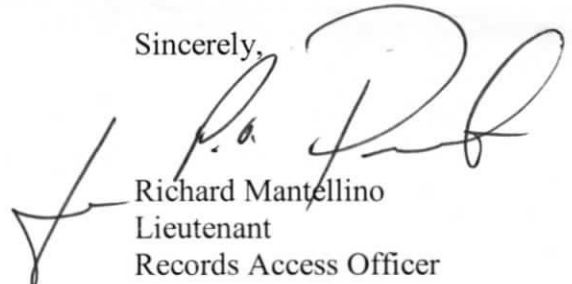
This letter is in further response to your FOIL request dated June 7, 2013, and pursuant to the August 15, 2013 determination of the Records Access Appeals Officer in which this matter was remanded to the undersigned.

Responsive to your request for "any document that provides guidance on how the NYPD and its officers decide whether to accept or reject pistol permit applications", four (4) pages have been located and are forwarded herewith. I also refer you to the laws which govern the licensing of pistol permit holders: New York State Penal Law, Article 400 and The Rules of the City of New York, Title 38, Chapter 5.

Please remit the copying fee for 4 pages, in the amount of \$1.00 to the New York City Police Department, noting the file number 13-PL-4104, on your payment to Records Access Officer, NYPD Document Production Unit, One Police Plaza, Room 110C, New York, New York 10038.

You may appeal this decision or any portion thereof. Such an appeal must be made in writing, within 30 days of the date of this letter, and must be forwarded to: Jonathan David, Records Access Appeals Officer, New York City Police Department, One Police Plaza, Room 1406, New York, NY 10038.

Sincerely,



Richard Mantellino
Lieutenant
Records Access Officer

COURTESY • PROFESSIONALISM • RESPECT

**POLICE DEPARTMENT
CITY OF NEW YORK**

November 29, 2010

From: Director, License Division

To: All Members of the License Division

**SUBJECT: REVISIONS TO TITLE 38 OF THE RULES OF THE CITY OF
NEW YORK**

Title 38 of the Rules of the City of New York was recently amended to simplify the application process and clarify rules for denial of license and permit applications. These revisions take effect on Monday, November 29, 2010.

Among the important changes taking effect are the following:

- Section 5-06 has been amended to eliminate the notarization requirement for new and renewal handgun license applications and replace it with a requirement that statements therein be affirmed in writing. False statements are punishable under the Penal Law and are grounds for denial. Other sections eliminate the notarization requirement in related documents.
- Sections 3-03 and 5-10 now contain a list of factors to be considered when determining the legal standards of "good moral character" and "no good cause exists for the denial" regarding license and permit applications. Sections 3-05 and 5-11 incorporate the factors listed in 3-03 and 5-10 and apply them to suspensions and revocations of permits and licenses.

The full text of these sections of the Rules as amended is attached to this memorandum and should be referred to for more complete information.

For your information.



Thomas M. Prasso
Director

REQUIRED ENTRIES IN CASE HISTORY SHEET *(all entries require date)*
PREMISE RESIDENCE CASE RECEIVED BEGINNING JANUARY 1, 2009

- Intake Unit – indicate whether all documents required at intake were provided, or list missing documents, and other notes.
- Supervisor indicates Investigating Officer (I/O) assigned.
- I/O mails introductory cover letter and checklist of documents needed to Applicant.
- >All messages and attempts to contact by both I/O and Applicant.
>Initial contact acknowledging receipt of introductory letter and list of documents needed *(note that if this does not occur within 2 weeks, a letter must be sent to the Applicant with warning regarding failure to contact and necessity of interview)*.
>All subsequent contact and attempts between I/O and Applicant. (Multiple entries throughout investigation)
- **2 week review**
(Entry by I/O indicating case provided to Supervisor at 2-week mark)
(Entry by Supervisor verifying that introductory cover letter and checklist of documents needed was mailed to Applicant by I/O; and any other notes by supervisor)
- Notes regarding special circumstance or unusual delay in obtaining required documents or information *(Attach relevant documents, such as letter(s) received or letter(s) sent to Applicant, and indicate on Enclosure Index)*.
- Entry at 4-week mark regarding scheduling of interview, if not already conducted.
- Interview of Applicant *(Attach Interview Sheet and indicate date on Enclosure Index)*.
- Entry between 6-week and 8-week marks **identifying outstanding documents or information** and detailing communication of same to Applicant *(Attach relevant documents, such as letter(s) to Applicant)*.
- **8 week review**
(Entry by I/O indicating case provided to Supervisor at 8-week mark)
(Entry by Supervisor verifying review of I/O's entry identifying outstanding documents or information and communication of same to Applicant).
- **14 week review** (if necessary) (separate entries by I/O and Supervisor)
- I/O submits completed case to Supervisor
- Supervisor returns for additional steps; or signs and submits case

REQUIRED ENTRIES IN CASE HISTORY SHEET *(all entries require date)*
PREMISE BUSINESS, CARRY BUSINESS, SPECIAL CARRY, LIMITED CARRY
CASES RECEIVED BEGINNING NOVEMBER 1, 2011

- Intake Unit – indicate whether all documents required at intake were provided, or list missing documents, and other notes.
- Supervisor indicates Investigating Officer (I/O) assigned.
- I/O mails introductory cover letter and checklist of documents needed to Applicant.
- >All messages and attempts to contact by both I/O and Applicant.
>Initial contact acknowledging receipt of introductory letter and list of documents needed *(note that if this does not occur within 3 weeks, a letter must be sent to the Applicant with warning regarding failure to contact and necessity of interview)*.
>All subsequent contact and attempts between I/O and Applicant. (Multiple entries throughout investigation)
- **3 week review**
(Entry by I/O indicating case provided to Supervisor at 3-week mark)
(Entry by Supervisor verifying that introductory cover letter and checklist of documents needed was mailed to Applicant by I/O; and any other notes by supervisor)
- Notes regarding special circumstance or unusual delay in obtaining required documents or information *(Attach relevant documents, such as letter(s) received or letter(s) sent to Applicant, and indicate on Enclosure Index)*.
- Entry at 6-week mark regarding scheduling of interview, if not already conducted.
- Interview of Applicant *(Attach Interview Sheet and indicate date on Enclosure Index)*.
- Entry between 8-week and 10-week marks **identifying outstanding documents or information** and detailing communication of same to Applicant *(Attach relevant documents, such as letter(s) to Applicant)*.
- **10 week review**
(Entry by I/O indicating case provided to Supervisor at 10-week mark)
(Entry by Supervisor verifying review of I/O's entry identifying outstanding documents or information and communication of same to Applicant).
- **15 week review** (if necessary) (separate entries by I/O and Supervisor)
- I/O submits completed case to Supervisor
- Supervisor returns for additional steps; or signs and submits case



One Police Plaza

(646) 610-5551



Case History Sheet

Application Number:		Last Name:		First Name:	
---------------------	--	------------	--	-------------	--

[illegible]

Exhibit C



New York City Police Department

License Division
One Police Plaza, Room 110
New York, NY 10038
Office- (646) 610-5536
Fax- (646) 610-6399

INSTRUCTIONS FOR NYPD RETIREES

Please note: these instructions apply to NYPD retirees who are New York City residents **only**.

We recommend that approximately 2 weeks prior to your anticipated retirement processing date that you hand-deliver the following materials to the License Division Retiree Section, One Police Plaza, Room 110A:

- A completed handgun license application form (PD 643-041). This form must be **typed**. There is a form-fillable .pdf file available for download on the License Division Retiree web page for this purpose.
- One (1) recent color passport-type photograph (1 ½ x 1 ½ inches), front view.
- A non-refundable fingerprint fee of \$89.75 which may be paid by credit card or money order (Postal or U.S. Bank). Money orders should be made payable to the "New York City Police Department." **This fee must be paid by all applicants.**
- The completed **Firearm Removal Inquiry** form, the **Affidavit of Familiarity with Rules and Laws** form, the **Acknowledgement of Person Agreeing to Safeguard Firearms** form and the **Affidavit of Co-Habitant** form.

On Your Retirement Processing Date:

- First, report to the Police Pension Fund, 233 Broadway, 19th floor, New York, NY.
- Next, report to the License Division Retiree Section, 1 Police Plaza, Room 110A, with your ID card stamped "**Retired.**"
- All NYC Police Department retirees must submit their **Pistol License Inquiry Response** form (PD 643-155) and their **Property Receipt/Discontinuance of Service** form (PD 520-013). You are not required to voucher your firearms if you have received a **Law Enforcement Officers Safety Act Firearm Certification Card** or your license will be issued on your retirement date.
- Follow instructions of License Division personnel regarding license issuing procedure.

Important Note: When you deliver your handgun license application documents, you must inform the License Division of your anticipated retirement date.

A retired law enforcement handgun license will not be issued to you if you did not receive a **Pistol License Inquiry Response** form (PD 643-155) a.k.a "good-guy letter," or if your ID card is stamped "No Firearms." To obtain a retired law enforcement license, you must have the restriction lifted prior to receiving a license.

If you have any questions concerning your application, please call (646) 610-5536.

Applications must be submitted in person at the license division, Room 110A, Monday through Friday between the hours of 0830 to 1600 hours.