



March 10, 2023

Konstadinos T. Moros  
Michel & Associates, P.C.  
180 East Ocean Boulevard, Suite 200  
Long Beach, CA 90802

Re: Your letter dated February 27, 2023 concerning La Verne's CCW Permit Fees and Requirements

Dear Mr. Moros:

As you know, I am the City Attorney for the City of La Verne. I write to respond to your letter dated February 27, 2023 and your subsequent emails to the City Council. While we certainly understand the position you have taken on behalf of your client, we believe that there is some confusion about the fees actually adopted by the City of La Verne relative to CCW permits.

The vast majority of the fees identified in the City's February 21, 2023 agenda report are not fees charged by La Verne at all. Staff sought to fully inform the City Council and the public about the City's fees as well as those charged by outside agencies. It appears that many members of the public believe that all of the identified fees are charged by (and within the control of) the City of La Verne. Actually, the fees charged by the City of La Verne for issuance of a CCW permit are only \$190.00. Because of the fact that the City must pay half the cost of psychological exams due to statutory fee caps, the City is actually only receiving \$40 per CCW application to offset its costs.

As you know, California law requires gun safety training for CCW Permit holders. The City does not provide or charge for that training. Thus the cost of the state mandated training cannot be attributed to the City of La Verne. As your letter notes, all of the Sheriff's Departments also require such training, but the cost of this training is not reflected in their published fees because it is done on the applicant's own and at the applicant's expense. The same is true for La Verne. Thus, the cost of the training required by the State is not a component of La Verne's fee at all.

Likewise, the cost of have a Livescan screening by the Department of Justice (also required by state law) is \$93.00 and payment goes to the Department of Justice, not the City of La Verne. The City of La Verne collects only \$20.00 to actually do the



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fingerprinting required for the Livescan process. In comparison, the Los Angeles County Sheriff's Department charges \$25.00 for doing the fingerprinting, a charge apparently not reflected in the Department's published CCW fees. Of course, the City does not have to actually take the fingerprints. There are multiple private providers who do this, typically at a cost of \$30 or more.

The primary differences between the total costs associated with obtaining a CCW Permit from a Sheriff's Department and the total costs to a La Verne resident are charges associated with the psychological exam and the fee charged by an outside vendor, Myccw.us. As reflected in staff's report to the City Council, staff has determined that the \$398 fee charged by (and paid directly to) Myccw.us is significantly lower – less than half -- what the City would have to charge based on the actual cost of Police Department staff performing all the functions that Myccw.us does: processing the applications, running the background investigations using certified background investigators, scheduling the psychological exams, referring the applicants to an approved vendor for the firearms training and qualifications, and completing a comprehensive report for review by the Department. Police Department staff are still required to conduct a records check, review the report from Myccw.us, interview applicants, and issue the CCW permit, if all criteria are met. While the total fees for the City's services are \$190.00, staff's study indicates that the actual cost to the City in staff time is in excess of \$250.00.

The other difference relates to the psychological exam requirement. State law allows the City to require a psychological exam and caps the cost to the applicant for such an exam at \$150. That some counties have chosen not to require the exam does not make it unlawful for La Verne to do so. The \$150 fee is paid directly to the psychologist by the applicant, not to the City. The City actually is forced to subsidize the cost of these exams estimated in the amount of \$150. Thus, the City is still actually subsidizing the cost of issuing CCW permits.

We recognize that application fees for the three Sheriff's Departments cited in your letter are less than La Verne's application fees plus the Myccw.us charges. Unfortunately, the Sheriff's Department has put the City in the position of having to perform this service, despite its small staff and budgetary challenges. The much larger size of County Sheriff's Departments is likely the cause of that cost disparity, not an effort by La Verne to inflate the cost or negatively impact any category of residents. The economies of scale, long history of issuing such permits, and greater flexibility of staffing for a County Sheriff's Department are likely reflected in the cost difference. Moreover, it



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is unclear whether the counties cited are recovering their actual costs associated with the CCW process, as they are permitted to do.

Your letter states that the City requires “letters of recommendation” to be submitted with the CCW application. That is incorrect. Rather, in the background check process, applicants are requested to provide the names of references, who can attest to the applicant’s good moral character. As I understand it, rather than calling these references when it may be inconvenient for them to speak to an investigator, they are contacted by email and asked to provide such information as they deem appropriate. A reference could theoretically do no more than state “Applicant Jones is of good moral character.”

As noted in the Attorney General’s legal alert dated June 24, 2022, issued following the *Bruen* decision: “As a starting point for purposes of investigating an applicant’s moral character, many issuing authorities require personal references and/or reference letters. Investigators may personally interview applicants and use the opportunity to gain further insight into the applicant’s character. And they may search publicly-available information, including social media accounts, in assessing the applicant’s character. Finally, we note that it remains reasonable—and constitutional—to ask applicants why they are interested in carrying their firearms in public. Although applicants do not need to demonstrate good cause for the issuance of a license, an applicant’s reasons for seeking a license may alert authorities to a need for psychological testing, be considered as part of the “good moral character” requirement, or provide information relevant to other statutory requirements.”

I am sure you are quite familiar with the state approved CCW application, which includes the following language in Section 8, and is required to be signed by the applicant under penalty of perjury: “I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation.”

You indicated that a request for references would violate CCW applicants’ privacy relating to the fact that they are seeking a CCW. However, most of the information in a CCW application is actually subject to disclosure under the Public Records Act (including names and home addresses of most applicants/CCW permit holders). See Public Records Act, California Government Code section 7923.800, et seq., identifying information regarding CCW applicants which can be withheld.



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I think it important to note that the *Bruen* decision itself supports the City's requirements. States with objective requirements for public-carry licenses "may continue" those requirements, "which could include requiring "a license applicant to undergo fingerprinting, a background check, a mental health records check, and training in firearms handling and in laws regarding the use of force, among other possible requirements." (142 S. Ct. at 2162, Kavanaugh, J. concurring.)

Having said all of this, let me assure you that the City Council has taken its residents concerns to heart. Staff is exploring ways to reduce the costs of CCW Permits and renewals and intends to bring forward an item to the Council's April 3, 2023 meeting to discuss the issue further. In the meantime, I hope that this letter has cleared up some of the concerns you have raised.

I would be happy to discuss this matter further with you at your convenience.

Very truly yours,

A handwritten signature in cursive script that reads "Kimberly Hall Barlow".

Kimberly Hall Barlow



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