



LICENSE APPLICATION DISAPPROVED
PD 616-121A (Rev 6-01)

LICENSE DIVISION
ADMINISTRATIVE APPEAL UNIT
1 POLICE PLAZA - Room 110
New York, NY 10038
1-646 610 5873

Jonathan Corbett

New York, NY 10

APPL # 2015-
DATE: 4-18-16

DISAPPROVAL# 110/16

NOTICE OF DISAPPROVAL

Mr. Corbett:

Your application for a Handgun License has been **DISAPPROVED** for the following reasons:

Upon submitting your application you deliberately failed to answer all of the required questions.

Question #11 "Have you ever been discharged from any employment?"

Question #12 "Have you ever used narcotics or tranquilizers? List doctor's name, address, telephone number, in explanation."

Question #13 "Have you ever been subpoenaed to, or testified at, a hearing or inquiry conducted by any executive, legislative, or judicial body?"

You initially provided the following written response for your omitted answers:

"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 2) 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."

You then submitted an amendment to explain your answers further. Your amendment, as thorough as it was, failed to address the above three questions.

Title 38 of the Rules of the City of New York § 5-05 (a) dictate that "The application form shall be **completely filled** out and submitted in person at the License Division." By deliberately omitting the answers to Questions #11, #12, and #13 you have failed to meet this requirement.

Additionally, Title 38 of the Rules of the City of New York § 5-03 dictate that "...an applicant seeking a carry or special handgun license shall be required to show **"proper cause"** pursuant to § 400.(2)(f) of the New York State Penal Law. Proper cause is determined by a review of **all** relevant information bearing on the claimed need of the applicant for the license."

Kachalsky v Cacace in the United States Court of Appeals for the Second Circuit decided:

[HN 12] "Given New York's interest in regulating handgun possession for public safety and crime prevention, it decided not to ban handgun possession, but to limit it to those individuals who have an actual reason (proper cause) to carry the weapon. In this vein, licensing is oriented to the Second Amendment's protections. Thus, proper cause is met and a license shall be issued when a person wants to use a handgun for target practice or hunting. N.Y. Penal Law § 400.00(2) (f). And proper cause is met and a license shall be issued when a person has an actual and articulable-rather than merely speculative or specious-need for self-defense. N.Y. Penal Law § 400.00(2) (f).

[HN13] "Restricting handgun possession in public to those who have a reason to possess the weapon for a lawful purpose is substantially related to New York's interests in public safety and crime prevention. It is not an arbitrary licensing regime no different from limiting handgun possession to every tenth citizen."

[HN 15] "...to regulate firearm possession in public, requiring a showing that there is an objective threat to a person's safety-a special need for self-protection-before granting a carry license is entirely consistent with the right to bear arms..."

Your letter of necessity, the required document to illustrate your "proper cause" as required by Title 38 of the Rules of the City of New York §5-03 is as follows (in its entirety):

"Applicant conducts business as a civil rights advocate. In order to exercise his civil rights fully, he needs a carry license."

By submitting the preceding letter of necessity you have failed to demonstrate the "proper cause" required to carry a firearm.

Factors listed in Title 38 of the Rules of the City of New York §5-10 (m), and (n) were taken into consideration regarding the eligibility requirements of "good moral character" and "no good cause exists for the denial of a license" in making the determination for the DISAPPROVAL of your application.

To appeal this decision, the applicant must submit a sworn statement setting forth the grounds for the appeal and shall contain the following statement to be signed by the applicant in the presence of a Notary Public:

"Under penalty of perjury deponent being duly sworn, says that he/she is familiar with all of the statements contained herein and that each of these statements are true, and no pertinent facts have been omitted."

Appeals that are not notarized or appeals submitted by individuals or business entities other than the applicant (or applicant's attorney) will not be accepted. Appeals must be forwarded to the Director of the License Division within (30) days of the date of this notice. Mark Envelope – ATTENTION: APPEAL UNIT

By direction of



Michael T. Endall
Deputy Inspector