

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY,
PENNSYLVANIA – CIVIL DIVISION**

JOHN DOE 1,	:	
and JOHN DOE 2,	:	
	:	
Plaintiffs,	:	Class Action Complaint
	:	
v.	:	Civil Action No. 121203785
	:	
CITY OF PHILADELPHIA, MAYOR	:	JURY TRIAL DEMANDED
MICHAEL A. NUTTER, PHILADELPHIA	:	
POLICE DEPARTMENT, GUN PERMIT	:	
UNIT OF THE PHILADELPHIA POLICE	:	
DEPARTMENT, PHILADELPHIA	:	
LICENSE AND INSPECTION BOARD OF	:	
REVIEW, and PHILADELPHIA OFFICE	:	
OF INNOVATION & TECHNOLOGY,	:	
	:	
Defendants.	:	

SECOND AMENDED CLASS ACTION COMPLAINT

Plaintiffs, John Doe 1 and John Doe 2 (the “Representative Plaintiffs”), on behalf of themselves and all persons similarly situated, by and through their attorneys, Joshua Prince, Esquire of Prince Law Offices, P.C., Benjamin R. Picker, Esquire of McCausland Keen & Buckman, Jonathan Goldstein, Esquire of McNelly & Goldstein, LLC, and Jon A. Mirowitz, Esquire, hereby file this complaint against the City of Philadelphia, Mayor Michael A. Nutter, the Philadelphia Police Department, the Gun Permit Unit of Philadelphia Police Department, the Philadelphia License and Inspection Board of Review, and the Philadelphia Office of Information & Technology for violations of 18 Pa.C.S. § 6111(i) based upon the following:

JURISDICTION AND VENUE

1. This action is brought pursuant to 18 Pa.C.S. § 6111(i). Jurisdiction is based upon 2 Pa.C.S. § 752, 18 Pa.C.S. §§ 6109, 6111 and 6114, and 42 Pa.C.S. § 931.

2. Venue is proper pursuant to 42 Pa.C.S. § 931 and Pa.R.C.P. Nos. 1006(a)(1) and 2103(b) because all currently known Defendants are Philadelphia Officials, Philadelphia governmental units or departments, the Defendants may be served in Philadelphia, the cause of action arose, and transactions or occurrences took place out of which the cause of action arose, in Philadelphia, the Plaintiffs are residents of Philadelphia and were harmed there.

PARTIES

3. Plaintiff, John Doe 1 is an adult and resident of the City of Philadelphia whose confidential information was disclosed by Defendants in violation of 18 Pa.C.S. § 6111(i).

4. Plaintiff, John Doe 2 is an adult and resident of the City of Philadelphia whose confidential information was disclosed by Defendants in violation of 18 Pa.C.S. § 6111(i).

5. Defendant, City of Philadelphia (hereinafter the “City”), is a municipality in Philadelphia County, Commonwealth of Pennsylvania that is classified as a city of the first class pursuant to 53 P.S. § 101, and which owns, operates, manages, directs and controls the Philadelphia Police Department, the Gun Permit Unit of the Philadelphia Police Department, the Philadelphia License and Inspection Board of Review, and the Philadelphia Office of Information & Technology, all of which are also named as Defendants in this action.

6. Defendant, Mayor Michael A. Nutter (hereinafter “Mayor Nutter”), is an adult individual and is the Mayor of the City of Philadelphia and is thereby employed by,

an agent of, and vested with the executive power of the City of Philadelphia, pursuant to 53 P.S. § 12101.

7. Defendant, Philadelphia Police Department (hereinafter “PPD”), is a department of the City of Philadelphia.

8. Defendant, Gun Permit Unit of the Philadelphia Police Department (hereinafter “GPU”), is a department within the PPD and, by extension a department of the City, which receives, reviews, processes and makes determination on Pennsylvania License to Carry Firearms (“LTCF”) applications, pursuant to 18 Pa.C.S. § 6109.

9. Defendant, Philadelphia License and Inspection Board of Review (hereinafter “L&I Board”), is a department of the City, which operates as an independent agency/tribunal and an extension of the PPD and the GPU, as it receives, reviews, processes and makes determinations on administrative appeals from the denial or revocation of LTCF Applications.

10. Defendant, Philadelphia Office of Innovation & Technology (previously known as Philadelphia Office of Information Technology) (hereinafter “OIT”) is a department of the City of Philadelphia, which oversees all major information and communications technology initiatives for the City of Philadelphia, including identifying the most effective approach for implementing new information technology directions throughout City government and ensuring data security continuity.

THE PENNSYLVANIA UNIFORM FIREARMS ACT

11. The Pennsylvania Uniform Firearms Act (hereinafter “UFA”) is set forth at 18 Pa.C.S. §§ 6101, et seq.

12. Pursuant to Section 6109 of the UFA, an individual who is 21 year of age and a resident of the Commonwealth is to make application for his/her LTCF “with the sheriff of the county in which he resides or, if a resident of a city of the first class, with the chief of police of that city.”

13. Since the City is a city of the first class, all residents of the City must apply for an LTCF with the chief of police of the City.

14. Section 6111(i) of the UFA provides:

Confidentiality.--All information provided by the potential purchaser, transferee or applicant, including, but not limited to, the potential purchaser, transferee or applicant's name or identity, furnished by a potential purchaser or transferee under this section or any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to public disclosure. In addition to any other sanction or penalty imposed by this chapter, any person, licensed dealer, State or local governmental agency or department that violates this subsection shall be liable in civil damages in the amount of \$1,000 per occurrence or three times the actual damages incurred as a result of the violation, whichever is greater, as well as reasonable attorney fees.

15. Pursuant to Section 6109 of the UFA, the Philadelphia chief of police shall issue an LTCF within 45 days of the date of application if the investigation provides no good cause to deny the applicant.

16. Section 6114 of the UFA provides, “The action of the chief of police, sheriff, county treasurer or other officer under this subchapter shall be subject to judicial review in the manner and within the time provided by 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action).”

17. 2 Pa.C.S. § 752, which is set forth in Chapter 7, Subchapter B of Title 2 of the Pennsylvania Consolidated Statutes, provides, “Any person aggrieved by an adjudication of a local agency who has a direct interest in such adjudication shall have

the right to appeal therefrom to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure).” Pursuant to 42 Pa.C.S. § 931, the Court of Common Pleas of each county is vested with such jurisdiction.

18. Section 6109 of the UFA provides, “An individual whose [LTCF] is revoked may appeal to the court of common pleas for the judicial district in which the individual resides.”

19. Nonetheless, as part of the LTCF application process, if an LTCF is denied or revoked, the City requires any that appeals be first filed with the L&I Board instead of to the Philadelphia County Court of Common Pleas.

FACTS

20. On or about August 11, 2012, Defendants launched a new website/application (hereinafter the “Web Application”), available at <http://www.phila.gov/map>, which disclosed LTCF applicants’ names, addresses, and other information relating to LTCF denials, appeals and revocations of those applicants.

21. The Defendants partnered in development, design, advice, review and implementation of the Web Application, as reflected in Reporter Alex Wigglesworth’s August 15, 2012, article. A copy of the article is attached hereto and incorporated herein as Exhibit “A.”

22. On August 15, 2012, Reporter Victor Fiorillo (“Fiorillo”) with the Philly Post posted an article on the Internet regarding the Web Application. A copy of the article is attached hereto and incorporated herein as Exhibit “B.”

23. In the article, Fiorillo stated, “One of the more interesting aspects to this new data transparency is an array of gun permit appeals, essentially a **list of**

Philadelphians who have been denied a gun permit or had their permit revoked and who have appealed to have the decision overturned.” (Emphasis in original).

24. In the article, Fiorillo continued, “The appeal information contained therein includes the appellant name, street address, and grounds for appeal.” Fiorillo then goes on to provide a sampling, which originally reflected names, addresses, reason for denial, and grounds for appeal.

25. On or about 4:40PM on August 15, 2012, after learning that Defendants removed access to the LTCF information because of “a concern about the propriety of publishing the information,” Fiorillo redacted the names and addresses but allowed the reasons for denial and grounds for appeal to remain visible in his Internet article.

26. The Web Application, and the confidential LTCF information contained therein, remained available and accessible to the general public on the Internet from August 11, 2012 through August 15, 2012.

27. Although access to the confidential LTCF information is not currently available through the Web Application, Fiorillo reported in his article that:

Mark McDonald from the mayor’s press office called with the following explanation: “The legal department has determined that this is public information. Its publication is legal. An individual who is denied a permit and files an appeal, that person has waived their right to confidentiality. All that said, within the government, there is a concern about the propriety of publishing the information, and so we’re looking at this again. On the one hand, city government wants to be transparent and believes in the concept of open data. Access to information makes for strong citizenry and effective government. But on the other hand, there are public safety concerns with regard to this information. Perhaps some of it should be redacted, although we haven’t made a conclusion that way. We’ll work toward a decision to whether this stuff gets put back up.”

28. In the aforementioned article written by Wigglesworth, Wigglesworth confirmed the aforementioned statements made by Mark McDonald set forth in Fiorillo’s

article, and she also quoted Mr. McDonald as saying, “Conceivably, we might redact some information on these gun permit appeals, that could be a potential solution, or we might decide it's public information, but we're not going to make it electronically available. If you want to see it, you can come down and look at it in person.”

29. On September 25, 2012, Ms. Alexandra Hoskins travelled to the Philadelphia Licensing and Inspection Department Appeals Division (hereinafter, “Appeals Division”) at the 18th Floor of 1515 Arch Street, Philadelphia, PA 19103. Ms. Hoskins travelled to the Appeals Division to procure the gun permit appeal information that Mark McDonald stated was publicly available in person. Upon arriving at the Appeals Division, at approximately 1:50 PM, she was greeted a female employee of the City who was managing the Appeals Division counter. Ms. Hoskins requested from the employee copies of LTCF appeals, and cited to Mr. McDonald’s aforementioned statement that such information is “public.” In response, the employee unequivocally and firmly stated that such “appeal information is confidential” and that there was no way for Ms. Hoskins to look at, review, or otherwise obtain copies of any appeal information regardless of what Mr. McDonald had stated.

30. The LTCF Application form utilized by the PPD (the “PPD LTCF Application”), a true and correct copy of which is attached hereto as Exhibit “C,” is available on the PPD’s website of <http://www.phillypolice.com> and reflects on the first page, “Instructions for Application 1/1/2010.” On page 4 of the PPD LTCF Application, it states, “**PRIVACY ACT NOTICE...All information supplied, including your social security number, is confidential and not subject to public disclosure.**” (Emphasis in original).

Facts Relating to John Doe 1

31. John Doe 1 was at least twenty-one years of age and a resident of the City at the time he submitted an LTCF application to the GPU.

32. John Doe 1 applied for an LTCF at GPU, using the PPD LTCF Application he was provided, and was granted an LTCF.

33. John Doe 1's LTCF was revoked in 2010.

34. John Doe 1 thereafter filed a timely appeal of the revocation with the L&I Board.

35. John Doe 1's confidential LTCF information relating to his LTCF application and his appeal from the revocation of his LTCF, including his name, address, and reason for appeal, was disclosed through the Web Application and was also separately posted on the Internet by Fiorillo and Wigglesworth at blogs.phillymag.com and www.opposingviews.com.

36. John Doe 1 was one of 2,188 individuals whose confidential LTCF information was publicly disclosed through the Web Application.

Facts Relating to John Doe 2

37. John Doe 2 was at least twenty-one years of age and a resident of the City at the time he submitted his LTCF application to the GPU.

38. John Doe 2 applied for an LTCF at GPU, using the PPD LTCF Application he was provided, and was granted an LTCF.

39. John Doe 2's LTCF was revoked in 2011.

40. John Doe 2 thereafter filed a timely appeal of the revocation with the L&I Board.

41. In December of 2012, the L&I Board reversed the revocation of John Doe 2's LTCF.

42. In January 2013, Defendant Permit Unit issued a letter that John Doe 2's LTCF was being reissued.

43. Although not disclosed on the Internet through the Web Application, John Doe 2's confidential LTCF information, including name, address and reason for appeal, were contained in a City-owned and maintained database of 3,265 individuals called "Hansen." Included in the Hansen was the confidential LTCF information of the 2,188 individuals whose confidential LTCF Information was disclosed through the Web Application.

44. Upon information and belief, Hansen was, for a time accessible by the general public. Moreover, upon information and belief, Hansen was not adequately secured from access by City employees, or independent contractors contracting with the City and their employees, who were not authorized under the UFA.

CLASS ACTION ALLEGATIONS

45. The foregoing paragraphs are incorporated herein as if set forth in full.

46. Plaintiffs bring this action as a Class Action, pursuant to Pa.R.C.P. 1707 and 1708

47. All Plaintiffs are at least 21 years of age and are residents of the City.

48. All 3,265 members of the putative class have appealed to the L&I Board from the denial or revocation of their LTCF by the City, PPD and GPU, and their confidential LTCF information was contained in Hansen.

49. The putative class (the "Class") is therefore defined as:

The 3,265 persons who appealed the denial or revocation of their License to Carry Firearms to the Philadelphia Board of Licenses and Inspections Review, and whose allegedly confidential information, including name, address and reason for appeal (“LTCF Information”), appears in the City of Philadelphia’s “Hansen” database and may have been disclosed to individuals and/or entities not entitled to access in alleged violation of 18 Pa.C.S. §6111(i).

Excluded from the putative class are the council members, officers and employees of the Defendants.

50. There exists two subclasses, which are described as follows:

Subclass I:

The 2,188 members of the Class whose LTCF Information was available for public viewing on the City of Philadelphia owned and operated website <http://www.phila.gov/map> during the time period of August 11, 2012 through August 15, 2012.

Subclass II:

The 1,077 members of the Class who are not members of Subclass I.

51. There exist questions of law and fact common to the Class, including the disclosure of confidential LTCF information of the members of the Class by Defendants in violation of 18 Pa.C.S. § 6111(i).

52. No other actions have been filed relating to the subject matter of this action.

53. The Representative Plaintiffs’ claims are typical of the claims of the Subclass that they each represent.

54. The Representative Plaintiff for each of the two Subclasses represents the same interest as, and has suffered the same injury as, the members of that Subclass.

55. The Representative Plaintiffs will fairly and adequately protect the interests of the members of their respective Subclass, as their claims are in alignment with those of other Subclass members.

56. The complexity of this action, including discovery and the need to limit disclosure of the confidential LTCF information to the extent possible, in combination with the expense of litigating separate claims of individual class members, which could result in more than 3,000 individual complaints, warrant this action proceeding as a class action.

57. Defendants have violated statutorily protected rights of all class members and final injunctive and declaratory relief, in addition to statutory damages and an award of attorneys' fees and expenses, are appropriate with regard to the class as a whole.

58. Pursuant to 18 Pa.C.S. § 6111(i), each member of the Class is entitled to statutory damages of \$1,000, per discloser, per disclosure, plus attorneys' fees and expenses.

COUNT I – VIOLATION OF 18 PA.C.S. § 6111(i) - AGAINST CITY

59. The foregoing paragraphs are incorporated herein as if set forth in full.

60. The City disclosed confidential LTCF application information, including names, addresses, and reasons/grounds for appeal as explained herein above and below, in violation of 18 Pa.C.S. § 6111(i).

61. The City hired, employed, contracted with, or otherwise entered into an agency relationship with certain third party contractors to develop, implement and otherwise make available the Web Application.

62. The City condoned, ratified, promoted, encouraged, tolerated and directed the disclosure of confidential LTCF application information to the general public, employees of the City were not authorized under the UFA, and third party contractors, and condoned, ratified, promoted, encouraged, tolerated and directed the creation, implementation and provision of public access to the Web Application, as aforesaid, all in violation of 18 Pa.C.S. § 6111(i).

COUNT II – VIOLATION OF 18 PA.C.S. § 6111(i) - AGAINST MAYOR NUTTER

63. The foregoing paragraphs are incorporated herein as if set forth in full.

64. Defendant Nutter is the Mayor of the City and controls, operates, manages, and directs the City, PPD, GPU, L&I Board, and OIT.

65. Nutter condoned, ratified, promoted, encouraged, tolerated and directed, in part through an Open Data Policy (Executive Order 1-12) that he issued in April 2012, the disclosure of confidential LTCF application information to the general public, employees of the City who were not authorized under the UFA, and third party contractors, and condoned, ratified, promoted, encouraged, tolerated and directed the creation, implementation and provision of public access to the Web Application, as aforesaid, all in violation of 18 Pa.C.S. § 6111(i).

COUNT III – VIOLATION OF 18 PA.C.S. § 6111(i) - AGAINST PPD

66. The foregoing paragraphs are incorporated herein as if set forth in full.

67. Defendant PPD is a department of the City.

68. PPD controls, operates, manages, and directs the GPU, and provides, shares with or otherwise makes available confidential LTCF applicant information to, the L&I Board.

69. PPD condoned, ratified, promoted, encouraged, tolerated and directed the disclosure of confidential LTCF application information to the general public, employees of the City, and third party contractors who were not authorized under the UFA, condoned, ratified, promoted, encouraged, tolerated and directed the creation, implementation and provision of public access to the Web Application, as aforesaid, in violation of 18 Pa.C.S. § 6111(i).

COUNT IV – VIOLATION OF 18 PA.C.S. § 6111(i) - AGAINST GPU

70. The foregoing paragraphs are incorporated herein as if set forth in full.

71. Defendant GPU is a department of the PPD and, by extension, a Department of the City.

72. GPU condoned, ratified, promoted, encouraged, tolerated and directed the disclosure of confidential LTCF application information to the general public, employees of the City, and third party contractors who were not authorized under the UFA, condoned, ratified, promoted, encouraged, tolerated and directed the creation, implementation and provision of public access to the Web Application, as aforesaid, in violation of 18 Pa.C.S. § 6111(i).

COUNT V – VIOLATION OF 18 PA.C.S. § 6111(i) - AGAINST L&I BOARD

73. The foregoing paragraphs are incorporated herein as if set forth in full.

74. Defendant L&I Board is a department of the City, which receives, reviews, processes and makes determinations on appeals from denials and revocations of LTCF applications.

75. L&I Board disclosed confidential LTCF application information, including names, addresses, and reasons/grounds for appeal as explained hereinabove, in violation of 18 Pa.C.S. § 6111(i).

76. L&I Board condoned, ratified, promoted, encouraged, tolerated and directed the disclosure of confidential LTCF application information to the general public, employees of the City, and third party contractors who were not authorized under the UFA, condoned, ratified, promoted, encouraged, tolerated and directed the creation, implementation and provision of public access to the Web Application, as aforesaid, in violation of 18 Pa.C.S. § 6111(i).

77. L&I Board disclosed, provided, and made available confidential LTCF application Information to OIT, employees of the City who were not authorized under the UFA, and third party contractors and their employees, in violation of 18 Pa.C.S. § 6111(i).

COUNT VI – VIOLATION OF 18 PA.C.S. § 6111(i) - AGAINST OIT

78. The foregoing paragraphs are incorporated herein as if set forth in full.

79. Defendant OIT is a department of the City, which oversees all major information and communications technology initiatives for the City of Philadelphia.

80. OIT disclosed confidential LTCF application information, including names, addresses, and reasons/grounds for appeal as explained hereinabove, in violation of 18 Pa.C.S. § 6111(i).

81. OIT condoned, ratified, promoted, encouraged, tolerated and directed the disclosure of confidential LTCF application information to the general public, employees of the City, and third party contractors who were not authorized under the

UFA, condoned, ratified, promoted, encouraged, tolerated and directed the creation, implementation and provision of public access to the Web Application, as aforesaid, in violation of 18 Pa.C.S. § 6111(i).

82. OIT hired, employed, contracted with, or otherwise entered into an agency relationship with Defendants L&I Board and certain third party contractors to develop, implement and otherwise make available the Web Application.

83. OIT disclosed, provided, and made available confidential LTCF application information to employees of the City who were not authorized under the UFA, and to third party contractors and their employees, in violation of 18 Pa.C.S. § 6111(i).

COUNT VII – DECLARATORY AND INJUNCTIVE RELIEF
AGAINST ALL DEFENDANTS

84. The foregoing paragraphs are incorporated herein as if set forth in full.

85. As all Defendants conspired or otherwise acted in concert to make the confidential LTCF application information available to those who were not authorized under the UFA and to the public, and they have publicly stated that they may continue to make such confidential information available to the public and to those who were not authorized under the UFA, Plaintiffs will be irreparably harmed if such conduct is not enjoined.

86. Plaintiffs, therefore, seek an injunction prohibiting Defendants and their employees from disseminating any confidential LTCF application information in violation of 18 Pa.C.S. § 6111(i).

87. Defendants have failed to train their employees on the confidential nature of LTCF application information, which has resulted in harm to the Plaintiffs. Therefore,

Plaintiffs seek an injunction requiring Defendants to properly train their employees regarding the confidentiality of LTCF application information under 18 Pa.C.S. § 6111(i).

88. Defendants have also instituted a number of policies and practices that violate the UFA, including:

- a. Requiring LTCF applicants to provide references on the PPD LTCF Application;
- b. Requiring lawful immigrants and United States Citizens to provide naturalization papers and other documents, while not accepting a U.S. Passport or other valid identification establishing citizenship;
- c. Requiring an LTCF applicant to disclose whether or not he/she owns firearms during the application process;
- d. Denying or revoking LTCFs because the applicant answered in the negative or “no” to the question of whether the applicant had been charged and/or convicted of any crime, where the applicant obtained expungement or pardon from the charge or conviction;
- e. Indefinitely retaining documents relating to LTCF applications other than the LTCF application and the associated granting, denial or revocation letter;
- f. Failing to make a determination of whether to grant or deny LTCF applications and renewals within 45 calendar days;
- g. Failing to refund \$15.00 of the application fee to individuals whose LTCF application is denied;

h. Requiring LTCF holders to immediately disclose that they have an LTCF and/or are carrying a firearm in all encounters with law enforcement; and

i. Regularly confiscating LTCFs and/or firearms that are not evidence of a crime and/or without providing an appropriate property receipt.

89. Plaintiffs, therefore, seek a declaration that the foregoing policies and practices violate the UFA and seek an injunction prohibiting the Defendants from enforcing the foregoing policies and practices.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and all persons similarly situated, respectfully request that this Honorable Court:

1. Issue an Order certifying the above-stated Class and Subclasses pursuant to Pa.R.C.P. 1707 and 1708;

2. Enter a declaratory judgment in favor of Plaintiffs and against Defendants that Defendants disclosed confidential LTCF application information to those not who are not authorized under the UFA and to the general public in violation of 18 Pa.C.S. § 6111(i);


3. Enter a permanent injunction prohibiting Defendants, their successors, and their employees, from disclosing confidential LTCF application information to those who do not require access, are not entitled to access, or to the general public, through any means, including through the Web Application;

4. Enter a declaratory judgment in favor of Plaintiffs that Defendants' aforementioned policies and practices violate the UFA;

5. Enter a permanent injunction prohibiting Defendants, their successors, and their employees, from enforcing the aforementioned policies and practices;
6. Retain exclusive jurisdiction for a period of two (2) years to supervise and enforce the permanent injunction after which such injunction may be enforced through the filing of a separate legal action;
7. Award statutory damages of \$1000.00, per Defendant, per disclosure, per Class Member, pursuant to 18 Pa.C.S. § 6111(i);
8. Award attorney fees and expenses pursuant to 18 Pa.C.S. § 6111(i);
9. Award costs and interest; and
10. Grant such other relief as may be just and appropriate.

Respectfully Submitted,

Date: 6/18/2014



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VERIFICATION

I, Joshua Prince, Esq., am counsel for Plaintiffs. As this matter involves confidential information pursuant to 18 Pa.C.S. § 6111, their names and other information cannot be disclosed until this action is sealed. I verified all statement verbally with Plaintiffs. I verify that the statements made in this Complaint are true and correct to the best of their knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

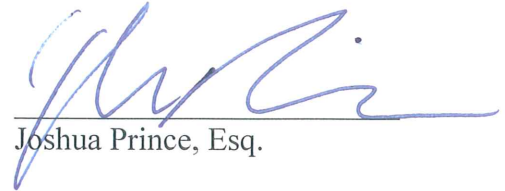

Joshua Prince, Esq.

Exhibit A



Print

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New L&I website removes gun permit appeal information after blog backlash

ALEX WIGGLESWORTH
15 August 2012 04:54

The Department of Licenses and Inspections, in partnership with the Office of Information Technology, released a trove of data in the form of a [retooled website and map on Monday](#) in an effort to increase transparency, but has removed some of that information after it may have proved to be a little too transparent, possibly compromising some citizens' safety.

Included on the site was a map overlay pinpointing Philadelphians who recently filed gun permit appeals, including their names, addresses and grounds for appeal, with a link leading to more information including the appeal status, decision date and any further court action. That information was removed soon after Philadelphia Magazine's Philly Post [wrote a web post](#) titled "These Philadelphians Want Gun Permits" listing details of some of the more humorous appeals.

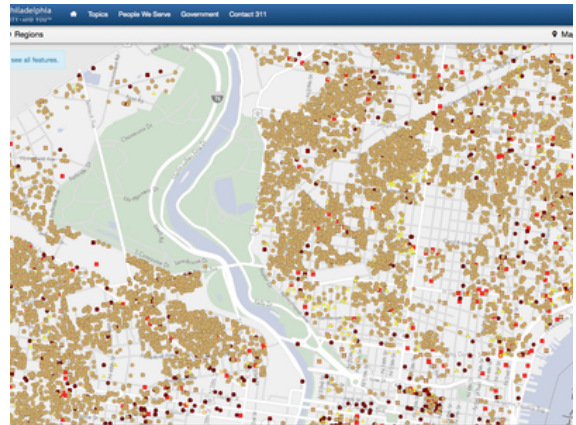
Mayor Michael Nutter's spokesman Mark McDonald could not say if the decision to remove the information from the site was a direct result of the blog post, but he did cite it as one example of the inability to predict how the data is used once it's released. "If you looked at the Philly Post thing, you saw it exposes stuff that raises a question," he said. "As part of the open data thing, we decided to put this information out. Then, some within the government asked the question, 'Wait a minute.'"

McDonald checked with the Law Department and found the information's release was not illegal. "The city Law Department concludes that it was a legal and permissible thing to do it," he said. "It is public information. The basic argument here being that when somebody files an appeal, they essentially waive the right to confidentiality and publication, therefore, it would be a legal thing to do."

But that doesn't mean it's an advisable thing to do. McDonald went on to say that balancing public safety and governmental transparency is something the city, like many, is still working out in a new technological landscape. "What we have here is a clash of values or goals," he said. "On the one hand, the city wants to be transparent and believes in the concept of open data. Residents and citizens have a right to as much information as we can provide under the law and that makes for a strong, informed taxpayer citizenry. On the other hand, there are public safety concerns with this information."

He said it has not been decided if the data will be re-released – electronically, anyway. "What we're doing is conducting a review to see how we want to handle this," he said. "Conceivably, we might redact some information on these gun permit appeals, that could be a potential solution, or we might decide it's public information, but we're not going to make it electronically available. If you want to see it, you can come down and look at it in person."

ALEX WIGGLESWORTH



DEPARTMENT OF LICENSES AND INSPECTIONS
An overlay showing code violations in Philadelphia.

Exhibit B

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Victor Fiorillo writes about anything and everything from crime and politics to personalities and pedicures. No, really. Pedicures. Though you wouldn't know it to look at his feet. In addition to breaking news on the Philly Post, he writes for Foobooz and Philly Mag.



[National](#)

[Celeb Scoop: Pink Has a "F#\\$% You" Bank Account](#)

posted Friday 1:18 p.m.

[City](#)

[Worker Falls to Death From Jefferson Hospital Building](#)

posted Friday 12:37 p.m.

[Election 2012](#)

[Mayor Michael Nutter to Speak at Democratic Convention](#)

posted Friday 12:25 p.m.

[City](#)

[Suspect Charged With Murder of Officer Walker](#)

posted Friday 12:05 p.m.

[City](#)

[City Controller Gives Approval of Mayor Nutter's Five-Year Plan](#)

posted Friday 11:42 a.m.

[National](#)

[Shooting at Empire State Building Leaves Two Dead](#)

posted Friday 10:35 a.m.

[Sports](#)

[Morning Scoop: Lance Armstrong to be Stripped of Titles, Banned for Life](#)

posted Friday 8:24 a.m.

[Election 2012](#)

[Romney Turns Down NBC \(Again\) for Interview on Mormonism](#)

posted Thursday 2:58 p.m.

[Election 2012](#)

[President Obama Beating Romney in Philly Fundraising](#)

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[City](#)

[Philadelphia School Partnership Announces \\$51.9 Million in Donations](#)

posted Thursday 2:02 p.m.

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[South Jersey Native Mike Trout Makes Sports Illustrated Cover](#)

posted Thursday 1:55 p.m.

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posted Thursday 8:33 a.m.

[Election 2012](#)

[Yes, There Really Is a "Hall and Oates for America" Super PAC](#)

posted Wednesday 3:26 p.m.





[City](#)

These Philadelphians Want Gun Permits

"I have never been in jail for more than 2-3 days."

By [Victor Fiorillo](#) 8/15/2012 Comments 9

 Email
 82
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Last weekend, Philadelphia's Department of Licenses and Inspections, an agency not usually known for its transparency and user-friendliness, unveiled [a new web app](#) that displays licensing, permit and violation information on a (relatively) easy-to-use interactive map. One of the more interesting aspects to this new data transparency is an array of gun permit appeals, essentially a **list of Philadelphians who have been denied a gun permit or had their permit revoked and who have appealed to have the decision overturned.**

The appeal information contained therein includes the appellant name, street address, and grounds for appeal, and I can only imagine that the National Rifle Association will have a few things to say about the city's decision to publish the information, as the NRA typically doesn't like lists of people who want to own guns.

Here, a sampling of the information found via the new app.

UPDATE [8/15/12, 9:30 a.m.]: It appears that the city has removed the gun permit appeal information from its site, and I have contacted an L&I spokesperson for an explanation, which I will report when it is provided.

UPDATE [8/15/12, 1:30 p.m.]: L&I spokesperson Maura Kennedy confirms that the information was removed from the city's website at the request of the police department. The police referred me to the mayor's

office, and the mayor's office says it is reviewing the matter.

UPDATE [8/15/12, 4:40 p.m.]: Mark McDonald from the mayor's press office called with the following explanation: "The legal department has determined that this is public information. Its publication is legal. An individual who is denied a permit and files an appeal, that person has waived their right to confidentiality. All that said, within the government, there is a concern about the propriety of publishing the information, and so we're looking at this again. On the one hand, city government wants to be transparent and believes in the concept of open data. Access to information makes for strong citizenry and effective government. But on the other hand, there are public safety concerns with regard to this information. Perhaps some of it should be redacted, although we haven't made a conclusion that way. We'll work toward a decision to whether this stuff gets put back up."

UPDATE [8/15/12, 5:45 p.m.]: In light of concerns over public safety and in light of the fact that the city has removed Internet access to the information pending a policy review, we have redacted all names and addresses from this article.

Grounds: I forgot about a prior arrest which occurred when I was a juvenile. I also did not know that I was permitted to answer any questions regarding expungement.

Grounds: I was wrongly accused of being a bartender. I was not arrested or charged with any crime.

Grounds: I am pastor of a church; I carry large sums of money to bank at least 2-3 times a week. As a businessman, I was robbed once. I could very well be a target for the automobile I drive and my appearance.

Grounds: I answered all questions on the gun permit application truthfully. The previous referred to in the denial letter occurred more than thirty years ago.

Grounds: [18 PA. Cons. Stat 9124](#) (6)(1) prohibits consideration of information which was used as the sole grounds for denying my license.

Grounds: Your reasoning for disapproving me is speculative and illegal. I am a productive member of society with a family.

Grounds: I failed to mention a citation that occurred in 1996 that I forgot about.

Grounds: I answered truthfully. I didn't remember the two previous arrests. They were ten years ago.

Grounds: I am appealing this because no charges were filed against me. I am a model citizen and I have never been in trouble.

Grounds: I failed to give truthful answer regarding previous arrest. This was an honest mistake. I did not purposely leave this information out.

Grounds: I gave all truthful answers to the best of my knowledge. I've been the best citizen of Philadelphia since my last arrest. I was never a dangerous person.

Grounds: I have never been convicted of a crime. I have never been in jail for more than 2-3 days. This is a mistake. I am handicapped and I should have the right to defend myself.

Grounds: I don't think it was right for them to take my license. I was the victim. They came into my home and I shot a warning shot.

Grounds: I need my license reinstated for work.

Grounds: Arrest cited was over 18 years ago. Did not realize I had a record until I researched it myself. I was under the notion charge was no longer an issue. I am a CPA, licensed with PA.

Grounds: I, by mistake, checked off that I was never arrested when I indeed had been.

Grounds: As a business owner, I feel it is necessary for security. There are many Philadelphia residents who don't have as much of a need to carry but are able to obtain it.

Grounds: I answered the questions to the best of my ability. I did not recall the charges against me in 1987.

Grounds: After completing program, record was supposed to be expunged. I was a teenager.

Grounds: The reason why my gun was left in my car was due to the fact that my brother asked me to watch my nephew for a few minutes and I was on my way out. My nephew likes to grab on me and hang on me and I was afraid he would grab my weapon. I never leave my weapon in my vehicle and would never do it again.

Grounds: The use of my medication has not affected my ability to function normally.

Grounds: PFA [protection from abuse order] was vacated on 2-12-2012.

Grounds: I disagree that I am an individual who would be likely to act in a manner dangerous to public safety. I am a family man and a father. I think the reason I was denied was unjust and unfair; I forgot the date of a time I was arrested.

Grounds: I did not know that I had a record for an arrest because I was told at the time it would be expunged. The second time I was released on ROR so I assumed that would also be off my record. I would like to be approved for my permit to carry only to protect myself and family.

Grounds: Reason for denial is false and misleading. My character is of the highest standard and to be denied my rights as a citizen of the U.S.A. because of false accusations is not a sign of justice, which is one of the fundamental principles laid down by our forefathers.

Grounds: There was a misunderstanding of the two questions I answered "no". My one prior was 1986 and the other was 1992. There was no intent to give the wrong information to the police. I have not been in trouble with the police for over 20 years. Please reevaluate my case.

Grounds: I didn't mention the 1985 arrest because I didn't remember it until it was brought to my attention. There are a lot of things in my past I don't remember since my brain surgery three years ago. That's why I was taking up this hobby, because I am no longer able to do my previous hobbies.

Grounds: The officer took my weapon and permit and stated "only drug dealers around that neighborhood carry guns", and "we don't need guns in this area." The officer also stated he will make sure i don't get either one back ever again.

Grounds: I dont agree.

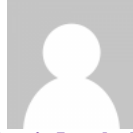
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community and contribute to an engaging conversation.



1. [**A Violation of Pennsylvania Law by Philadelphia | Shall Not Be Questioned Says:**](#)
August 15th, 2012 at 12:31 pm

[...] From the Philly Post: Last weekend, Philadelphia's Department of Licenses and Inspections, an agency not usually known for its transparency and user-friendliness, unveiled a new web app that displays licensing, permit and violation information on a (relatively) easy-to-use interactive map. One of the more interesting aspects to this new data transparency is an array of gun permit appeals, essentially a list of Philadelphians who have been denied a gun permit or had their permit revoked and who have appealed to have the decision overturned. [...]

2. [**Why There is No Negotiation on "Florida Loophole" | Shall Not Be Questioned Says:**](#)
August 15th, 2012 at 12:44 pm

[...] As long as the information is public, look at some of these reasons for appeal: I am pastor of a church; I carry large sums of money to bank at least 2-3 times a week. As a businessman, I was robbed once. I could very well be a target for the automobile I drive and my appearance. [...]

3. [**Tioga County Pa Newspaper with a spotlight on defending freedom, highlighting freedom, and advocating for freedom in Tioga County Pa- The Freedomist Says:**](#)
August 15th, 2012 at 1:07 pm

[...] From The Philadelphia Post- [...]

4. [**City of Philadelphia Shoots Privacy In Foot With New App Says:**](#)
August 15th, 2012 at 1:33 pm

[...] Want to know who got turned down for a gun permit? Turns out that there's an app for that, at least in Philadelphia. There, the Department of Licenses and Inspection decided to release a web app that shows an insane amount of detail, on a handy-dandy, easy to use map. You can use the map to check for lots of information, rental permits, zoning, and until early today, who was turned down for a gun permit. [...]

- 5.



[Your 15 Mins of Fame coming to a city near you or NOT](#)

Philly Style Says:

August 15th, 2012 at 1:50 pm

[...] 15 Mins of Fame coming to a city near you or NOT Philly Style These Philadelphians Want Gun Permits | The Philly Post Reply With Quote « Previous Thread | Next Thread [...]

6.



tmountjr Says:

August 15th, 2012 at 3:18 pm

I'm just a little concerned that this reads like a laundry list to someone who wants to take quick advantage of someone. I realize this information is public record (being a bunch of appeals), and I agree that some of the reasons are pretty humorous. But did you have to publish the names and addresses of the people involved?

This article wouldn't have lost anything if the names and addresses were omitted. What if something happens to these people because someone read this list and decided to hang out in their neighborhood and jump an easy and unsuspecting target?

7.



[The City of Philadelphia's Legal Argument | Shall Not Be Questioned Says:](#)

August 16th, 2012 at 11:30 am

[...] I think it's plausible. From the updated post from yesterday: "The legal department has determined that this is public information. Its publication is legal. [...]"

8.



phal0101 Says:

August 16th, 2012 at 1:30 pm

Shouldn't it have been common sense not to include the names in the article? Totally oblivious to the danger it put the people in. Just plain dumb as hell.

9.



[A Violation of Pennsylvania Law by Philadelphia < New York City Guns](#)**New York City Guns Says:**

August 16th, 2012 at 6:59 pm

[...] From the Philly Post: Last weekend, Philadelphia's

Department of Licenses and Inspections, an agency not usually known for its transparency and user-friendliness, unveiled a new web app that displays licensing, permit and violation information on a (relatively) easy-to-use interactive map. One of the more interesting aspects to this new data transparency is an array of gun permit appeals, essentially a list of Philadelphians who have been denied a gun permit or had their permit revoked and who have appealed to have the decision overturned. [...]

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⌵

Exhibit C



CITY OF PHILADELPHIA POLICE DEPARTMENT

990 Spring Garden Street, 2nd Floor, Philadelphia, PA 19123

Phone: (215) 685-3656, 3657 Fax: (215) 685-3673



INSTRUCTIONS FOR COMPLETION OF AN APPLICATION FOR A PENNSYLVANIA LICENSE TO CARRY FIREARM

Only applicants 21 years of age or older, residing in the county of Philadelphia, may apply for a Pennsylvania license to carry a firearm through the Philadelphia Police Department.

Out of county residents must apply in their county of residence.

Out of state applications will only be considered if the applicant currently has a similar license from their home state.

1. Applications may be picked up at the Gun Permits Unit, 990 Spring Garden Street, 2nd Floor, Monday through Friday, 8:30 AM to 2:00 PM. This Unit is Closed on Saturdays, Sundays and Holidays, and from December 20th to January 3rd. Only 1 application per person. This Information can also be found at the following website: www.ppdonline.org/hq_gunpermit.php
(If downloaded from internet applicant must bring all paperwork, including this instruction sheet.)
2. Applicants must have an **APPLICATION AND TWO (2) REFERENCE SHEETS FILLED OUT COMPLETELY** and **APPLICABLE ITEMS LISTED BELOW** or they will not be accepted. (Do not use pencil)
3. When completed, the entire application must be returned **IN PERSON BY THE APPLICANT** to the above location, Monday through Friday, 8:30 AM to 2:00 PM. *(New applications and renewals will only be handled during this time.)*

Also needed at this time of **RENEWAL OR NEW APPLICATION**:

- a. One (1) 2" x 2" (inch) Passport Type color photo of the applicant's head and shoulders, (**NO SUNGLASSES, HATS, VEILS, BANDANNAS, ETC.**).
- b. A \$20.00 money order (**no other amount will be accepted**) payable to "City of Philadelphia". (**NO CASH OR CHECKS WILL BE ACCEPTED.**)
- c. A **VALID** Pennsylvania Drivers License or Non-Drivers ID, along with two (2) acceptable forms of proof of residence, all addresses must match. **NO PO BOXES WILL BE ACCEPTED**, *(see back of this sheet for examples).*
- d. **ALL APPLICANTS WILL BE FINGERPRINTED.**
- e. If you were previously a member of the Armed Forces, a copy of your discharge papers (DD-214) must accompany the application.
- f. **Foreign born applicants** who are presently American citizens **must bring their naturalization papers, passports are not acceptable**
- g. Registered aliens must have their current alien registration identification card, i.e., **GREEN CARD** and last **3 monthly utility bills**, i.e., gas bill, PECO bill, water bill, etc. for proof of residency. **THESE 3 BILLS MUST BE THE SAME BILL AND IN CONSECUTIVE MONTHLY ORDER OF THE MOST RECENT MONTH.**
- h. Must show current or expired permits at time of application. Expired permits to carry will be retained by the Gun Permits Unit.

4. **NOTE:** Failure to provide (2) references (**NOT FAMILY MEMBERS**), as required on your application, will result in your application being denied, and forfeiture of your application fee. Enclosed are two references information sheets that your references may use for their convenience. References should include name, address, date of birth and PA State ID or drivers license number at the top of the form.
5. If all paperwork is in order, the applicant will then be interviewed by Gun Permits Unit personnel. When the interview is completed, a state and local background investigation will be conducted to ascertain if the applicant is acceptable under law, to be issued a “Pennsylvania license to carry a firearm”
6. All applicants will receive written notice by U.S. mail of either approval or disapproval of their application for a Pennsylvania license to carry a firearm. Upon approval the applicant has thirty (30) days to pick-up their License to Carry.

ALL APPLICANTS SHOULD BE AWARE THAT FALSE STATEMENTS (WHETHER ORAL OR WRITTEN) WILL BE CAUSE FOR DENIAL AND MAY RESULT IN ARREST.

PLEASE NOTE THAT THE SAME PROCEDURES ARE APPLICABLE FOR RENEWALS.

Below are examples of, but not limited to, acceptable forms for proof of your residency:

- Current Utility Bills: (within the last three months)
 - Phone Bill – Home/Cellular
 - Electric Bill
 - Gas Bill
 - Water Bill
 - Cable/Satellite Bill
- Current Credit Card Statements
- Current Bank/Student Loan Statements
- Valid Vehicle Registration
- Valid Vehicle Insurance Card
- Voters Registration Card
- **JUNK MAIL IS NOT ACCEPTABLE**

COUNTY OF PHILADELPHIA

APPLICATION FOR A PENNSYLVANIA LICENSE TO CARRY FIREARMS

FOR USE BY ISSUING AUTHORITY

SIGNATURE _____ LICENSE NUMBER _____
DATE APPLIED ___/___/___ DATE APPROVED ___/___/___ PICS APPROVAL NUMBER _____
DATE REJECTED ___/___/___ REASON FOR REJECTION _____



APPLICANT INFORMATION - TYPE/PRINT IN BLUE OR BLACK INK

1. LAST NAME 2. JR., ETC. 3. FIRST NAME 4. MIDDLE NAME 5. PHOTO ID/DRIVER LICENSE NO. 6. STATE
7. DATE OF BIRTH 8. SOCIAL SECURITY NUMBER (Optional, but will help prevent misidentification) 9. AGE 10. SEX 11. RACE 12. HEIGHT 13. WEIGHT 14. HAIR COLOR 15. EYE COLOR
16. STREET ADDRESS 17. CITY 18. STATE 19. ZIP CODE 20. HOME TELEPHONE NO.
21. EMPLOYER/BUSINESS NAME 22. WORK TELEPHONE NO. 23. OCCUPATION
24. ADDRESS 25. CITY 26. STATE 27. ZIP CODE
28. REASON FOR A LICENSE TO CARRY FIREARMS:
[] SELF-DEFENSE [] EMPLOYMENT [] HUNTING & FISHING
[] TARGET SHOOTING [] GUN COLLECTING [] OTHER _____
29. PLACE OF BIRTH

30. TWO REFERENCES - NOT FAMILY MEMBERS

NAME ADDRESS TELEPHONE NO.
NAME ADDRESS TELEPHONE NO.

APPLICANTS ARE DETERMINED TO BE ELIGIBLE FOR LICENSURE BASED UPON CRITERIA SET FORTH WITHIN THE PENNSYLVANIA UNIFORM FIREARMS ACT (18 P.A.C.S. CHAPTER 61) SECTIONS 6105 DEALING WITH INDIVIDUALS NOT TO POSSESS FIREARMS AND SECTION 6109 DEALING WITH THE ISSUANCE OF A LICENSE TO CARRY FIREARMS. REFERENCE THE REVERSE SIDE OF THIS FORM WHERE INDICATED.

31. HAVE YOU EVER BEEN CONVICTED OF A CRIME ENUMERATED IN SECTION 6105(b), OR DO ANY OF THE CONDITIONS UNDER 6105(c) APPLY TO YOU? (READ INFORMATION ON BACK PRIOR TO ANSWERING) [] YES [] NO
32. ARE YOU NOW CHARGED WITH, OR HAVE YOU EVER BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR? THIS IS THE MAXIMUM SENTENCE THAT YOU "COULD HAVE RECEIVED," NOT THE ACTUAL SENTENCE YOU DID RECEIVE. (THIS DOES NOT INCLUDE FEDERAL OR STATE OFFENSES PERTAINING TO ANTITRUST, UNFAIR TRADE PRACTICES, RESTRAINTS OF TRADE, OR REGULATION OF BUSINESS; OR STATE OFFENSES CLASSIFIED AS MISDEMEANORS AND PUNISHABLE BY A TERM OF IMPRISONMENT NOT TO EXCEED TWO YEARS.) (READ INFORMATION ON BACK PRIOR TO ANSWERING) [] YES [] NO
33. HAVE YOU EVER BEEN ADJUDICATED A DELINQUENT FOR A CRIME ENUMERATED IN SECTION 6105, OR FOR AN OFFENSE UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT? (READ INFORMATION ON BACK PRIOR TO ANSWERING) [] YES [] NO
34. HAVE YOU EVER BEEN CONVICTED OF ANY DRUG OR CONTROLLED SUBSTANCE OFFENSE UNDER THE ACT OF APRIL 14, 1972 (P.L. 233, NO. 64) KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT? (ALL DRUG-RELATED CONVICTIONS WILL PROHIBIT LICENSING, UNDER SECTION 6109 RELATING TO LICENSES) [] YES [] NO
35. HAVE YOU EVER BEEN INVOLUNTARILY COMMITTED TO A HEALTH CARE FACILITY FOR A MENTAL CONDITION, OR ADJUDICATED INCOMPETENT/INCAPACITATED? [] YES [] NO
36. ARE YOU AN INDIVIDUAL WHO IS A HABITUAL DRUNKARD, OR WHO IS ADDICTED TO OR AN UNLAWFUL USER OF MARIJUANA OR A STIMULANT, DEPRESSANT, OR NARCOTIC DRUG? [] YES [] NO
37. IS YOUR CHARACTER AND REPUTATION SUCH THAT YOU WOULD BE LIKELY TO ACT IN A MANNER DANGEROUS TO PUBLIC SAFETY? [] YES [] NO
38. ARE YOU A UNITED STATES CITIZEN? IF NO, COUNTRY OF BIRTH _____
COUNTRY OF CITIZENSHIP _____ IMMIGRATION IDENTIFICATION NUMBER _____ [] YES [] NO
(Applications for non-U.S. Citizens must be provided to the Pennsylvania State Police along with a copy of the License to Carry.)
39. HAVE YOU EVER RECEIVED A DISHONORABLE DISCHARGE FROM THE UNITED STATES ARMED FORCES? [] YES [] NO
40. OTHER THAN PENNSYLVANIA, DO YOU POSSESS A CURRENT LICENSE, PERMIT, OR SIMILAR DOCUMENT TO CARRY A FIREARM ISSUED FROM ANOTHER STATE? IF YES, ATTACH A PHOTOCOPY OF THE DOCUMENT TO THIS FORM. [] YES [] NO
41. I have never been convicted of a crime that prohibits me from possessing or acquiring a firearm under Federal or State law. I am of sound mind and have never been committed to a mental institution or mental health care facility. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statements herein, I am subject to penalties prescribed by law. I authorize the sheriff, or his designee, or, in the case of first class cities, the chief or head of the police department, or his designee, to inspect only those records or documents relevant to information required for this application. If I am issued a license and knowingly become ineligible to legally possess or acquire firearms, I will promptly notify the sheriff of the county in which I reside or, if I reside in a city of the first class, the chief of police of that city. This certification is made subject to both the penalties of section 4904 of the Crimes Code (18 Pa.C.S. 4904) relating to unsworn falsifications to authorities and the Uniform Firearms Act.

SIGNATURE - APPLICANT DATE OF APPLICATION

Section 6105(a):

Effective November 22, 1995, 18 Pa.C.S. § 6105(a) prohibits persons convicted of any of the following offenses under 18 Pa.C.S. from possessing, using, controlling, transferring, manufacturing, or obtaining a license to possess, use, control, transfer, or manufacture a firearm in the Commonwealth of Pennsylvania. A conviction includes a finding of guilty or the entering of a plea of guilty or nolo contendere, whether or not judgement has been imposed, as determined by the law of the jurisdiction in which the prosecution was held. The term does not include a conviction which has been expunged or overturned or for which an individual has been pardoned unless the pardon expressly provides that the individual may not possess or transport firearms.

Section 6105(b):

§ 908	Prohibited offensive weapons.	§ 3921	Theft by unlawful taking or disposition, upon conviction of the second felony offense.
§ 911	Corrupt organizations.		
§ 912	Possession of weapon on school property.	§ 3923	Theft by extortion, when the offense is accompanied by threats of violence.
§ 2502	Murder.		
§ 2503	Voluntary manslaughter.	§ 3925	Receiving stolen property, upon conviction of the second felony offense.
§ 2504	Involuntary manslaughter, if the offense is based on the reckless use of a firearm.	§ 4912	Impersonating a public servant, if the person is impersonating a law enforcement officer.
§ 2702	Aggravated assault.	§ 4952	Intimidation of witnesses or victims.
§ 2703	Assault by prisoner.	§ 4953	Retaliation against witness or victim.
§ 2704	Assault by life prisoner.	§ 5121	Escape.
§ 2709.1	Stalking.	§ 5122	Weapons or implements for escape.
§ 2716	Weapons of mass destruction	§ 5501(3)	Riot, if the offense relates to a firearm or other deadly weapon.
§ 2901	Kidnapping.		
§ 2902	Unlawful restraint	§ 5515	Prohibiting of paramilitary training.
§ 2910	Luring a child into a motor vehicle.	§ 5516	Facsimile weapons of mass destruction.
§ 3121	Rape.	§ 6110.1	Possession of firearm by minor.
§ 3123	Involuntary deviate sexual intercourse.	§ 6301	Corruption of minors.
§ 3125	Aggravated indecent assault.	§ 6302	Sale or lease of weapons and explosives.
§ 3301	Arson and related offenses.		
§ 3302	Causing or risking catastrophe.		
§ 3502	Burglary.		
§ 3503	Criminal trespass, if the offense is graded a felony of the second degree or higher.		Any offense equivalent to any of the above-enumerated offenses under the prior laws of this Commonwealth, or any offense equivalent to any of the above-enumerated offenses under the statutes of any other state or of the United States.
§ 3701	Robbery.		
§ 3702	Robbery of motor vehicle.		

Section 6105(c):

Effective November 22, 1995, 18 Pa.C.S. § 6105(c) also prohibits the following persons from possessing, using, controlling, transferring, manufacturing, or obtaining a license to possess, use, control, transfer, or manufacture a firearm in the Commonwealth of Pennsylvania.

ARE YOU A PERSON WHO:

1. is a fugitive from justice; or
2. has been convicted of an offense under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of imprisonment exceeding two years; or
3. has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or the former 75 Pa.C.S. § 3731, on three or more separate occasions within a five-year period. For the purposes of this paragraph only, the prohibition of Section 6105(a) shall only apply to transfers or purchases of firearms after the third conviction; or
4. has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under section 302, 303, or 304 of the provisions of the act of July 9, 1976 (P.L. 817, No. 143), known as the Mental Health Procedures Act; or
5. being an alien, is illegally or unlawfully in the United States; or
6. is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), which order provides for the relinquishment of firearms during the period of time the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order or portion thereof relating to the relinquishment of firearms; or
7. was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense under 18 Pa.C.S. sections 2502, 2503, 2702, 2703, 2704, 2901, 3121, 3123, 3301, 3502, 3701, and 3923; or
8. was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense enumerated in 18 Pa.C.S. § 6105(b) with the exception of those crimes set forth in paragraph 7. This prohibition shall terminate 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier.
9. is prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to unlawful acts) who has been convicted in any court of a misdemeanor crime of domestic violence by a person in any of the following relationships: (i) the current or former spouse, parent or guardian of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who cohabits with or has cohabited with the victim as a spouse, parent or guardian; or (iv) a person similarly situated to a spouse, parent, or guardian of the victim; then the relationship need not be an element of the offense to meet the requirements of this paragraph.

PRIVACY ACT NOTICE

Solicitation of this information is authorized under Title 18 Pa.C.S. §6111. Disclosure of your social security number is voluntary. Your social security number, if provided, may be used to verify your identity and prevent misidentification. All information supplied, including your social security number, is confidential and not subject to public disclosure.



CITY OF PHILADELPHIA POLICE DEPARTMENT

990 Spring Garden Street, 2nd Floor, Philadelphia, PA 19123

Phone: (215) 685-3656, 3657 Fax: (215) 685-3673



REFERENCE INFORMATION

NAME: _____ PA DRIVERS LICENSE#: _____

ADDRESS: _____ DATE OF BIRTH: _____

PHONE#: _____
Home Work Cellular

Please answer all the following questions about your knowledge of the applicant.

How long have you known the applicant? _____

How often do you associate with the applicant? _____ (Example: daily, weekly, monthly)

What type of relationship do you have with the applicant? _____ (Example: friend, co-worker, neighbor etc.)

Given their character and reputation, would you consider the applicant likely to act in a dangerous manner?

No Yes. (If yes, please explain)

To the best of your knowledge, is the applicant a citizen of the U.S.? No Yes

- Has the applicant ever been arrested? No Yes (If yes, explain) _____
- Does the applicant use illegal drugs? No Yes (If yes, explain) _____
- Is the applicant a habitual drunkard? No Yes (If yes, explain) _____
- Has the applicant ever been committed to a mental institution? No Yes (If yes, where & why)

In your opinion and if it was your choice, would YOU grant the applicant a permit to carry a concealed firearm?

No Yes (Please explain)

I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that, if I knowingly make any false statements herein, I am subject to penalties prescribed by law. This certification is made subject to both the penalties of section 4904 of the Crimes Code (18 PA C.S. 4904) relating to unsworn falsifications to authorities and the Uniform Firearms Act.

Signature of Reference

Date



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