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ATTORNEY GENERAL



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4/23/10

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Office of The Attorney General  
**State of Connecticut**

April 26, 2010

John A. Danaher III  
Commissioner  
Connecticut Department of Public Safety

Dear Commissioner Danaher:

This Office is currently providing you, several Department of Public Safety ("DPS") staff members, and the Board of Firearms Permit Examiners ("Board") with representation with respect to the cases of *Goldberg v. Danaher* and *Kuck v. Danaher*. The claims in these two cases involving challenges to delays in the firearm permit revocation appeal procedures employed by the Board. DPS appears before the Board with respect to these administrative appeals.

With respect to the *Goldberg* case, the plaintiff's firearms permit was revoked by local police after a complaint that he was openly carrying a handgun in a public restaurant. The plaintiff appealed the revocation to the Board and eventually received his permit back but complained that the 22 month delay was excessive.

In *Kuck*, the plaintiff, who is a member of the Board, was denied a permit renewal because he refused to submit a birth certificate or other proof of citizenship. He brought suit claiming that the Board has a policy of deliberately delaying permit appeals and that this constitutes a violation of his constitutional rights. He also received his permit back after he provided proof during the administrative appeal, but likewise has brought this suit to complain about delays in the Board's administrative appeal process.

This Office is actively defending both cases. The federal district court had dismissed both cases, and the Second Circuit recently remanded both cases for further consideration. We have asserted the defenses of absolute immunity and qualified immunity on your behalf that will need to be decided on remand. Moreover, the gravamen of plaintiffs' complaints concern delays in the Board's administrative appellate process. Because the Board is an independent adjudicatory body, it is our position that all of the DPS defendants, yourself included, are not proper defendants, as the Board, and not DPS, controls the administrative appeal process. Finally, we understand that you have no personal involvement in any of the actions of the Board in question.

Very truly yours,

A handwritten signature in black ink that reads "Robert Snook".

Robert Snook  
Assistant Attorney General