



STATE OF CONNECTICUT  
OFFICE OF GOVERNMENTAL ACCOUNTABILITY  
BOARD OF FIREARMS PERMIT EXAMINERS

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*Written Testimony before the Appropriations Committee  
Chairman Frank P. Blando, Esq. on behalf of the Board of Firearms Permit Examiners*

*March 4, 2015*

Good afternoon Senator Bye, Representative Walker, Senator Kane, Representative Ziobron, and distinguished members of the Joint Committee on Appropriations. Thank you for this opportunity to address you this afternoon. My name is Frank Blando, and I am Chairman of the Board of Firearms Permit Examiners.

The Board of Firearms Permit Examiners exists pursuant to Section 29-32b of the Connecticut General Statutes. The Board currently is comprised of 7 members, plus 2 vacancies. All members are appointed by the Governor, subject to certain nominations submitted by several independent organizations. At present, in addition to myself, Board members include the Granby Police Chief nominated by the Connecticut Police Chiefs Association, the Commander of the Department of Energy and Environmental Protection, a representative from the Department of Emergency Services and Public Protection, a representative of Ye Connecticut Gun Guild, a representative of the Connecticut State Rifles and Revolvers Association, Inc. as well as another public member. The 2 vacancies currently on the Board include a representative from the Department of Mental Health and Addiction Services and a representative of the Chief Court Administrator. ALL members of the Board are uncompensated **volunteers**. Board members, however, are allowed a travel allowance in addition to pizza, a sandwich, and/or a donut during the hearings.



The Board of Firearms Permit Examiners functions as a civil administrative appellate source, providing Connecticut residents with a means to appeal denial of a temporary or state permit to carry firearms or a revocation of a previously granted permit. The Board generally meets monthly, but often will hold hearings twice during any given month. During calendar year 2015, for example, there are 19 meetings already scheduled, and we're looking to add one additional date later in the year. These meetings are public hearings and are conducted in accordance with the provisions of Sections 29-32b and 29-28 of the Connecticut General Statutes. Hearings are held at either the Wethersfield Police Headquarters or at the headquarters of the Department of Emergency Services and Public Protection, in Middletown, depending upon the availability of those facilities. Each meeting typically lasts approximately 7 to 9 hours, including 2 or 3 breaks of 5–10 minutes each. The Board's decisions are announced at the conclusion of each individual appeal, and the analyses, reviews, and discussions among Board members of the participants' sworn testimony and the salient facts are *always* conducted entirely in public.

The Board maintains a small office on the 5<sup>th</sup> floor at 20 Trinity Street, Hartford. Pursuant to the Governor's proposed budget, the Board's **entire** compensated staff includes only 1 full time member and 1 part time member. These 2 staff members occupy the Trinity Street office while fulfilling and complying with **all** of the Board's administrative duties and obligations. They do 'yeoman's work', and the Board could not function without them.

Since the tragic events at Sandy Hook elementary school in December, 2012 and its resulting legislation, the number of appeals filed with the Board has increased 67%, and, as can be reasonably expected, so has the 'backlog'. The ultimate resolution ratio of all appeals, however, has remained relatively constant – that is a ratio of approximately 60/40.



As in many cases, the Board of Firearms Permit Examiners is faced with conflicting objectives. On the one hand, the Board cannot, and must not, breach the appellants' 2<sup>nd</sup> Amendment Constitutional right "to bear arms", while, simultaneously, on the other hand, it also must help ensure for the citizens of Connecticut, that those permitted to carry firearms throughout our fair State possess the requisite character and reputation in their community, and have conducted themselves and, more likely than not, will continue to conduct themselves, in the future, in an appropriate manner, so as to be a "suitable" person to possess a firearms permit.

Notwithstanding the unprecedented increase in the number of appeals over the past 2+ years, however, the Board has never shied away from its overriding responsibility and duty to be reasonable and equitable to both the appellants and the citizens of Connecticut and to conduct a fair and open hearing for all appeals. As a result, both of those "critical populations" are better off because of the Board's non-waiving attention to these often conflicting interests.

In regard to the proposed Fiscal Years' 2016 and 2017 budgets, the recommended amounts for the Board of Firearms Permit Examiners are \$127,959 and \$128,422, respectively. To put those amounts into context, they represent just 1.3% of the entire Office of Governmental Accountability's recommended budget, and they are \$1,500 *less* than requested for each fiscal year. They also equate to such a miniscule percentage of the entire State budget that one would have to carry the arithmetic calculation to the 5<sup>th</sup> decimal point to get any reading. That calculation would show that the Board's recommended portion of the proposed biennial budget is 6/1000<sup>th</sup> of 1% of the entire State budget, or approximately 8 cents per year for every Connecticut resident.

With regard to the Board's backlog: First, let me set the definition of the term "backlog". A Board of Firearms Permit Examiners' "backlog" refers to those situations where an appeal has



been filed, all the requisite questionnaires and paperwork have been properly completed and submitted to the Board, and the only things left to do are to schedule and conduct a public hearing on the appeal. Currently, there are 566 appeals classified as “backlogged”, and the time line for scheduling their hearings approximates almost 29 months. This certainly is a problem, and one which the Board has consistently addressed and will continue to address, seeking new and innovative ways to ease that backlog and, ultimately, to eradicate it.

Some of ways in which the Board *already* has attempted to address the backlog are: The Board has moved up its meetings’ beginning time 2 hours, in order to hear more appeals at every meeting, and, consequently, the number of cases scheduled for each meeting has correspondingly increased; additionally, several times a year, the Board Secretary, in conjunction with one or more other Board members, reviews outstanding appeals and identifies several cases with “automatic disqualifiers”. An automatic disqualifier case is an appeal where an appellant had been denied a permit *because* he/she had been convicted of one or more of the disqualifying criminal violations specifically enumerated in CGS §29-28. Those appeals are consolidated, and a special hearing is scheduled for those matters only. That *particular* session will hear a larger number of cases than the number of cases normally docketed. The greater number of cases option is available simply because each “automatic disqualifier” case typically takes less time to adjudicate than fully contested matters do; lastly, in situations where the State Police have denied a permit or have revoked a permit, updated case schedules are sent to the Special Licensing and Firearms Unit, where, in turn, the cases are re-reviewed to determine if the original basis for the denial or revocation has ameliorated and if the permits now should be reinstated or granted. In the month of February, 2015, alone, this action resulted in the elimination of 8 scheduled appeals, which afforded an additional 5-6 hours to hear other, truly



contested, matters, and that, in turn, further reduces the potential backlog. Although the Board has taken substantial substantive steps to eradicate the backlog, as I indicated before, we are *continuing* to search for additional ways to accomplish that mission and *will* continue to do so until the appeals process is rendered current. Further, whenever an applicant fails to submit the required questionnaire within the 60 days deadline, Staff contacts the appellant and notifies her/him that s/he has an *additional* 30 days, only, to comply; otherwise, the appeal is placed on a dormancy list for appellant's failure to pursue. Subsequently, the Board formally dismisses those dormant appeals, thus closing even more cases.

All of these steps have contributed, and will contribute in the future, to a more equitable and more efficient processing of these appeals, resulting in a greater contribution to a healthier, fairer, and safer quality of life for *all* Connecticut citizens - firearms' owners and non-owners alike.

Again, thank you for this opportunity to appear before you. I am happy to answer any questions you may have.



## **Board of Firearms Permit Examiners Staff**

### **Management Analyst 1/Confidential**

Full time, 40+ hours, \$79,262

Manages the one staff member and the operations of the Board of Firearms Permit Examiners. Implements and evaluates agency policies, goals and objectives in accordance with Connecticut State Statutes. Plans and monitors administrative activities including fiscal and budgetary functions. Acts as liaison between Board of Firearms Permit Examiners (FPE) members and local and state law enforcement. Educates citizens as to their right to appeal a decision made to deny or revoke a pistol permit. Assists both citizens and law enforcement with the process and procedures with administrative hearings. Schedules agendas for cases ready to proceed and reviews required case information for administrative hearings. Serves as content manager for agency website; Incident Commander for COOP, and coordinator for LEAN and Records Retention.

### **Office Assistant**

Part-time, 30 hours, \$31,387

Answers numerous phone calls requesting information about the process to appeal, the appeal status and miscellaneous questions regarding an agency's services or authority. Sends response letters, including documents to be completed in order to proceed with an administrative hearing, to all parties involved including law enforcement. Enters case data and maintains database, including a schedule when the case will be heard. Reviews incoming materials for accuracy, completeness and conformance with Connecticut State Statute deadlines and agency procedures. Orders office supplies when needed.

