

# The Contra Costa Cronies Roster:

A detailed view of Sheriff Warren E. Rupf's CCW policies and real-world procedures.

By Jim March – version 1.2, 4/24/2000

Rumors of biased issuance of Concealed Carry Weapons Permits have persisted in this county since before Sheriff Rupf's entering office in 1992.

Nobody has had solid evidence of equal protection violations in permit issuance until now.

On November the 22<sup>nd</sup>, 1999, the law office of Trutanich & Michel out of Los Angeles served a Freedom Of Information Act request on Sheriff Rupf, asking for details of permit issuance.

Rupf responded in a surprisingly complete manner with the records of issuance and renewal for every permit going back five years. In some cases the "good cause for issuance" statements on people who were originally issued before Rupf's tenure was missing; this could be deliberate, or it could be the result of clerical error on his predecessor's part.

It hardly matters. The material provided gives us a deep glimpse into the realities of CCW issuance in Contra Costa County. Some elements are simply high comedy, some border on grotesque, and there are serious issues of equal protection to be found throughout.

To understand the implications of the documents that follow, you'll need at least an overview of the Sheriff's current policy manual. I've put excerpts from it into an appendix (starting at page 17) plus included a weblink to the whole thing...but for now, remember these highlights:

- 1) Obtaining a CCW permit requires "extraordinary good cause".
- 2) Current or retired "justice system employees" have "prima facie good cause" and receive preference.
- 3) Anyone with a recommendation from a law enforcement officer **plus** his superior and/or a PD Chief has "extraordinary good cause". You'll see one "obvious crony" who was treated in such preferential fashion by a police department (pages 7 and 8).
- 4) "Acts associated with normal living isn't going to make the cut" – compare with the rest of this file! Practically every case here is exactly that...
- 5) People living in the towns with their own PD Chief are to be discriminated against. Issuance standards are an order of magnitude more stringent (see appendix, page 21).
- 6) Permits may be re-issued only so long as the applicant's circumstances haven't changed – as you'll see, that's the biggest joke of all.

*The policy manual is dated 3/24/99 – remember that, it's important.*

# ON WITH THE SHOW:

For our first exhibit, we have this charming attorney. Denied a permit by Lt. Willett (Sheriff



Th  
Attorney at Law  
Ca State Bar No. 02  
[REDACTED]  
Walnut Creek, CA 94595

March 12, 1998

Warren Rupf  
Contra Costa County Sheriff  
651 Pine St.  
7<sup>th</sup> Floor Co. Adm. Bldg.  
Martinez, CA 94553

Concealed Weapons Carry Permit

Dear Sheriff Rupf:

This letter is written at the suggestion of Lt. Wayne Willett who I contacted initially to obtain a carry permit. Lt. Willett has certain reasonable criteria that he applies in making a determination as to whether such a request should be granted, and felt that I did not fall within his issue standards. He did indicate that he did not mind if his decision was over ridden at a higher level.

I know that I meet your character standards, and have no objection to your checking further with District Attorney Gary Yancey, Superior Court Judge Lois (Herrington) Haight, & Secretary John Herrington, Sen. Dick Rainey or former Congressman Bill Baker. I also enclose my CV spelling out my background and current activities.

Lt. Willett felt that a need, such as a recent threat, might be sufficient reason for a permit. Such is not the case, but only because I either assume the risk or curtail my activities when I really ought not be required to do so. Since retirement I have become very active with boating, piloting my vessel on San Francisco Bay, its rivers and the San Joaquin Delta, and less frequently coast wise to Santa Cruz or Bodega Bay. This activity takes my wife and me into areas where we are vulnerable to others who do not always abide the law. In addition, my charitable activities require numerous night meetings in San Francisco, there too, I am at risk from the meeting place to my car, sometimes blocks from the meeting place. I have taken the precaution of buying a tiny 22 pistol, similar to the one you carry, but keeping it under lock while transporting it renders it ineffective for its intended emergency use.

This issue request is fully within your jurisdiction in that I reside in the unincorporated area of Contra Costa County, at \_\_\_\_\_, Alamo, CA I am

trained with firearms, both through 55 years of owning and handling shotguns, pistols, and rifles, with formal training with the United States Air Force. I have always felt that I could pretty well take care of my self physically, but now that I am 68 years old I am more vulnerable. As indicated I have always been a good citizen, I do not ever use alcohol or any other substance that would impair my judgment, and feel that it is in my and societies best interest that the requested permit issue. Please let me know as to how I should proceed!

Very truly yours, [Signature]  
(crony protection)

**This is just one case where “good cause” has been treated as a joke.**

Rupf’s appointed “CCW coordinator”), the attorney/applicant writes in and complains. While he lacks specific good cause, he’s got LOTS of buddies, including the District Attorney (Yancey), a Judge, a state Senator (Rainey) who was the former Sheriff and handed the job off to Rupf upon retirement, etc.

What we have here is a case of “Hey, look at me, I’m a GOOD OL’ BOY!”

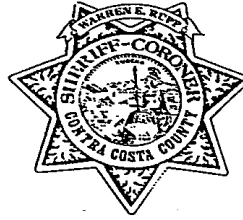
Remember: Rupf’s “extraordinary good cause” standard was in effect back to at least 1996.

RECEIVED  
ADMINISTRATION  
98 MAR 16 PM 2:35  
CONTRA COSTA COUNTY  
OFFICE OF THE SHERIFF

Here's a good one:

Original permit issued early in '95 if he applied in December of '94 as shown here...and renewed 3/2/99.

# APPLICATION CONCEALED WEAPON PERMIT



CRONY PROTECTION IN PROGRESS...CRONY PROTECTION IN PROGRESS...CRONY PROTECTION IN PROGRESS...CRONY PROTECTION IN PROGRESS...CRONY PROTECTION IN PROGRESS...

CRONY PROTECTION IN PROGRESS...CRONY PROTECTION IN PROGRESS...CRONY PROTECTION IN PROGRESS...CRONY PROTECTION IN PROGRESS...CRONY PROTECTION IN PROGRESS...

Last Name	First Name	Middle Name
[REDACTED]	SAN RAMON 94583	[REDACTED]
Residence Address	City	Residence Telephone Number
[REDACTED]	SAN RAMON 94583	[REDACTED]
Business Address	City	Business Telephone Number
[REDACTED]	[REDACTED]	[REDACTED]
Date of Birth	Height	Weight
[REDACTED]	71"	240
		Hair
		BRN
		Eyes
		BRN

**REASON FOR APPLICATION:** Explain, in detail, your need for a permit to carry a concealed weapon. Include any incidents, dates, locations, names of police agencies, and incident report numbers, if known, and telephone numbers of references that can support your claimed need. (Use reverse if needed.)

PROTECTED WHILE TRAVELING IN HIGH CRIME AREAS ie: RICHMOND, WEST OAKLAND, EAST SAN JOSE ETC. AT ODD HOURS OF THE DAY & NIGHT.

I hereby certify under penalty of perjury that the answers I have given herein, including the background investigation information, are true and correct to my best knowledge and belief and that I understand and agree to the provisions and conditions herein or otherwise imposed. I have read and understand the applicable statutes made and provided in the study guide concerning the license to carry a concealed firearm in the State of California.

Applicant's Signature: SAN RAMON Witness: Elia Brant Dated at SAN RAMON California, this 20 day of DECEMBER 1994

The guy does "field sales" for a cable company, lives in San Ramon, doesn't have any "travels with cash or valuables" type of "good cause" - but every once in a while the poor guy has to VISIT my town. Not live here in Richmond, not wipe gang tags off the side of his apartment building, not complain about the local drug dealers mind you, he has to VISIT.

This is nuts. Per Rupf's policies and an agreement he set up with Richmond PD years ago, nobody living in Richmond can get

a permit, but this poor delicate flower needs to pack heat because he visits.

The racial element alone is a shocker. This gent is white, he's from a wealthy mostly-white town, and because he visits a lower-income high-minority-population town he gets a permit while all residents of that town are barred by Rupf?

I don't THINK so.

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT

SPECIAL DEPUTY SHERIFF  GUN PERMIT

Information Sheet

Date 12/26/67

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ (Business) \_\_\_\_\_

Date of Birth ALBANY, CALIFORNIA

Marital Status? MARRIED  
(State whether single, married, widowed, divorced or separated)

In Event of Emergency Notify? \_\_\_\_\_

U.S. Citizen X  
(Yes) (NO)

If Naturalized \_\_\_\_\_  
(When) (Where)

Length of Residence in Contra Costa County 32 YEARS

Any Police Record NO  
(If yes, give details)

Occupation ASSISTANT GOLF PRO ORLANDO COUNTRY CLUB  
(brief description of duties)  
HANDLING OF MONIES, MERCHANDISE, TEACHING, OTHER  
GOLF DUTIES

Special Skills or Profession KNOWLEDGE OF GOLF, MERCHANDISING,  
(these may include things learned on previous jobs,  
TEACHING  
or military service, such as "rigger", "heavy equipment operator", etc.)

Deputized in any other County NO.  
(If Yes - where?)

Remarks  
DRIVERS LICENSE NO. \_\_\_\_\_  
SOCIAL SECURITY NO. \_\_\_\_\_  
TT 6781 1-15-68  
C 11 1-15-68

CP 387,

This GOLF PRO has had a permit continuously since 1967. It was last renewed 12/20/99.

As with many older applications, "original good cause" is anybody's guess. It's not in the paperwork, it was probably lost sometime during the Carter administration. Rupf reissues because CCW is obviously a "tenured position".

I would assume this permitholder carries a high-end target pistol...that way, when a golf ball is dropping out of the sky towards some hapless fellow golfer's noggin, he can shoot the ball before any potentially fatal hazard occurs.

Suuuure. And if you believe that, I've got this great deal on a bridge...

What the heck is going on here?

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT  
 SPECIAL DEPUTY SHERIFF  GUN PERMIT

60# 3378

Information Sheet

Date 5-10-62

Name \_\_\_\_\_

Address ORINDA

Phone \_\_\_\_\_  
 (Home) \_\_\_\_\_ (Business) SALES MAN FOR FACTORY BRANCH INTERNATIONAL HAR

Date of Birth \_\_\_\_\_  
 (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) \_\_\_\_\_

Marital Status? MARRIED  
 (State whether single, married, widowed, divorced or separated)

In Event of Emergency Notify? \_\_\_\_\_

U. S. Citizen YES  
 (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

If Naturalized \_\_\_\_\_  
 (When) \_\_\_\_\_ (Where) \_\_\_\_\_

Length of Residence in Contra Costa County 5 MONTHS

Any Police Record NO  
 (If YES, give details)

Occupation SALES MAN FOR INTERNATIONAL HARVESTER ENGAGED IN SELLING MEN AND USED TRUCKS  
 (brief description of duties)

Special Skills or Profession \_\_\_\_\_  
 (these may include things learned on previous jobs,

or military service, such as "rigger", "heavy equipment operator", etc.)

Deputized in any other County \_\_\_\_\_  
 (If YES - where?)

Remarks \_\_\_\_\_

Here's a tractor salesman for International Harvester who scored a permit in 1962.

His good cause? Dunno, it ain't in Rupf's data. It's probably lost in the mists of time, your guess is as good as Rupf's.

I say that because in this case, I can prove it doesn't matter. His renewal dated 7/7/99 lists a new occupation:

**RETIRED**

This despite Rupf's stated policies on 3/24/99 that renewals were to be as nasty to get as issuance.

Like hell. It's a sinecure. Once you have a permit, the obvious implication is that you're somebody's buddy, you're politically connected and if you get

denied, you'll scream bloody murder, sue or worse: you'll tell the Sheriff's private political support club known as the "Sheriff's Posse" that CCW issuance isn't as free and easy as a Posse member would normally think, given the ease with which they score permits.

So Rupf can't stick with his own rules.

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT  
 STATE OF CALIFORNIA APPLICATION TO CARRY CONCEALED PISTOL, REVOLV. OR OTHER FIREARM

SECTION A  
 NAME OF LICENSEE: Pinole, CA 94564  
 RESIDENCE ADDRESS: Retired  
 CITY: Pinole COUNTY: Contra Costa  
 BUSINESS ADDRESS: \_\_\_\_\_  
 OCCUPATION: Retired  
 HEIGHT: 5-8 WEIGHT: 265 EYE COLOR: blue HAIR COLOR: grey  
 REASON FOR DESIRING LICENSE: Self Protection

SECTION B  
 MANUFACTURER: Ruger SERIAL NUMBER: \_\_\_\_\_ CALIBER: .357 MODEL: revolver

RESTRICTIONS (IF ANY): STANDARD - 2 Years

SECTION C  
 The following eight questions must be answered YES or NO by the applicant:  
 Have you:  
 1. been denied a license to carry a concealed weapon? NO  
 2. had a license to carry a concealed weapon revoked? NO  
 3. had a criminal conviction? NO  
 4. been found not guilty by reason of insanity? NO  
 5. been committed to a mental institution? NO  
 6. been dishonorably discharged from military service? NO  
 7. lost or renounced your U.S. citizenship? NO  
 8. been, or are you now, a user of a controlled substance as defined in Health and Safety Code Section 11007?  
 (If a "YES" answer is given to any of the above, attach an additional sheet providing dates and details.)

It is a misdemeanor to knowingly furnish false information in Section A of this application [12051(b) PC].  
 It is a felony to knowingly furnish false statements to questions in Section C of this application [12051(b) PC].  
 I certify that all of the information on this application is true and complete.

Signature of Applicant: \_\_\_\_\_ Date: 7-7-99

Check one:  Initial License: Prints and fee to D.O.J.  Reserve P.O.  
 Subsequent License: CII Transcript on file, fee to D.O.J.

Sections A and B of this application constitute the license to be issued.  
 White copy - Applicant; Yellow copy - Department of Justice; Pink copy - Licensing agency

MAILED 8/15/99

Have you ever been a regular deputy sheriff, police officer, constable, marshal, or hold any peace officer commission? YES  NO

If yes, explain: \_\_\_\_\_

Have you ever had a concealed weapon license in this or any other county? YES  NO

If yes, explain: \_\_\_\_\_

Have you ever been denied a concealed weapon license? YES  NO

If yes, explain: \_\_\_\_\_

List all arrests, formal charges, trials or convictions for any criminal offenses:

\_\_\_\_\_  
\_\_\_\_\_

Are you now or were you ever addicted to illegal narcotics or alcohol? YES  NO

If yes, explain: \_\_\_\_\_

Have you ever been in a mental hospital, been required to undergo treatment for a mental illness? YES  NO

If yes, explain: \_\_\_\_\_

If you served with the Armed Forces, were you ever disciplined? YES  NO  
Was your discharge other than Honorable? YES  NO

If yes to either, explain: \_\_\_\_\_

Are you now experiencing marital difficulties? YES  NO

Are you now or have you recently been involved in divorce/separation proceedings? YES  NO

If yes to either, explain: \_\_\_\_\_

Are you now or have you recently been under a restraining order from a court? YES  NO

If yes, explain: \_\_\_\_\_

If this concealed weapon license is desired for self protection, the protection of others, or for the protection of large sums of money or valuable property, you must so explain. Good cause must be provided for issuance of license.

REASON FOR DESIRING LICENSE:

Do business and attend social functions with my wife and sometimes my children in high crime violent areas of Contra Costa County.

\_\_\_\_\_  
\_\_\_\_\_

This guy was first issued in 1992, this is a page from his original application.

Back then he was a "union district representative"; on his renewal papers of 3/3/99 he's listed as "retired".

Check out the "good cause".

This is somebody's politically connected buddy. I dunno who, or what else is going on, but that's the single lamest "good cause" statement in the pile.

STATE OF CALIFORNIA  
 APPLICATION TO CARRY CONCEALED PISTOL  
 REVOLVER OR OTHER FIREARM

ISSUED BY: [Redacted] DATE: 2/22/99  
 CA007000

SECTION A: APPLICANT INFORMATION  
 NAME: [Redacted]  
 RESIDENCE: [Redacted]  
 CITY: Clayton COUNTY: Contra Costa  
 OCCUPATION: Vice Pres  
 REASON FOR REQUESTING LICENSE: Self-Protection

SECTION B: WEAPON INFORMATION  
 MANUFACTURER: Sig Sauer SERIAL NUMBER: P40 CALIBER: .40 S&W MODEL: P229  
 DESCRIPTION: [Redacted]

RESTRICTIONS (IF ANY): Two Year Standard CCH

SECTION C: QUALIFICATION QUESTIONS  
 1. Have you ever been denied a license to carry a concealed weapon?  YES  NO  
 2. Have you ever had a license to carry a concealed weapon revoked?  YES  NO  
 3. Have you ever had a criminal conviction?  YES  NO  
 4. Have you ever been found not guilty by reason of insanity?  YES  NO  
 5. Have you ever been committed to a mental institution?  YES  NO  
 6. Have you ever been dishonorably discharged from military service?  YES  NO  
 7. Have you ever lost or renounced your U.S. citizenship?  YES  NO  
 8. Have you ever been, or are you now, a user of a controlled substance as defined in Health and Safety Code Section 11007?  YES  NO

I certify that all of the information in this application is true and complete.

Signature of Applicant: [Redacted] Date: 2/2/99

Check one:  Initial License: Prints and fee to D.O.J.  Subsequent License: CII Transcript on file, fee to D.O.J.

Sections A and B of this application constitute the license to be issued.

White copy - Applicant; Yellow copy - Department of Justice; Pink copy - Licensing agency

FORM BCI 4501 (5/93) 93 96103

This one is especially interesting.

The paperwork is sketchy, there was a renewal 2/2/99 but no original issuance papers at all.

So his original "good cause" is anybody's guess.

He's the vice president of a local construction company; the president and owner is also a permitholder PLUS a campaign contributor. The owner is a friend of DA Gary Yancey.

*Transfer License from Clayton PD. Approved by Lt. Willett 2/2/99*

Next, check out the "transfer from Clayton PD" note. Lt. Willett is the head of Rupf's Internal Affairs department (formally known as "Professional Standards and Resources"). Willett is the chap Rupf appointed as the main processor and go-between on CCW issues; he makes the initial decisions, such as the one on 3/9/99 where he chucked me out of his office without letting me apply.

Jump to the next page...



POLICE DEPARTMENT  
P.O. BOX 280 • CLAYTON, CALIFORNIA 94517  
TELEPHONE (510) 672-4455  
Norm Venturino *Chief of Police*

April 11, 1996

Mr.

Clayton, California 94517

Dear Mr.

Thank you for your inquiry today into obtaining a permit to carry a weapon. In an effort to provide you the best information, I referred your request to Sergeant Richard Enea.

Sergeant Enea has informed me the Clayton Police Department does not issue weapons permits. All requests are now handled by the Contra Costa County Sheriff's Department. Please call them at 510-646-2402 for additional information.

Please contact us again if we can be of assistance to you.

Sincerely,

Diane Errington  
Polices Services Aide

de

This gent wishes to remain anonymous. He's a Clayton city resident, he tried to apply for CCW with Clayton PD in '96 and got turned down for the reasons stated. And when he went to Rupf, he was discriminated against as a city resident – unlike the guy on the last page.

See the problem? In '98 Clayton had a permit outstanding for this guy involved in the construction company who was politically connected in at least three different ways.

So it's not just the Sheriff that's the problem. As with Richmond (and most of the other towns?) there's an interlinked series of cross-jurisdictional agreements with the Sheriff. Personal friends of law enforcement get passed around, treated like royalty even by other departments. In this case, Rupf took over handling this guy's permit (from Clayton PD) without even getting Clayton's "good cause" statement, if there ever was one. "Good cause" doesn't matter – who you are, who you're buddies with *does*.

The entire system is desperately sick. Contra Costa isn't unique; see also "CCW In California: A Disaster Analyzed" for examples of the same garbage in Marin, Sacramento, LA and other counties.

Have you ever been a regular deputy sheriff, police officer, constable, marshal, or hold any peace officer commission? YES  NO

If yes, explain: *\* WAS A SPECIAL AGENT FBI 25 YEARS BUT NOT CLASSIFIED AS A PEACE OFFICER*

Have you ever had a concealed weapon license in this or any other county? YES  NO

If yes, explain: *\* FBI CREDENTIALS AUTHORIZED ME TO CARRY CONCEALED WEAPON*

Have you ever been denied a concealed weapon license? YES  NO

If yes, explain: *\* WALNUT CREEK PD ADVISED NOT ISSUING LICENSES TO ANYONE*

List all arrests, formal charges, trials or convictions for any criminal offenses:  
*NONE*

Are you now or were you ever addicted to illegal narcotics or alcohol? YES  NO

If yes, explain: \_\_\_\_\_

Have you ever been in a mental hospital or been required to undergo treatment for a mental illness? YES  NO

If yes, explain: \_\_\_\_\_

If you served with the Armed Forces, were you ever disciplined? YES  NO   
Was your discharge other than Honorable? YES  NO

If yes to either, explain: \_\_\_\_\_

Are you now experiencing marital difficulties? YES  NO   
Are you now or have you recently been involved in divorce/separation proceedings? YES  NO

If yes to either, explain: \_\_\_\_\_

Are you now or have you recently been under a restraining order from a court? YES  NO

If yes, explain: \_\_\_\_\_

If this concealed weapon license is desired for self protection, the protection of others, or for the protection of large sums of money or valuable property, you must so explain. Good cause must be provided for issuance of license.

REASON FOR DESIRING LICENSE:

*I am employed as a private investigator by Bear Confidential Service, [redacted] City. I have a pending application for Private Investigator License. I desire a permit to carry a concealed weapon for the protection of myself and my clients.*

DF 40 C (Revised)

This guy is OK, he's the "cleanest" applicant of the bunch. No campaign contributions, former FBI, now a PI. Sheriff Rupf issued him a permit fairly recently, nothing wrong with that.

But remember Clayton and Richmond being supposed zero-issue?

According to this gent, so is Walnut Creek – look at item #3 on this page of his application.

This guy would have no reason whatsoever to lie about this...

Care to guess what happens to ordinary civilian peons from Walnut Creek who apply for CCW with Sheriff Rupf? Yep – they get dumped back on Walnut Creek PD for summary mockery, regardless of good cause.

Now go look up the case of Salute vs. Pitchess, 61 Cal. App. 3d 557. According to the courts, a Sheriff cannot restrict CCW to government-related applicants. Here we see that an ex-Fed gets a permit from Sheriff Rupf as a Walnut Creek resident when it's impossible for a "peon" to do likewise – the same thing Sheriff Pitchess was slapped down for back in 1976.

LICENSE TO CARRY CONCEALED PISTOL, REVOLVER, OR OTHER FIREARM WITHIN THE STATE OF CALIFORNIA

APPLICANT: **Kim Fang** DATE OF ISS: **06/30/99**

AGENCY: **Contra Costa Sheriff** CII NUMBER: **CA00700**

SIGNATURE AND TITLE OF ISSUING OFFICER: **Warren E. Rupf, Sheriff** LOCK NUMBER: **GP-5996**

SECTION A: NAME OF LICENSEE: **FANG, Kim**

RESIDENCE ADDRESS: **Alamo, CA 94507** COUNTY: **Contra Costa**

BIRTHDATE: **5-9** HGT: **192** WGT: **192** EYE COLOR: **brn** HAIR COLOR: **blk**

REASON FOR OBTAINING LICENSE: **Self Protection**

SECTION B: WEAPONS

MANUFACTURER	SERIAL NUMBER	CALIBER	MODEL
SW	CJ7766	.38sp	rev.
Glock	CL2476	.45	auto
SW	THE9938	9mm	auto
Beretta	L276872	9mm	auto
Duger	570-19160	.38sp	

RESTRICTIONS OF LICENSE: [Blank]

SIGNATURE OF APPLICANT: *[Signature]* DATE: **6/16/99**

CHECK ONE:  Initial License: Prints and fee to D.O.J.  Reserve Fee

Subsequent License: CII Transcript on file, fee to D.O.J.

Sections A and B of this application constitute the license to be issued.

White copy—Applicant; Yellow copy—Department of Justice; Pink copy—Licensing agency

7/6/99 Mailed

This isn't one I enjoy discussing, but it's necessary.

Early in 2000 at his Alamo home, Kim Fang faced down two armed home invaders that had already fired shots by most accounts, and were in the process of beating on Mr. Fang's brother.

Fang came down a staircase armed with one of these .38spl revolvers and opened up on the crooks. He killed one, wounded another but ran his wheelgun dry...he was shot multiple times in the back as he retreated (presumably to reload).

In the crook's car was his address – he'd been targeted during an earlier furniture delivery. The car also contained the address of a Napa woman who would have been next.

Make no mistake: Fang died a hero. His CCW permit meant he had a piece on him when the excrement hit the rotary air movement device, and it's a good bet several people are alive today because of his actions **and preparedness**.

However: Fang paid \$700 into Rupf's campaign fund during the years he was getting his renewals. He was an even more lavish contributor to Sheriff (now state Senator) Rainey who originally issued him the permit. Fang was known for being politically connected, and in all ways fits the profile of a Rupf permitholder: wealthy, connected and generous to Rupf's personal political career.

His "good cause for issuance" isn't in the paperwork Rupf sent. Per one newspaper, it involved "undocumented telephone threats" in the late '80s. Fang's permit was renewed 6/16/99, long after any such threat was a factor.

The problem isn't that Fang had a permit; the problem is that other people without the money or connections Fang had are routinely stripped of their right to self defense.

It's an equal protection nightmare.

One last thing: he's connected as they get, and...hey! What happened to the "two gun rule"?

This "good cause memo" was attached to the 1996 application of this corporate attorney living in the wealthy enclave of Kensington.

BOSS  
APP SENT 3/7/96  
Dm

Telephone: [REDACTED]  
Facsimile: [REDACTED]

Translation:

"I'm a rich lawyer, screw me out of a permit and I'll sue the pants off of ya"?

Or is it "I'm potentially a major source of campaign contributions" ...?

Does it matter?

Didn't think so.

1. Born in San Francisco, CA, of [REDACTED] (61)
2. Resident of Kensington since 1969
3. Calif. Driver's License No [REDACTED]
4. U. C Berkeley and U.C.(Boalt) Berkeley Law Graduate -
5. Corporate Lawyer --Employed by USL Capital Corp, San Francisco, Equipment Leasing
6. Hip Disability (Have DMV Placard). 7. Member. Chabot Gun Club for 10 plus years

REASONS FOR REQUEST

1. Work late at office in SF often, have to walk (or limp) from other side of Embarcadero station to BART CENTER
2. Mugged, hit on head in 1990, but ran away. Hip disability makes it very difficult to run now. Take extra precautions, but had serious scare last week.

REFERENCES

1. [REDACTED], El Cerrito/Richmond [REDACTED]
2. [REDACTED] Chabot Gun Club Tel: [REDACTED]

I recognize the serious responsibilities involved and am familar with the laws and legal requirements which apply.

Executed on February 27, 1996, at Kensington, CA. I certify under penalty of perjury that the foregoing is true and correct.

July 5, 1990

Application for Gun Permit

My position as Vice President of Marketing requires me to be on the road from Bakersfield to Northern California at all hours of the day and night. I have to work in major industrial areas and travel from them late at night.

As a secondary reason, I have a daughter who is in training for the Olympics in the equestrian events. Because of this we are on the road throughout California at very late hours towing horses. In order to keep her horses fit, we must take them to various places for training, mountain rides, and competition. The heavy loads of towing take a toll on the tow vehicle and breakdowns occur often very late a night on deserted roads. Without counting the horses, we have thousands of dollars worth of equipment with us.

I would like you to approve my application for the protection of life and property not only for me but that of my family as well.

Nothing new here.

Wealthy VP of a decent-sized company, lives in San Ramon, doesn't have specific good cause.

Mind you, I'm **glad** he's got a permit (and yes, he's kept it current with Rupf's eager assistance).

That's not the problem.

The problem is, Rupf isn't some Mafia don handing out (and renewing) largess at a whim, sometimes for profit and sometimes to look good. He's **supposed** to be a professional manager of a large modern law enforcement agency.

You decide which one Rupf most resembles, at least in the area of CCW permits.





4 February 1999

Kensington

Sheriff Warren E. Rupf  
Contra Costa County  
651 Pine Street, Floor Seven  
Martinez, CA 94553

Dear Sheriff Rupf:

Thank you for your reply to my recent request for a permit to carry a concealed weapon.

While your answer comes as no surprise, it is never the less disappointing. And I do wish you would reconsider my request.

At least Thirty One states have "shall issue" laws. In these states, if an ordinary law abiding citizen wants a permit to carry a concealed weapon, it must be issued to him or her. Three of those states are Washington, Oregon, and Nevada.

If it becomes necessary, I shall establish legal residence in one of those states and apply for a concealed weapon permit in that state.

I will not here invoke the *Second Amendment* to the *United States Constitution*; far too many people have forgotten that that document is the SUPREME LAW OF THE LAND; and far too many people have been wrongly convinced that the Founding Fathers did not mean exactly what they said when they stated in that Amendment "... the right of the people to bear arms shall not be infringed."

What I will invoke here is the *Constitution of the State of California*. That document, in *Article I, Section I*, states: *All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.*

The *Constitution of the State of California* is also the law of the land, and it states in clear unequivocal terms, that I have an **inalienable right** to defend my life and that of my family, to protect my property, and obtain safety.

Since MY RIGHT to do these things is indisputable, the question now becomes: what means may I use to do the defending, protecting and obtaining?

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**Last but most certainly  
NOT least, there's ol' JB.**

Stand up and salute!

This cantankerous ol' dude was denied by Lt. Willett for "lack of good cause".

He wrote back with this wonderful letter running four pages.

My guess is, Rupf asked himself "lesse, do I want to wrassle with this ornery ol' coot who probably has enough money to hire MicroSoft's legal team?"

Rupf's answer was "heck no".

JB got his permit, issued 5/3/99.

Is this a problem? Except for whatever poor fool mugs this guy and his Sig 9mm, of course not.

The problem is, the right to self defense shouldn't (and legally can't) be restricted to those wealthy enough to afford lawyers to beat law enforcement over the head with.

That's the crazy part.

Without a concealed weapon permit, what may I legally use to defend my life ? A rock ? A stick ? A club ? A knife ? My bare hands ?

Not long ago, a Chinese Communist company in Southern California was caught red handed [ pun intended ] attempting to arm Asian street gangs in California with Two Thousand Chinese manufactured A K 47's. That company is still in business because of " friends in high places ". Do you seriously think that company has stopped its attempts to arm those gangs ?

And of course, not only Asian gangs, but the Black gangs and Mexican gangs as well have all sorts of weapons. In some cases they are armed with fire power far in excess of that allowed to law enforcement officers. I am fairly confident that none of the above have given much thought to the niceties or legal necessities of obtaining a permit – concealed or otherwise – for the weapons they possess.

All of my immigrant ancestors, except two, were in this country before the War for American Independence – a number of them even fought in that war !; I am a native Californian; I have been a resident of Contra Costa County virtually all of my life; I am an honorably discharged veteran of the United States Navy; and I pay over Ten Thousand Dollars ( \$ 10,000.00 ) per year in taxes to this county.

Asian gangs have guns. Black gangs have guns, Mexican gangs have guns – some of those are automatic weapons. And, without a weapon permit, I am allowed, *perhaps*, to use rocks, a stick, a knife, or my bare hands, to protect my own life and the lives of my family.

Is there something wrong with this picture ? I THINK THERE IS SOMETHING VERY WRONG WITH THIS PICTURE !

And, if the threat from these all too numerous gangs were not bad enough, there are the assorted crazies, lunatics, and subhumans, who apparently kill for the " fun " of it. As witness the recent tragic cold blooded murder of the police officers in Dublin and Oakland.

And of course law enforcement officers are not the only ones at risk – even though their risk is considerably higher. Recently a mad man named Merritt started shooting at cars containing ordinary people on Highway 80 near Reno.

A little over a year ago, a woman living a better part of Lafayette was brutalized and murdered in her own home. Why ? she was " silly " enough to think that she was living in a safe neighborhood, and " dumb " enough to leave her garage door open. And the animals who committed the crime – transients I believe they were called – were caught only because of a " tip off ".

A year or so ago, a woman was shot and killed after turning off of Highway 580 on the Marina Bay Parkway in Richmond. And to this day, to my knowledge, the guilty have not even been identified much less caught and punished.

Not to belabor the point, but the *Readers Digest*; October 1998, had an article entitled *Don't Be a Victim of Highway Crime*. The article begins with the story of a woman who was kidnapped and raped after stopping at a rest stop on I-5.

The article then goes on to say that ". . . our nation's roads and highways . . . are made-to-order for criminals looking for opportunity. Twenty years ago carjackings, bumpings, and highway shootings were comparatively rare. Since then the severity and frequency of car crimes has exploded. According to security expert Louis Mizell, in one 12-month period between 1995 and 1996, more than 200,000 highway crimes were committed in the United States with **20,000 involving serious offenses, including murder.**" [emphasis mine]. One does not have to look very far for the reasons for this "explosion" in car crime.

In my letter of 5 November, I mentioned being seriously threatened recently on the highway by non English speaking individuals. This *Readers Digest* article certainly makes it very clear that serious threats on the highways are very real, very serious, and in many cases life threatening.

And on and on! In fact, recently there have been two armed robberies in Kensington – something inconceivable only a few short years ago. One of those robberies occurred at a shop on Colusa Circle; the other happened as a man was walking up Berkeley Park Boulevard. As the man walked by an apartment house, two young thugs stepped out of the apartment house garage and stuck a gun in the man's face, and then relieved him of his valuables. Both of those robberies occurred just about two blocks from where I live.

In the answer to my November 5<sup>th</sup> 1998 letter, your Lieutenant, Wayne Willitt, stated that my ". . . need, as stated in [my] request, does not meet the criteria for issuance . . .". With all due respect to Lt. Willett, there was something important left out of that sentence.

The phrase "in my judgment" should have been added because that is clearly what is meant. Or in other words: someone else is to be the judge of whether or not I have need to protect myself in a certain way. Again; with all due respect to Lt. Willitt, I am a far better judge of what is necessary for my own protection than he, simply because I am personally involved, and, because I have considerably more at stake.

But the *California State Constitution* says nothing about need – need is not a requirement. What it does say is that I have an inalienable right to defend my life –

and by clear definition, the lives of my family. So again, the question is: what may I use to do the defending ?

I am a very strong believer in The Rule of Law. I am also a very strong believer in its corollary, Respect for the Law. But as we both know, The Rule of Law is currently under serious attack – in many instances by people who have sworn an oath to defend it. And it is becoming increasingly difficult to respect laws which in effect, prevents ordinary law abiding citizens – simply because they do abide by the law – from protecting themselves, while those same laws are apparently completely ineffective in keeping weapons out of the hands of gang members, illegal aliens, felons, and the criminally insane who are roaming the cities and country side apparently at will.

I have enclosed a copy of a thought provoking article on the subject of ordinary citizens, weapons and self defense. Please consider carefully what is stated in the article, and what I have said in this letter; and then Sheriff Rupf, please reconsider my request for a concealed weapon permit.

Yours Sincerely,

J. B

cc: Chief Barry Garfield  
Kensington Police Department  
Kensington, CA 94707

## CONCLUSION:

Sheriff Rupf has collected at least \$21,000 in campaign contributions from his relatively small pool of permitholders. As of early 1999, there were 236 outstanding. I haven't been able to track corporate money that may be linked to specific permitholders, and I don't have the 4<sup>th</sup> quarter '99 campaign logs yet.

It doesn't matter. This file, combined with "CCW In California: A Disaster Analyzed" (both on my website below) sums up enough of what's going on to make even the most brain-dead Sarah Brady zombie clone realize that even modern law enforcement cannot be trusted with "discretion" in permit issuance.

It's an invitation to corruption, to arbitrary use of extreme power, racism and a host of other ills the body politic can ill afford.

We, the percentage of the state's population that believe in our right and need to self defense are through asking for reforms. We're telling law enforcement, the legislature, the courts and anybody else who'll listen: **FIX THIS MESS.**

Jim March  
Thursday, April 20, 2000  
Webmaster, Equal Rights for CCW Home Page  
<http://www.ninehundred.com/~equalccw>

**V DETERMINATION OF REASONABLE CAUSE**

**A. General:** The establishment of reasonable cause for the granting of a CCW permit is the most difficult aspect of the permit process because it is subjective. Every applicant believes that he/she has good cause. The Sheriff's determination is based on balancing the individual's perception against an overall consideration of public good and safety.

**B. Prima Facie Reasonable Cause:** There are circumstances that the Sheriff may consider as prima facie evidence of reasonable cause for issue of a CCW permit. These include the following:

1. Applicant is a *specifically* targeted victim, as documented in official criminal justice records, and there is an accompanying recommendation of an investigating peace officer (endorsed by his/her Department Head or Commander) that a CCW permit is warranted for reasons of personal safety.
2. Applicant is an active or honorably separated member of the criminal justice system directly responsible for the investigation, arrest, incarceration, prosecution or imposition of sentence on criminal offenders and has received threats of harm to person or family as a result of official duties.
3. Applicant is a member of the immediate family of an active or honorably separated member of the criminal justice system, as described above; and as a result of this familial relationship, has been the victim of criminal acts or threats as documented in official justice records.

**A. Non-Prima Facie Reasonable Cause:** The majority of CCW applications come from some cause that is not prima facie, as described above. Such cause may vary based on the nexus between one or more of the following factors; degree or frequency or exposure to harm, employment, demographics and victimization or risk to applicant averted by the granting of a CCW.<sup>5</sup>

1. In making a determination as to the reasonable cause, the Sheriff will consider all available information and, where there exists a sufficient nexus between the approval of a CCW and the avoidance of victimization, make that decision most beneficial to public good and safety.<sup>6</sup> The mere fear of victimization, or desire to carry a firearm, shall be insufficient. However, the Sheriff, in making a determination shall rely first on objective standards, personal history, training and professional evaluations of the applicant, and secondarily on subjective factors.

Ignoring the strong preference for law-enforcement issuance that's by no means allowed per *Salute vs. Pitchess*, 61 Cal. App. 3d 557:

If "professional evaluations", personal history and training (which is capped at 16 hours under state law) are to be treated with greater importance than "subjective evaluations" of a person's need for defense and it's practically impossible to get your need for self defense listed as "prima facie good cause", then a "professional evaluation" of a banker living in a rich gated community will make such an applicant win out over a teller living in a nasty crack-blighted war zone.

As you've seen, this is **exactly** what's going on.

## VI RENEWALS

- A. General:** All permits issued may, absent other administrative action, be renewed and reissued as long as the justification for the permit has not materially changed. However, the Sheriff may require a full background investigation prior to any renewal.
- B. Fees:** The Sheriff will assess such fees as are necessary to recover the costs associated with renewal of a concealed weapons permit. Those cost will be listed in the application instructions.
- C. Property Rights:** An applicant, even if once approved for a CCW permit, neither earns nor

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<sup>5</sup> Contra Costa County consists of urban, suburban, rural and wilderness areas. What may be reasonable cause in one area of the County may be wholly unreasonable in another area.

<sup>6</sup> In general, acts associated with the normal course of living, working and conducting business shall not constitute sufficient cause for issuance of a concealed weapons permit.

However, the totality of circumstances surrounding the applicant and the application will be considered. For example, a CCW will not be issued solely because the applicant "handles money," but may be issued based on the volume of money, frequency, absence of alternatives, history of victimization and related factors. Correspondingly an issued permit may be either unrestricted or subject to specific limitations.

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holds any property right to a permit and/or its renewal.

- D. Liberty Rights:** An applicant, even if once approved for a CCW permit, neither earns nor holds any actual, inferred or implied liberty rights resulting from, or in relation to, a permit and/or its renewal.

First, REMEMBER FOOTNOTE 6. As you've seen, it's often treated as a joke.

Even better, holding a permit is NOT supposed to be a "tenured position" per "A" above. Renewals are supposed to be only so long as the specific danger exists. In reality, people whose circumstances have changed *are* keeping their permits "forever".

## XIV NUMBER OF WEAPONS ALLOWED PER PERMIT

- A. General:** Permits shall normally be limited to no more than two weapons. Any exception to this standard shall be considered a waiver of conditions and requires the express approval of the Sheriff.

1. All weapons authorized by the permit must be registered to the applicant.

Two guns only, huh? First, it doesn't make a lick of sense, especially if more than one of the guns are of the same basic operations type (such as DA revolver, SA semiauto, DAO semiauto, etc.

Second, Penal Codes 12050-54 don't grant a Sheriff the right to restrict carry weapons in such fashion.

Third, Kim Fang was subject to no such limit, and he had no law enforcement background whatsoever.

- A. **General:** The Sheriff may issue permits to any eligible resident of the County. The Sheriff shall not issue a permit to any person within a prohibited class as defined by Penal Code Section 12021 or 12021.1 or Section 8100 or 8103 of the Welfare and Institutions Code.
1. Except in cases with extraordinary justification and/or cases where prima facie reasonable cause for issue of CCW permits exists, the Sheriff will not issue a license to any person residing within a municipality.
    - a. Persons residing in a municipality must contact their local Police Chief and arrange for the license there.<sup>24</sup>
    - b. In some instances the local Police Chief will ask the Sheriff to issue a concealed weapons license in his behalf. A letter from the Police Chief to the Sheriff is required in such cases.<sup>25</sup>
  2. If notified by the Department of Justice that a current license holder is within a prohibited class, the Department shall revoke his/her license and may take whatever legal steps are available to recover the license.

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<sup>25</sup>This falls under the category of "extraordinary justification" should the Sheriff issue a permit.

This is the big killer: this is the primary method Rupf uses to eliminate working-class applicants from any possibility of issuance. In Contra Costa County, almost all the lowest income areas are in towns with their own Police Chiefs and have higher minority residency rates. The Sheriff attempts to limit his area of jurisdiction to wealthy unincorporated townships such as Alamo and Blackhawk, or the wealthy towns that hire his office for police services such as Danville, San Ramon or Orinda.

Except it's illegal as hell. First thing, there's no mechanism by which a Sheriff can dump somebody off on a Police Department Chief in Penal Codes 12050-54 (the CCW system). There IS a system whereby Chiefs can exit the CCW biz and pass the whole process off on the Sheriff; problem is, it has to be ALL issuance, applications, renewals, etc. – what Rupf wants is an "individual passing of applicants with attached letter from their Chief" and that's 100% illegal.

The fact that these rules would cause a racial imbalance in permit issuance is just icing on the diseased cake.

Finally, when my case went to trial on 12/22/99, I was able to prove that Rupf's people hadn't allowed me to apply. The reason given was "Richmond (where I live) is my proper issuing jurisdiction". The Judge ruled that since I hadn't been allowed to formally apply, until that happened I didn't have standing to discuss the bias, racism, illegality and unconstitutionality of the Sheriff's stated policies or de-facto procedures. So the case was dismissed without prejudice pending such an application and formal denial, if any. After court, I walked over to Lt. Willett's office and they handed me a blank application without comment.

Fine. But if Rupf's policy of "town residence discrimination" was legal, the Judge could have chucked me out WITH prejudice and there wouldn't even be the possibility of a second trial. He didn't do that. I think Judge Patsey (ya, that's his name) didn't want the hassles and he was sending a message to Rupf to clean up his act.