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September 8, 2008

Douglas Hall, Sergeant
Special Licensing and Firearms Unit
Connecticut State Department of Public Safety
1111 Country Club Rd
Middletown CT 06457-2389

Re: James F. Goldberg (d.o.b. 03/30/1978) – State Permit Application

Dear Sgt. Hall:

I represent James F. Goldberg (“Mr. Goldberg”) (d.o.b. 03/30/1978) regarding his application for a temporary state permit filed on September 3, 2008, with Chief James Cetran (“Chief Cetran”) of the Wethersfield Police Department (WPD). Chief Cetran is the local issuing authority for the Town of Wethersfield where Mr. Goldberg maintains residence. My understanding is that Chief Cetran currently is conducting an investigation of Mr. Goldberg’s September 3, 2008, application.

Mr. Goldberg held a state permit to carry pistols or revolvers (“state permit”) in the past. The Department of Public Safety (DPS) issued Mr. Goldberg a state permit on May 17, 2007, following Chief Cetran’s approval of Mr. Goldberg’s April 3, 2007, application for a temporary state permit. The DPS State Licensing and Firearms Unit (SLFU) revoked Mr. Goldberg’s state permit on June 27, 2007, citing as cause in its database log (a) pending criminal charges, (b) police request, and (c) unsuitability.¹ (Ex. 1) Mr. Goldberg appealed the June 27, 2007, revocation and was issued a hearing date of May 14, 2009, before the Board of Firearms Permit Examiners (BFPE). While his appeal of the June 27, 2007, revocation was pending, Mr. Goldberg applied on January 25, 2008, to Chief Cetran for a temporary state permit. Chief Cetran directed WPD Detective Michael J. Connolly, Jr. (“Detective Connolly”) to conduct an investigation which occurred between January 29, 2008, and February 4, 2008. Chief Cetran approved Mr. Goldberg’s January 28, 2008, application and issued Mr. Goldberg a temporary state permit dated February 4, 2008. DPS Commissioner John A. Danaher (“Commissioner Danaher”) notified Mr. Goldberg by letter dated February 20, 2008, that the temporary state permit issued to Mr. Goldberg by Chief Cetran on February 4, 2008, was revoked for cause pursuant to General Statutes §§ 29-28a(b) and 29-32(b). Commissioner Danaher informed Mr.

¹ The DPS SLFU database log states as cause for the June 27, 2007, revocation, the pendency of criminal charges (Code 01); police request (Code 07); and unsuitability (Code 22). (Ex. 2)

Goldberg that the “revocation is the result of your involvement in the June 21, 2007 incident referenced in my June 27, 2007 correspondence to you, a copy of which is enclosed herein.”

In the time period between June 27, 2007, when the first revocation occurred and September 3, 2008, when Mr. Goldberg applied to Chief Cetran for a third temporary state permit, the DPS SLFU database log Code 01, Code 07, and Code 22 bases for the June 27, 2008, revocation changed. First, the pending criminal charge cited as cause (Ex. 2, Code 01) for revocation did not apply after July 30, 2007. Second, the nature of the police request (Ex. 2, Code 07) has been clarified by the September 25, 2007, letter from Glastonbury Police Department (GPD) Chief of Police Thomas J. Sweeney (“Chief Sweeney”) to Commissioner Danaher and Commissioner Danaher’s November 14, 2007, response. Third, (a) an independent investigation conducted by DPS SLFU Detective Thomas Karanda (“Detective Karanda”), (b) government records discovered by Mr. Goldberg and made available to Mr. Goldberg through Freedom of Information Act requests, and (c) records discovered by Mr. Goldberg, including a taped recording of the 911 call to the GPD that preceded Mr. Goldberg’s arrest on June 27, 2007, have impacted the GPD report that led to the June 27, 2007, revocation. (Ex. 2, Code 22) The report from the GPD to the DPS SLFU, received at the DPS SLFU prior to the June 27, 2007, revocation, states:

APP WAS ARRESTED BY GLASTONBURY FOR B. OF P. POLICE WERE CALLED TO CHILI’S RESTAURANT FOR A REPORT OF A MALE CARRYING A FIREARM IN PLAIN VIEW TO STAFF AND CUSTOMERS. THAT WORKERS AND CUSTOMERS BEGAN MOVING AWAY FROM THE AREA WERE [sic] THE APP HAD A GLOCK IN AN EXTERIOR HOLSTER ON HIS RIGHT HIP.

Ex. 3 (capitalization in original). The three June 27, 2007, causes for revocation are addressed separately below:

Code 01 – Pendency of Criminal Charges

The DPS Bureau of Identification records will confirm that Mr. Goldberg has no criminal history. His record is clear. I represent and you may confirm that there are no criminal charges pending against Mr. Goldberg.

Code 07 – Police Request

The GPD seized Mr. Goldberg’s state permit on June 21, 2007. In a letter to Commissioner Danaher dated September 25, 2007, Chief Sweeney states that he advised DPS SLFU Detective Barbara Mattson (“Detective Mattson”) on June 25, 2007, of Mr. Goldberg’s arrest, then mailed Mr. Goldberg’s state permit to the DPS SLFU. Chief Sweeney summarizes the June 21, 2007, arrest as a case “wherein a subject, James Goldberg, allegedly entered a restaurant in Glastonbury wearing a firearm in a manner that alarmed persons present in the restaurant.” (Ex. 5) To his credit, Chief Sweeney apparently recognizes that openly carrying a firearm is not prohibited by state law in Connecticut on premises where carrying a pistol or revolver is not otherwise lawfully prohibited by the premises’ owner or by law. Otherwise, he would have stated that Mr. Goldberg was arrested for openly carrying a firearm. The Chili’s

Restaurant (“Chili’s”) had no rule or policy, posted or otherwise, on June 21, 2007, prohibiting the possession of a firearm, carried openly or concealed, other than those prohibitions contained in state and federal laws and local ordinances. Chief Sweeney has not set forth, to Mr. Goldberg’s knowledge, any local ordinances that prohibited Mr. Goldberg from the possession of a firearm, carried openly or concealed, in Chili’s on June 21, 2007, other than those prohibitions contained in state and federal laws.

For purposes of this letter, I assume, based on the DPS SLFU data screen Code 22 entry (Exs. 1, 2), that Chief Sweeney requested revocation of Mr. Goldberg’s state permit, prior to June 27, 2007, even though I have no record, other than the DPS SLFU data screen, of a police request for revocation. (Exs. 1, 2) In his September 25, 2007, letter to Commissioner Danaher, Chief Sweeney asks, only, as regards the revocation, that “[a]s the legally designated issuing authority ... [he] be notified of all proceedings pertaining to the revocation appeal and/or restoration of Mr. Goldberg’s permit.” (Ex. 5) However, the investigation completed by WPD Detective Connolly on January 31, 2008, which resulted in the issuance of the February 4, 2008, temporary state permit to Mr. Goldberg, confirmed that Mr. Goldberg maintains residence in the Town of Wethersfield. (Ex. 5) Therefore, Chief Sweeney was not and is not now the “legally designated issuing authority” for the issuance of a temporary state permit to Mr. Goldberg. Chief Sweeney’s request to be notified of Mr. Goldberg’s revocation, appeal, and restoration status is based on his statement that he was the “legally designated issuing authority” for the issuance of a temporary state permit to Mr. Goldberg. More importantly as regards the DPS SLFU database log Code 22, Chief Sweeney does not request in his September 25, 2007, letter to Commissioner Danaher that the DPS SLFU take any specific action, only that Chief Sweeney be kept informed.

The only request by Chief Sweeney in any record obtained by Mr. Goldberg is the implicit request in Chief Sweeney’s September 25, 2007, letter that Commissioner Danaher seek a warrant for Mr. Goldberg’s arrest. In this letter to Commissioner Danaher, Chief Sweeney reports that Mr. Goldberg falsely listed a residence in the Town of Wethersfield in applying for and holding the state permit issued on May 17, 2007, in violation of General Statutes §§ 53a-157b, 29-28, and 29-37. (Ex. 5) See Letter from Chief Sweeney to Commissioner Danaher, dated September 25, 2007. (Ex. 5) (“As of yet, the Firearms Unit has not submitted an arrest warrant application for the above criminal violations.”). To his credit, Commissioner Danaher did not seek an arrest warrant against Mr. Goldberg for making a false statement as requested by Chief Sweeney.²

² Chief Sweeney, in two sentences that directly precede his request for Mr. Goldberg’s arrest, references “threatened legal action against this Department [GPD] for seizing the weapon and State permit on June 21, 2007[.]” and informs Commissioner Danaher that “said individuals [“Mr. Goldberg, through his father and associate”] have threatened legal action against the Department of Public Safety as well in connection with the revocation appeal.” (Ex. 5) Mr. Goldberg’s exercise of his right to bring civil actions against government officials has no relation to, and should be separate from, a government official’s decision to request or seek Mr. Goldberg’s arrest (and, for that matter, the decision to issue a temporary state permit or a state permit). The proximity of the two issues of “threatened legal action” and the arrest of Mr. Goldberg in Chief Sweeney’s letter is a matter of concern to Mr. Goldberg who nonetheless recognizes and appreciates the restraint exercised by Commissioner Danaher in not seeking Mr. Goldberg’s arrest. Even a meritless criminal arrest that results in dismissal has long-term consequences. Despite our state erasure statutes that dictate against policies and procedures which result in such consequences, as Mr. Goldberg’s revocation demonstrates, the consequences cannot be denied.

Code 22 – Unsuitability

The remaining basis stated in the DPS SLFU database for the June 27, 2007, revocation is “unsuitability.” (Code 22) The relevant inquiry is whether the DPS SLFU has obtained information subsequent to June 25, 2007, which would allow the DPS SLFU to exercise its independent authority, separate from Chief Sweeney’s reports, to issue Mr. Goldberg a state permit. Precedent has been set by the DPS SLFU for returning revoked state permits to holders prior to filing an appeal to the BFPE and in cases where an appeal to the BFPE is pending. See n. 3, below. (Ex. 4) Precedent has been set by the DPS SLFU for returning revoked state permits to holders by agreement after a pre-determined period of time. See n. 4, below. (Ex. 4) While Mr. Goldberg has found no statutory basis outside of the BFPE appeal process for the restoration of a state permit after revocation or the issuance of a state permit once the DPS has denied an application, state statutes do not prohibit Mr. Goldberg from proceeding through the entire application process, from investigation by local issuing authority to temporary state permit issuance to DPS issuance of state permit, following a previous revocation or denial of issuance. (Ex. 6) Mr. Goldberg’s commencement of the entire application process seems the more comprehensive and responsive to public safety concerns as it allows the local issuing authority to conduct an entirely updated investigation which the DPS will then have access to in making its own investigation and consideration.³

³ For example, the comprehensive investigation conducted by Chief Cetran of Mr. Goldberg’s January 28, 2008, application for a temporary state permit and, presumably of Mr. Goldberg’s pending September 3, 2008, application for a temporary state permit, may be compared to other DPS SLFU revocation cases in which information supplied by phone or mail to the DPS SLFU supported decisions by the DPS SLFU to return revoked state permits. The following excerpts are taken from a one-hundred and three (103) page database obtained from the DPS SLFU and attached at Exhibit 4:

- Permit reinstated and noted by Detective Karanda on 01/14/2005 in response to request from applicant where charges cleared effective 10/14/2004;
- Permit reinstated and noted by Detective Karanda on 01/18/2005 that applicant received nolle on 08/08/03, nolle period over on 09/08/04, and record clear;
- Permit reinstated and noted by Detective Karanda on 02/23/2005 that applicant looking for permit, record clear, issue duplicate as permit is lost;
- Permit reinstated and noted by Detective Karanda on 04/08/2005 that applicant requested return, case nolle on 12/03/2003, record cleared;
- Permit reinstated and noted by Detective Karanda on 06/30/2005 in response to request from applicant for reinstatement, record clear, gun shown destroyed, registered address in Windsor Locks changed with BFPE not SLFU, no destruction letter, address changed when applicant said address is Plainville;
- Permit reinstated and noted by Detective Karanda on 09/19/2005 in response to request from applicant for reinstatement, and case clear;
- Permit reinstated and noted by Detective Karanda on 09/26/2005 in response to request from applicant who brought pardon to headquarters, record is clear;
- Permit reinstated and noted by Detective Karanda on 02/14/2006 in response to request from applicant for reinstatement, record is clear;
- Permit reinstated and noted by Detective Karanda on 05/02/2006 in response to request from applicant for permit back, and record clear, applicant currently in Massachusetts due to pending divorce; business address in Avon;
- Permit reinstated with fee and noted by Detective Karanda on 06/02/2006 in response to request for permit from applicant, record clear;
- Permit reinstated and noted by Detective Karanda on 11/20/2006 in response to request for permit from applicant, record clear;
- Permit reinstated and noted by Detective Karanda on 12/27/2006 in response to request for permit from applicant, record clear;

The precedent set by the DPS SLFU for entering into agreements for the reinstatement of state permits after a pre-determined period of time also benefits Mr. Goldberg's position that his commencement of the entire application process seems the more comprehensive and responsive to public safety concerns. When these agreements are made there is no guarantee, that, when the agreed upon period of time passes, the individual will be any more or less suitable than at the time of revocation. In Mr. Goldberg's case, the fact that he has filed an entirely new application for a temporary state permit and is subject to, for the third time in three years, the local investigatory process provides the DPS SLFU with more of a guarantee of suitability than in the cases of individuals whose state permits are reinstated by agreement after a pre-determined period of time with no additional investigation into the suitability of the individual prior to the agreed upon date of reinstatement.⁴

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- Permit reinstated and noted by Detective Karanda on 03/05/2007 in response to request for permit from applicant, record clear, per agreement reinstated with fee;
 - Permit reinstated with fee and noted by Detective Karanda on 03/09/2007 in response to request for permit from applicant, record clear;
 - Permit reinstated and noted by Detective Karanda on 04/19/2007 in response to request for reinstatement of permit at headquarters by applicant, record clear;
 - Permit reinstated with fee and noted by Detective Karanda on 05/17/2007 in response to request of permit from applicant, spoke to Susan Mazzoccoli, record clear;
 - Permit reinstated and noted by Detective Karanda on 07/11/2007 in response to request for permit from applicant, record clear;
 - Permit reinstated with fee and noted by Detective Karanda on 08/21/2007 in response to request for permit from applicant, record clear;
 - Permit reinstated per agreement and noted by Detective Karanda on 02/10/2008 in response to request for permit from applicant, record clear;
 - Permit reinstated per agreement and noted by Detective Karanda on 02/20/2008 in response to request for permit from applicant, record clear;
 - Permit reinstated and noted by Detective Karanda on 06/19/2008 in response to request for reinstatement with fee from applicant, record clear per agreement.

⁴ For example, the comprehensive investigation conducted by Chief Cetran of Mr. Goldberg's January 28, 2008, application for a temporary state permit and, presumably of Mr. Goldberg's pending September 3, 2008, application for a temporary state permit, may be compared to other DPS SLFU revocation cases in which the mere passage of time supports an agreement by the DPS SLFU to return revoked state permits. The following excerpts are taken from a one-hundred and three (103) page database obtained from the DPS SLFU and attached at Exhibit 4:

- Agreement with applicant on 09/07/2006 noted by Detective Mattson for reinstatement on 09/07/2008;
- Agreement with applicant on 05/11/2006 noted by Detective Mattson for reinstatement on 02/19/2008 one year after nolle period ends;
- Agreement with applicant's attorney on 09/07/2006 noted by Detective Mattson for reinstatement two years from 09/07/2006;
- Agreement with applicant's attorney Ralph Sherman on 07/11/2007 noted by Detective Mattson for reinstatement in eighteen months, gun was operable and no malfunction;
- Reinstatement on 06/14/2007 noted by Detective Mattson, Trooper did not appear for BFPE hearing;
- Applicant call on 08/07/2003 noted by Detective Karanda, request to speak to Detective Mattson by applicant, applicant told to call back on 09/07/2003, when agreement time has come;
- Agreement for reinstatement with applicant's attorney on 11/09/06 noted by Detective Mattson;
- Applicant's attorney call on 12/19/2007 noted by Detective Karanda to verify that on 03/24/2005 the applicant was at the Bank of America on Sergeant rive in New Haven, has transacted business ad left a deposit bag near a teller's station, bag open and inside was a loaded Smith & Wesson 9 mm pistol, applicant's permit reinstated with fee;
- Agreement with applicant's attorney Michael Meehan on 03/12/2005 noted by Detective Karanda for 09/01/2005 reinstatement;
- Applicant call on 04/12/2005 noted by Detective Mattson, applicant told to call after agreement date 09/01/2005;

Even if Mr. Goldberg were not eligible for consideration equal to the consideration granted the applicants referenced in footnotes 3 and 4,⁵ above, recent statements taken by DPS SLFU Detective Karanda negate the unsuitability cause for revocation recorded in the DPS SLFU database on June 27, 2007. It is difficult to argue in support of Mr. Goldberg's suitability when, because he acted lawfully on June 21, 2007, it is impossible to know on what basis unsuitability was founded on June 27, 2007. I must assume for purposes of this letter that the unsuitability arises from the reported feelings and reactions of the other individuals in Chili's on June 21, 2007. Other than carrying the firearm in a manner that left it exposed, which is not unlawful, no other information is provided about what conduct on the part of Mr. Goldberg supports a finding of unsuitability.

Prior to June 27, 2007, the GPD informed the SLFU that police were called to Chili's when it was reported that a male was carrying a firearm in plain view to staff and customers. (Ex. 3) The GPD reported to the SLFU that "workers and customers began moving away from

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- Agreement letter sent to applicant on 03/12/2005 noted by Detective Karanda, applicant call on 06/06/2006 noted by Detective Mattson, permit reinstated;
 - Applicant left message on 01/05/2005 noted by Detective Mattson, Detective Mattson spoke to applicant on 01/06/2005, applicant told to call back on 01/11/2005; Detective Karanda offered one year or go to appeal, applicant's attorney call on 03/03/2005, agreement for reinstatement on 06/02/2006;
 - Agreement with applicant noted by Detective Karanda on 11/09/2006, dated of BFPE hearing, for reinstatement on 11/09/2006;
 - Agreement with applicant on 12/01/2006 noted by Detective Karanda, permit reinstatement;
 - Permit reinstated with fee on 01/19/2007 noted by Detective Karanda, request from applicant for permit per agreement on 12/01/2005;
 - Agreement with applicant on 03/09/2006 noted by Detective Karanda to applicant's attorney, applicant agreed to one year additional suspension of permit, dismissed after Family Violence Program, until 03/09/2007;
 - Agreement with applicant on 02/16/2006 noted by Detective Mattson, one year until reinstatement;
 - Permit reinstated with fee on 03/05/2007 noted by Detective Karanda, request from applicant for permit, record clear per agreement;
 - Agreement with applicant on 06/01/2006 noted by Detective Mattson for six months until 12/01/2006 until reinstatement;
 - Permit reinstated and noted on 08/02/2007 by Detective Karanda, reinstated per agreement with fee;
 - Applicant's attorney John Williams call on 03/11/2004 noted by Detective Mattson, Detective Mattson call to Detective Kelly, applicant's attorney suing; Detective Mattson explained two year agreement for reinstatement, reinstatement on 12/03/2007 with fee;
 - Permit reinstated and noted by Detective Karanda on 02/10/08, request for permit from applicant, reinstated per agreement, record clear;
 - Agreement with applicant's attorney on 07/06/2006 noted by Detective Mattson, State Trooper did not appear for hearing;
 - Agreement with applicant on 05/11/2006 noted by Detective Mattson, for one year period until reinstatement, one year after nolle over, on 02/19/2008;
 - Applicant call for reinstatement noted by Detective Karanda on 02/20/2008, record clear, reinstatement per agreement;
 - Agreement with applicant and applicant's attorney on 11/09/2006 noted by Detective Mattson;
 - Applicant's attorney call to verify agreement noted on 12/19/2007 noted by Detective Karanda; permit reinstated with fee;
 - Agreement with applicant's attorney and Sgt. Rosado on 06/14/2007; applicant reinstated on 06/19/2008 when applicant call to Detective Karanda, record clear.

⁵ Other than Mr. Goldberg's exercise of his right to bring civil actions against government officials, there is no reason why Mr. Goldberg would not be eligible for the same consideration given the applicants in footnotes 3 and 4, above, and this of course would not be a lawful reason.

the area were [sic] the app [Mr. Goldberg"] was. App had a Glock in an exterior holster in his right hip." (Ex. 3)

Detective Karanda, citing to the BFPE website's and a handbook's reliance on the term "mature judgment," characterizes Mr. Goldberg's conduct on June 21, 2007, in the SLFU database log entry of July 31, 2007, as lacking "mature judgment." (Ex. 8) Since July 31, 2007, the term "mature judgment" has been removed from the BFPE website. The term is not found in any state statute regarding eligibility or suitability to hold a state permit.⁶

Detective Karanda, in the DPS SLFU database log entry of July 31, 2007, also cites to the "Virginia Tech incident" as occurring two months prior to the June 21, 2007, incident. (Ex. 8) The shootings at Virginia Polytechnic Institute and State University ("Virginia Tech") in Blacksburg, Virginia, occurred on April 16, 2007. Chili's did not change its policy or lack of policy concerning the possession of firearms in its restaurants as a result of the shootings. The Town of Glastonbury did not change its ordinances as a result of the shootings. If Chili's and the Town of Glastonbury had taken such measures and Mr. Goldberg had violated the measures then the Blacksburg, Virginia shootings may be relevant to the June 21, 2007, Glastonbury, Connecticut Chili's incident. No law took effect in Connecticut between the Virginia Tech incident and June 21, 2007, regarding the carrying of firearms or state permits.

If Ms. Smith was affected by the Virginia Tech incident then this would decrease Mr. Goldberg's culpability for Ms. Smith's feelings because Ms. Smith's feelings arose from a source beyond Mr. Goldberg's control. Detective Karanda did not include in the statement that he took from Ms. Smith on September 4, 2007, whether Ms. Smith's concerns on June 21, 2007, arose from the Virginia Tech incident. Individuals cannot control the feelings that others have toward them. Many of us may alarm or annoy others simply by our presence. The most that an individual can do is control whether he or she is acting lawfully. If an individual's race, or religion, or gender, or disability, or lawful possession of a firearm alarms another individual, the alarm of the other individual does not make the race, religion, gender, disability or lawful possession of the firearm a breach of peace or otherwise unlawful.

Even if one believes that an individual, acting lawfully and without recklessness or any intent or to cause annoyance or alarm, is responsible for another individual's feelings and can control the feelings of other individuals, the Kiernan Snippee, Brett Mahon, Michele Grube, and Laura Smith statements do not support the GPD's original report that resulted in the revocation of Mr. Goldberg's state permit.⁷ (Ex. 4) Ms. Smith asked the 911 dispatcher whether it was unlawful to openly carry a firearm in Connecticut and the dispatcher did not respond. If the dispatcher had told Ms. Smith, as a recent report by the Office of Legislative Research confirmed, that it is not unlawful to openly carry a firearm in Connecticut (assuming a valid state permit and there are no other firearms violations at issue), then it is unclear whether Ms. Smith would have remained concerned. If Ms. Smith is scared of firearms, then she should address this

⁶ I do not know if the term "mature judgment" is still used in the handbook referenced by Detective Karanda in his July 31, 2007, SLFU database log entry.

⁷ I have attached the three most recent statements dated July 29, 2008, of Kieran A. Snippee, Brett C. Mahon, and Michelle E. Grube taken by Detective Karanda. Detective Karanda also took a statement on September 4, 2007, of Laura Smith, the Chili's manager who placed the 911 call to the GPD on June 21, 2007.⁷ (Ex. 6)

matter with Chili's, the Town of Glastonbury, or the State of Connecticut, all of which have the authority to take measures to prohibit the open carry of firearms in Chili's restaurants.⁸

In closing: In addition to the passage of time since June 27, 2007, when Mr. Goldberg's state permit was revoked, which is relevant to the DPS SLFU agreements that provide for reinstatement after a pre-determined wait period, the DPS SLFU has received the January 31, 2008, investigation report by Detective Connolly that deemed Mr. Goldberg suitable, and additional information from the DPS SLFU's own investigation that support Mr. Goldberg's suitability.⁹ Upon the completion of the current investigation of Mr. Goldberg's September 3, 2008, application for a temporary state permit to Chief Cetran, the DPS SLFU will have the most current information available regarding Mr. Goldberg's suitability.

Although it is premature to address your review of any correspondence that the DPS SLFU may receive from Chief Cetran regarding Mr. Goldberg's September 3, 2008, application for a temporary state permit, when your review commences, please do not hesitate to contact me for additional information or clarification of the issues addressed in this letter.

Sincerely,

Rachel M. Baird, Attorney

- Encls: Exhibit 1 - DPS SLFU Database Log for State Permit No. 945158 (1 pg.)
Exhibit 2 - DPS SLFU Database Code Description (1 pg.)
Exhibit 3 - DPS SLFU Database Log Entry (1 pg.)
Exhibit 4 - Recording of June 21, 2007, 911 Call
Exhibit 5 - Letter from Chief Sweeney to Commissioner Danaher dated September 25, 2007 (2 pgs.)
Exhibit 6 - Memorandum from Detective Connolly to Chief Cetran dated January 31, 2008 (2 pgs.)
Exhibit 7 - Statements by Kieran A. Snippee, Brett C. Mahon, Michelle E. Grube, and Laura Smith (9 pgs.)
Exhibit 8 - DPS SLFU Database Log Entry (1 pg.)

⁸ For example, when smoking was legal in restaurants, a restaurant manager may have been offended or a pregnant restaurant manager annoyed or alarmed for her unborn child's life and health but the smoker could not be arrested for causing that annoyance or alarm. The restaurant, or the town where the restaurant was located, or the state would be the party responsible for banning the lawful conduct that caused the annoyance or the alarm, if in fact there was agreement that the lawful conduct should be banned in restaurants.

⁹ In a greater and more verifiable degree than the information regarding suitability provided by the appellants listed in footnotes 3 and 4, above.