

RETURN DATE: DECEMBER 18, 2007 : SUPERIOR COURT
EDWARD A. PERUTA : JUDICIAL DISTRICT OF NEW
v. : BRITAIN
: AT NEW BRITAIN
CONNECTICUT STATE DEPARTMENT :
OF PUBLIC SAFETY, CONNECTICUT STATE :
BOARD OF FIREARMS PERMIT :
EXAMINERS, CONNECTICUT STATE POLICE :
OFFICER STANDARDS AND TRAINING :
COUNCIL : NOVEMBER 29, 2007

COMPLAINT IN ACTION FOR DECLARATORY JUDGMENT

1. The instant action for judgment is brought pursuant to Connecticut General Statutes (“General Statutes”), § 52-29, to declare the rights of a Connecticut citizen holding a permit to carry pistols or revolvers.

Party Plaintiff

2. Plaintiff Edward A. Peruta (“Peruta”) is a Connecticut citizen residing in Rocky Hill, Connecticut.

3. Peruta possesses a permit issued by the state of Connecticut to carry pistols or revolvers (“pistol permit”) pursuant to Chapter 529 of the General Statutes (“Chapter 529”).

4. Peruta travels throughout the state of Connecticut.

The Connecticut Constitution and Statutory Laws

5. Article First, § 15, of the Constitution of the State of Connecticut (“Connecticut Constitution”) states as follows: “Every citizen has a right to bear arms in self defense of himself and the state.”

6. Chapter 529 establishes laws regulating the application for, possession of, renewal, and revocation of, state permits to carry pistol or revolvers.

Party Defendants

7. The Connecticut State Department of Public Safety (DPS) is a state agency within the executive branch of government comprised of three (3) principal divisions: (a) the Division of State Police, (b) the Division of Fire, Emergency and Building Services, and (c) the Division of Scientific Services.

8. The Division of State Police (DSP) has two distinct operational offices: (a) Office of Field Operations and (b) Office of Administrative Services.

9. The Office of Field Operations is responsible for the delivery of police services statewide through three geographical districts (Western District, Central District, and Eastern District).

10. The Office of Administrative Services includes the Special License and Firearms Unit located at the DSP headquarters in Middletown, Connecticut.

11. The Special License and Firearm Unit is responsible for the issuance of state pistol permits, oversight and regulation of firearm sale transactions, and issuance of licenses to professional bail bondsman, private security companies, private investigators, and bail enforcement agents.

12. The Connecticut State Board of Firearms Permit Examiners (“Board”) exists, pursuant to General Statutes § 29-32b, within the DPS for administrative purposes only.

13. The Board hears appeals by any person aggrieved by any refusal to issue or renew a permit or certificate under the provisions of section 29-28 or 29-36f, or by any limitation or revocation of a permit or certificate issued under any of said sections, or by a refusal or failure of any issuing authority to furnish an application as provided in section 29-28a.

14. The Connecticut State Police Officer Standards and Training (POST) Council exists, pursuant to General Statutes § 7-294b, within the DPS Division of State Police for administrative purposes only.

15. The POST Council has twenty-two (22) statutory powers enumerated under General Statutes § 7-294d(a), including the powers to periodically update and revise a comprehensive municipal police training plan and approve, or revoke the approval of, any police training school and to issue certification to such schools and to revoke such certification.

16. Connecticut state statutes define a "municipality" as any town, city, borough, consolidated town and city, consolidated town and borough, district, district department of health, or authority established by the General Statutes, a special act or local law, ordinance or charter or any public agency.

17. Municipalities employ police officers as defined under General Statutes § 7-294a.¹

Actual Bona Fide and Substantial Questions in Dispute

18. The DPS and the municipalities served by the POST Council have violated the statutory and constitutional rights of Connecticut citizens to bear arms by prohibiting, under threat of arrest, Connecticut pistol permit holders from openly carrying a pistol or revolver on premises where carrying a pistol or revolver is not otherwise lawfully prohibited by the premises' owner or by law.

19. The DPS and the municipalities served by the POST Council have violated the statutory and constitutional rights of Connecticut citizens to bear arms by the immediate confiscation of a pistol permit upon the arrest of the Connecticut permit holder.

20. The DPS has condoned the unlawful confiscation of pistol permits by accepting unlawfully confiscated pistol permits and failing to afford their proper return to the rightful owners when submitted in violation of law by the arresting law enforcement agency.

¹ Section 7-294a provides, in part: The term "police officer" means a sworn member of an organized local police department"

21. The DPS has condoned the unlawful confiscation of pistol permits by relying solely on arrests of Connecticut pistol permit holders as justification for immediate revocation.

22. The DPS has condoned the unlawful confiscation of pistol permits by supporting the unlawful confiscation of pistol permits without the mandatory investigation or finding of cause required by state statute.

23. The DPS has condoned the unlawful confiscation of pistol permits by failing to properly notify all permit holders of decisions to revoke pistol permits in writing as required by statute.

24. The POST Council has failed to train the municipalities' police officers in the exercise and enforcement of the police officers' authority under Chapter 529 laws.

Substantial Uncertainty of Legal Relations

25. Plaintiff has a legal interest in obtaining a declaratory judgment by reason of danger of loss of liberty and uncertainty of his exposure to arrest for carrying a pistol or revolver openly, without concealment.

26. Plaintiff has a legal interest in obtaining a declaratory judgment by reason of the loss of liberty that would arise from his arrest for carrying a pistol or revolver openly, without concealment.

27. Plaintiff has a legal interest in obtaining a declaratory judgment to determine whether his permit is subject to confiscation upon arrest, or otherwise, without notice of revocation pursuant to General Statutes § 29-32(b).

28. Plaintiff has a legal interest in obtaining a declaratory judgment by reason of the loss of property that would arise from the immediate confiscation of his permit.

Adverse Interests of Parties

29. All Defendants are parties with an interest adverse to the Plaintiff and necessary for complete determination of the issues.

30. Plaintiff seeks an Order of Notice from the Court compelling the POST Council to notify each and every municipality in the state of Connecticut employing one police officer or more of the instant action.

Peruta's Entitlement to Declaratory Judgment

31. Peruta has suffered and continues to suffer from the uncertainty of a future arrest for carrying a pistol or revolver openly, without concealment.

32. Peruta has suffered and continues to suffer from the uncertainty of his legal obligation to relinquish his permit upon demand by the Defendants without proper notice of revocation, pursuant to General Statutes § 29-32(b).

33. Peruta has suffered and continues to suffer from the uncertainty of his legal obligation to relinquish his permit upon demand by the Defendants without notice of revocation, pursuant to General Statutes § 29-32(b).

34. The Board denied Peruta's request for a declaratory ruling on the issues necessarily presented on August 10, 2007, and November 20, 2007.

PRAYER FOR RELIEF

WHEREFORE, for the reasons alleged and in consequence thereof, the Plaintiff seeks:

1. Declaratory judgments determining:
 - a. Whether the Plaintiff, as a citizen of Connecticut holding a pistol permit, has the right in Connecticut to carry a pistol or revolver openly, without concealing the pistol or revolver, in any location where carrying a pistol or revolver is not otherwise prohibited by the premises' owner or by law.
 - b. Whether the Defendants and municipalities have lawful authority to confiscate pistol permits from Connecticut permit holders upon arrest or otherwise without notice of revocation pursuant to General Statutes § 29-32(b).
 - c. Whether the Defendants and municipalities stand in violation of the Fifth and Fourteenth Amendments to the United States Constitution, or condone such violations, by confiscation of a pistol permit upon the arrest of the Connecticut permit holder; by failing to afford proper return of a pistol permit to the rightful owners when submitted by the arresting agency; by relying solely on arrests of Connecticut pistol permit holders as justification for immediate revocation; and by revocation of a pistol permit without the mandatory investigation or finding of cause required by state statute.

- d. Whether Chapter 529 of the General Statutes imposes limits violative of a citizen's right to bear arms as guaranteed by Article First, § 15, of the Connecticut Constitution.
2. Such orders and rules as the Court deems necessary or advisable to carry into effect the provisions of General Statutes § 52-29(a), including an Order of Notice compelling the POST Council to notify each and every municipality in the state of Connecticut employing one police officer or more of the instant action.
3. Punitive damages, including attorney's fees and costs, upon a finding by the Court that the Defendants' committed unlawful actions in bad faith.
4. Costs in accordance with Connecticut Practice Book, § 17-57; and
5. Such equitable relief as the Court deems just.

PLAINTIFF
EDWARD A. PERUTA

BY: _____
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STATEMENT OF AMOUNT IN DEMAND

The amount, legal interest, or property in demand is FIFTEEN THOUSAND DOLLARS or more, exclusive of interest and costs.

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CERTIFICATE OF JOINDER

In accordance with Connecticut Practice Book, § 17-56(b), Plaintiff, through undersigned counsel, states that all interested persons or entities have been joined as parties to the action through service upon the Office of the Attorney General.

To afford notice to the municipalities referenced in the Complaint with an interest in the issues and too numerous to serve, Peruta has requested an Order of Notice from the Court compelling the POST Council to notify each and every municipality in the state of Connecticut employing one police officer or more of the instant action.

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