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January 21, 2015

Honorable Stephen Hawley
Assemblyman, 139th District
New York State Assembly
Room 329, LOB
Albany, New York 12248

Re: Lieutenant Sherman's Presentation to the County Clerks Association

Dear Assemblyman Hawley:

I understand that you have asked for our comments on the accuracy of an online document identified as notes of Lieutenant James Sherman's presentation to the New York State Association of County Clerks on November 18th, attributed to Wayne County Clerk Michael Jankowski. I have asked Lieutenant Sherman to review the document and report to me any inconsistencies with his presentation. Although much of the document is accurate, he has identified several points that are incorrect or misunderstood. These points are as follows:

- Item 11 indicates that a person will be sent a user ID and password as part of the recertification process. This is not accurate. The letters requesting a person to recertify will not contain a user ID or password.
- Item 19 states that any discrepancy in a license would necessarily require the licensee to seek an amendment through the licensing authority. This is incorrect. Not all recertification discrepancies will need to be corrected via an amendment. Only substantive changes related to the central purpose of recertification, such as an unreported change of an applicant's name or address, or the unreported acquisition or disposal of a firearm. Many minor discrepancies may be corrected through direct interaction between Pistol Permit Bureau staff and the applicant.
- Item 21 indicates that a person who recertifies by mail will receive a return receipt with a tracking number. This is not the case. A person who recertifies by mail will receive a confirmation of the recertification.
- Item 23 states that the recertification process is the same as the initial application process. The original process includes taking fingerprints and photographs. The recertification process is a simpler process that will not require the licensee to be fingerprinted and photographed again.

- Note 26 can be read to mean that the DMV database will be used to check whether the person is eligible to possess a firearm. Actually, the DMV database will be used only to confirm a licensee's identity and current address.
- We are unsure as to what the writer is notating in item 29, but it appears that he misunderstands the process that will be used in the event the license may not be recertified for some reason.
- Item 31 indicates that it is the responsibility of the licensing officer to obtain a certificate of relief from civil disabilities in certain cases. This is inaccurate as it is the responsibility of the permit holder to obtain this certificate should he or she desire to do so.
- Item 36 indicates that the primary purpose of the recertification process is to create an improved database. While that is one benefit of the requirement, the primary purpose is to prevent firearms from being possessed by those who are not eligible to possess them.
- Items 37 and 38, in relation to having firearms license information on drivers' licenses and linking permit data to the DMV database were questions brought up by audience members. They are not part of the recertification process or Lt. Sherman's presentation.

Thank you for providing the State Police with the opportunity to clarify some of the misunderstandings evidenced in this document. Please contact my office if you have further questions about Lt. Sherman's presentation to the County Clerks Association.

Sincerely,



Steven F. Cumoletti
Deputy Superintendent

cc: Mr. Michael Jankowski
Wayne County Clerk