



## CITY OF MORRO BAY

POLICE DEPARTMENT

850 Morro Bay Boulevard  
Morro Bay, CA 93442



David Robert Duringer

Public Interest Exemption

Morro Bay, CA 93442

December 20, 2022

Dear Mr. Duringer,

Thank you for your application for a concealed weapons permit (CCW). I have reviewed that application and all the attachments to it.

As Chief of Police for Morro Bay, I am given statutory discretion to issue a license to carry a firearm to residents of Morro Bay. California Penal Code Sections 26150 and 26155 state the applicant must show good moral character to support his/her request. For purposes of my issuing a CCW, good moral character, under Bruen, States can still constitutionally enforce requirements for residents to obtain a public-carry license. The Court emphasized that licensing schemes that “require applicants to undergo a background check or pass a firearms course” were acceptable, because such requirements were “narrow, objective, and definite standards” designed to ensure that only “law-abiding, responsible citizens” could obtain a public-carry license.

The New York State Rifle & Pistol Association v. Bruen case ruled that the “good cause” requirements set forth in California Penal Code sections 26150(a)(2) and 26155(a)(2) were unconstitutional and unenforceable under Bruen. The Office of Attorney General of California also concluded and advised local officials to “continue to apply and enforce all other aspects of California law with respect to public-carry licenses and the carrying of firearms in public.” As such, the statutes under the California Penal Code related to the issuance of licenses remain. The relevant statutes authorizing local officials to issue such licenses “upon proof of all of the following”:

- “(1) The applicant is of good moral character.
- (2) The applicant is a resident of the county or a city within the county, or the applicant’s principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.
- (3) The applicant has completed a firearms safety course of training.”

Mr. Duringer, you submitted your application to the Morro Bay Police Department for a CCW permit on September 6, 2022. You were advised at the time of submission that your required letters of recommendation needed to be recent and submitted on your behalf to the Morro Bay Police Department. You refused that request at the time and advised the letters authored to Grover Beach Police Department under Chief Peters in 2020 should suffice under Bruen. Thus, you did not complete the required elements of the application process.



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On October 5<sup>th</sup>, 2022, you participated in the Morro Bay Candidates Forum for City Council.

[REDACTED] Bay Veteran's Hall and was attended by current council members, fellow council candidates as well as several members of the public. At the end of the forum, you were given an opportunity for final comments regarding your purpose and reasoning for running for Morro Bay City Council. During your delivery, you reached into your waistband and pulled out a replica handgun that was plastic and red in color. Your actions created a fearful reaction from many subjects in the audience which can be heard during the recorded meeting. The police department received several complaints from community members regarding your actions, many deemed as unsafe and inappropriate. These actions were and are viewed as irresponsible actions of a potential CCW carrier.

Based on the forgoing and in the exercise of the discretion granted by the law regarding issuance of CCWs, I have determined you do not meet the criteria for issuance of a CCW permit. Therefore, your request for issuance of a CCW is respectfully denied.

If you have any questions, then please feel free to contact me at 805-772-6284.

Sincerely,

Chief Jody Cox

# Redaction Log

Reason	Page (# of occurrences)	Description
Public Interest Exemption	1 (1)	California Government Code section 7922.000 authorizes a public agency to withhold an otherwise public record from disclosure when the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. In this case, we have determined that the public interest served by not disclosing the records you have requested clearly outweighs the public interest served by disclosure of the records. Accordingly, to the extent that section 7922.000 applies to the records that you have requested, your request is denied.