

MEMO



To: Chief Jody Cox
From: Commander Amy Watkins
Date: December 20, 2022
Subject: CCW Permit Applicant – David Duringer

On September 6, 2022, Morro Bay resident, David Duringer, submitted his application for a Concealed Carry Weapon Permit to the Morro Bay Police Department.

David Duringer's application was not in order on submission and was missing the required three letters of recommendation. Mr. Duringer's application contained letters of recommendation from 2020 that were issued to Chief Peters of the Grover Beach Police Department. Prior to his departure and witness signature, MBPD Support Services Manager Bonnie Johnson advised Mr. Duringer that the letters of recommendation needed to be recent and addressed to the Morro Bay Police Department. Ms. Johnson reviewed the letters with Mr. Duringer to which he replied he was not going to provide any additional letters as he was not required to do so according to the recent New York State Rifle & Pistol Association v. Bruen case. Mr. Duringer submitted his application without the required letters of recommendation and left the department lobby.

While David Duringer was in the CCW application process, Mr. Duringer enrolled and ran for Morro Bay City Council. On October 5th, 2022, Mr. Duringer participated in the Morro Bay Candidates Forum for City Council. The forum was held at the Morro Bay Veteran's Hall and was attended by fellow council candidates as well as several members of the public. At the end of the forum, Mr. Duringer was giving his final comments regarding his purpose and reasoning for running for a Morro Bay City Council seat. During his delivery, Mr. Duringer reached into his waistband near his back and pulled out a replica handgun that was plastic and red in color. Mr. Duringer's actions created a fearful reaction from many subjects in the audience which can be heard during the recorded meeting.

The Morro Bay Police Department Command Staff were contacted by several community members as well as a local news organization asking if the department had witnessed Mr. Duringer's actions. Some community members requested brandishing charges be filed against Mr. Duringer. I reviewed the video recording of the candidates forum and watched Mr. Duringer's actions as well as the community's audible reaction. While the actions of Mr. Duringer did not rise to the level of a crime, Mr. Duringer's actions did create a level of fear within the event at the time. These actions placed into question Mr. Duringer's judgement as to the appropriateness of caring for a firearm or replica firearm.

Furthermore, during open comment at the following city council meeting on October 11th, several members of the community spoke publicly about Mr. Duringer's actions and requested city staff and council to review his actions for the safety of the community.

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) Good cause exists for issuance of the license.
- (3) 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.
- (4) The applicant has completed a firearms safety course of training.”

Deliberative Process

Recommendation

Based on Mr. Durringer’s refusal to adhere to the CCW application requirements and his actions displayed at the candidate forum, it is my recommendation that Mr. David Durringer not be issued a CCW at this time.

REVIEWED
+ APPROVED
12-20-22
[Signature]



Morro Bay Mayor & City Council Candidates Forum 10/5/22

Redaction Log

Reason	Page (# of occurrences)	Description
Deliberative Process	2 (1)	To the extent the requests contain deliberative material such records that might otherwise fall within the description of records requested are exempt from disclosure under Government Code § 7922.000, as interpreted by the courts to include a deliberative process privilege. (Times Mirror Co. v. State of California (1991) 53 Cal. 3d 1325, 1342.)