

From: Jody Cox
Sent: Oct 11, 2022 23:05:51.000000000 UTC
Subject: RE: Durringer Danger Concern
To: [REDACTED] Public Interest Exemption
Cc: Scott Collins

Good afternoon [REDACTED] Public Interest Exemption

Yes, as we have discussed, I am well aware of the incident and have discussed the incident with our City Manager, City Attorney and Mr. Durringer personally. Your comments address several different issues so I will try to address them each.

First: We do not have any control over Mr. Durringer being able to “teach” or hold classes related to firearm safety. I do not believe he is a licensed Firearms Instructor and he does not teach CCW classes. As with anyone who claims to be “teaching” any subject matter, students or potential customers should inquire of his credentials.

Second: Law Enforcement has not typically been required or requested to attend all public meetings such as this. I attend City Council meetings as part of the City Management Team. To my knowledge there has not previously been a need for sworn law enforcement to attend these types of public meetings. In regard to your comment about receiving a “heads up” from a colleague prior to this event, you have taken part of our conversation out of context. I was briefed by a colleague approx. 6-9 months ago about Mr. Durringer seeking to obtain a CCW from MBPD as he had moved into our jurisdiction from another city in SLO County. This conversation had nothing to do with Mr. Durringer running for Council or this public forum/event. I have never received any information that would indicate Mr. Durringer was a threat of any kind.

And finally, to address the issue of a possible crime. There are numerous Penal Code sections that we have reviewed related to this incident in addition to PC 12556, specifically PC 417.4 and PC 16700 (b) (5). I have included these sections for your review below, and highlighted the language applicable to this incident. As you will be able to see, based on the Penal Code definitions, there was not a criminal violation that took place. The training gun was not utilized or presented in a threatening manner against another subject, and this type of training tool does not qualify as an “Imitation Firearm” as outlined below.

Although I agree that Mr. Durringer’s actions/behavior were unacceptable, and to which I have expressed to him in great detail, there is no violation of the law.

417.4. Every person who, except in self-defense, **draws or exhibits an imitation firearm, as defined in subdivision (a) of Section 16700, in a threatening manner against another** in such a way as to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor punishable by imprisonment in a county jail for a term of not less than 30 days.
(Amended by Stats. 2010, Ch. 178, Sec. 56. (SB 1115) Effective January 1, 2011. Operative January 1, 2012, by Sec. 107 of Ch. 178.)

16700.

(a) (1) As used in this part, “imitation firearm” means any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

(2) “Imitation firearm” also includes, but is not limited to, a protective case for a cellular telephone that is

so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the case is a firearm.

(b) As used in Section 20165, "imitation firearm" does not include any of the following:

- (1) A nonfiring collector's replica that is historically significant, and is offered for sale in conjunction with a wall plaque or presentation case.
- (2) A spot marker gun which expels a projectile that is greater than 10mm caliber.
- (3) A BB device that expels a projectile, such as a BB or pellet, that is other than 6mm or 8mm caliber.
- (4) A BB device that is an airsoft gun that expels a projectile, such as a BB or pellet, that is 6mm or 8mm caliber which meets the following:
 - (A) If the airsoft gun is configured as a handgun, in addition to the blaze orange ring on the barrel required by federal law, the airsoft gun has a trigger guard that has fluorescent coloration over the entire guard, and there is a two centimeter wide adhesive band around the circumference of the protruding pistol grip that has fluorescent coloration.
 - (B) If the airsoft gun is configured as a rifle or long gun, in addition to the blaze orange ring on the barrel required by federal law, the airsoft gun has a trigger guard that has fluorescent coloration over the entire guard, and there is a two centimeter wide adhesive band with fluorescent coloring around the circumference of any two of the following:
 - (i) The protruding pistol grip.
 - (ii) The buttstock.
 - (iii) A protruding ammunition magazine or clip.

(5) A device where the entire exterior surface of the device is white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern, or where the entire device is constructed of transparent or translucent materials which permits unmistakable observation of the device's complete contents.

(c) The adhesive bands described in paragraph (4) of subdivision (b) shall be applied in a manner not intended for removal, and shall be in place on the airsoft gun prior to sale to a customer.

(Amended by Stats. 2016, Ch. 198, Sec. 1. (AB 1798) Effective January 1, 2017.)

Respectfully,
Chief Jody Cox

From: [REDACTED] Public Interest Exemption
Sent: Tuesday, October 11, 2022 3:15 PM
To: Jody Cox <jcox@morrobayca.gov>
Cc: Scott Collins <scollins@morrobayca.gov>
Subject: Durringer Danger Concern

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Hello Chief!

Yes, me again, following up on Mr. Durringer. Have you had a chance to speak with him yet? I am noticing several people stating that his teaching of gun safety to the community, for free, makes him an outstanding candidate for City Council.

I have done some research and pretty much industry wide NO gun safety course supports the action he took at the Community Forum...

Additionally, it looks like the free gun safety course seems to be a bit of a “bait and switch,” as everywhere he promotes his classes his “for hire” legal services are prominently featured. This may actually be not allowed as a member of the Bar Association as well.

Chief - he is planning a “Concealed Carry Drill,” here in Morro Bay, this Friday.

I am copying in City Manager Collins, as this situation may rise to a need for the City Attorney to weigh in. As a potential Councilperson he violated the law at the Forum. As an attorney... who alleges teaching free gun safety courses as one of his reasons why he is a good candidate... if his courses don't follow acceptable and industry appropriate criteria... he is/will continue to put our community at risk.

Inline image

Lastly, I still do want to know why there wasn't a law enforcement member from your department present at the meeting, especially as you were given a "heads up" from one of your colleagues prior to the event.

I take gun safety VERY seriously.

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So, I bring Mr. Durringer and his behavior to heightened awareness and attention not from a place of fear, but rather from an educated and grounded place.

I look forward to hearing back from you about the absence of law enforcement at the meeting, as well as the current and upcoming "classes/drills" he has coming up in the next few days.

Thank you for your attention to this serious safety issue. It was great to see you on Friday, rocking your pink Breast Cancer Awareness accessories! You will be missed as Chief, and your grandkids will be so blessed to have more time with you!

Best regards always,

Redaction Log

Reason	Page (# of occurrences)	Description
Public Interest Exemption	1 (2) 2 (1) 4 (2) 5 (3)	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.