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**(EXEMPT FROM FILING  
FEES [Gov. Code, § 6103].)**

6 Attorneys for Respondents County of Ventura,  
Ventura County Sheriff's Office and  
7 Bob Brooks, in his individual and official  
capacity as former Ventura County Sheriff  
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF VENTURA

11 CALGUNS FOUNDATION, INC.,	)	No. 56-2010-00383664-CU-WM-VTA
12 Plaintiff/Petitioner,	)	DECLARATION OF DAVID H.
13 vs.	)	ROBERTSON IN SUPPORT OF
14	)	OPPOSITION BY RESPONDENTS
15 COUNTY OF VENTURA; VENTURA	)	COUNTY OF VENTURA, VENTURA
COUNTY SHERIFF'S DEPARTMENT,	)	COUNTY SHERIFF'S OFFICE, AND BOB
16 BOB BROOKS, in his individual	)	BROOKS TO PETITION FOR WRIT OF
capacity and official capacity as Ventura	)	MANDATE
17 County Sheriff, and DOES 1 through 10,	)	Hearing Date: May 6, 2011
inclusive,	)	Time: 8:30 a.m.
18	)	Dept.: 42
19 Defendants/Respondents.	)	Petition filed: October 15, 2010

20 I, David H. Robertson, declare:

21 1. I am employed by the Ventura County Sheriff's Office ("Sheriff's Office") as  
22 the Senior Records Manager in the Support Services Division. In this capacity, I manage  
23 the Sheriff's Office Records Bureau, and also, among other tasks, coordinate and  
24 supervise the response of the Sheriff's Office to requests for documents under the Public  
25 Records Act. I have personal knowledge of the responses of the Sheriff's Office to the  
26 various Public Records Act requests made on behalf of Petitioner Calguns Foundation,  
27 Inc. by Brandon Combs, and if called and sworn as a witness, could and would testify  
28 competently hereto.

1           2. On or about July 9, 2010, Brandon Combs directed a Public Records Act  
2 request via email to then Ventura County Sheriff Bob Brooks, who was on vacation at the  
3 time. A true and correct copy of this email dated July 9, 2010, which was forwarded to  
4 me by email by Brandon Combs on July 16, 2010, is attached hereto as Exhibit A.

5           3. On Friday, July 16, 2010, Mr. Combs emailed me a Public Records Act request  
6 of the same date, modifying his earlier July 9 Public Records Act request. A true and  
7 correct copy of Mr. Comb's July 16, 2010, letter is attached hereto as Exhibit B.

8           4. On Monday, July 19, 2010, I first opened Mr. Comb's July 9 and July 16 emails,  
9 and I informed him that I anticipated that due to the voluminous nature of the request, the  
10 Sheriff's Office might require an extension to respond beyond July 29, 2010. A true and  
11 correct copy of my July 19, 2010, email to Mr. Combs is attached hereto as Exhibit C.

12           5. On July 22, 2010, Mr. Combs responded to my July 19, 2009, email. A true  
13 and correct copy of Mr. Combs' email is attached hereto as Exhibit D.

14           6. On August 4, 2010, I sent Mr. Combs a letter, in which for the period  
15 January 1, 2005, through July 6, 2010, the Sheriff's Office produced a data matrix  
16 containing the total number of new Carry Concealed Weapon ("CCW") applications and  
17 renewal CCW applications submitted to the Sheriff's Office, as well as the number of  
18 approved CCW applications, the number of denied CCW applications, and the number of  
19 revoked CCW applications, arranged by calendar year for those years that the Sheriff's  
20 Office has collected such data. In addition, on this date, the Sheriff's Office provided  
21 Petitioner with a list of the names, ZIP codes and occupations of all individuals issued a  
22 current CCW permit by the Sheriff's Office for the requested time period of  
23 January 1, 2007, through July 15, 2010, as well as a list of the names, ZIP codes and  
24 occupations of all individuals denied a CCW permit for the same period. At the same  
25 time, the Sheriff's Office also provided to Mr. Combs a sample of the letter sent to  
26 individuals whose CCW application has been denied. A true and correct copy of my  
27 August 4, 2010, letter and attachments is attached hereto as Exhibit E.

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1           7. On August 5, 2010, Mr. Combs sent me an email in which he complained of an  
2 incomplete response. A true and correct copy of Mr. Combs' email is attached hereto as  
3 Exhibit F.

4           8. On August 27, 2010, Assistant County Counsel Tom Temple responded, on  
5 behalf of the Sheriff's Office, to Mr. Combs' August 5, 2010, letter. A true and correct  
6 copy of Mr. Temple's August 27, 2010, letter, also copied to me, is attached hereto as  
7 Exhibit G.

8           9. On October 7, 2010, Mr. Combs responded to Mr. Temple's earlier letter of  
9 August 27, 2010. A true and correct copy of Mr. Comb's October 7, 2007, letter and  
10 attachments is attached hereto as Exhibit H.

11           10. On October 15, 2010, Assistant County Counsel Marina Porche responded to  
12 Mr. Combs' letter dated October 7, 2010. A true and correct copy of Ms. Porche's  
13 October 15, 2010, letter, also copied to me, is attached hereto as Exhibit I.

14           11. I personally conducted a time study of the estimated time that would be  
15 needed to provide Calguns Foundation, Inc. with redacted copies of pages 11 and 13 of  
16 the State of California CCW Permit application form, any attachments to those two pages,  
17 and the CCW Permit form ("License To Carry Concealed Pistol, Revolver, or Other  
18 Firearm With the State of California") for all active and denied CCW Permits for the time  
19 period from January 1, 2007, through July 6, 2010. I conducted this study on August 23  
20 and 24, 2010.

21           12. A random sample of 10 Active CCW Permit files housed in the Headquarters  
22 Records Unit was selected by Sheriff's Office Fingerprint Specialist Maria Quijada to be  
23 used for this time study. The following is the process used for the study and is the same  
24 process as would be used to provide the information requested by Mr. Combs regarding  
25 Active CCW Permit Application:

- 26           1. Remove 5 files at a time and carry them from the file cabinet to  
27           the copy room approximately 75 feet away.

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1 2. Open the first file and remove the most recent Application and Permit.

2 a. Unstaple the Application and remove pages  
3 11 and 13, and any attachments to those two pages and  
4 the Permit from the file.

5 b. Copy all selected pages.

6 c. Replace the selected pages in the Application  
7 and re-staple the pages.

8 d. Review the file to see if there is a second  
9 Application within the requested time period.

10 e. If there is a second Application, remove the  
11 Application, and repeat steps # a-c.

12 3. Repeat the same functions for Files #2-5.

13 4. Return the 5 files to the file cabinet and re-file them.

14 5. Review and redact (using black, permanent markers and  
15 glued paper as needed to reduce redaction time) the following  
16 information from each Application and Permit to protect the  
17 applicant's vulnerability and prevent identity theft:

18 Redact From Each Application pages 11 and 13:

19 a. Middle Name/Initial

20 b. Date of Birth

21 c. Social Security Number

22 d. California Driver License Number

23 e. Driver's License Restrictions

24 f. Residential Street Address

25 g. Mailing Address (including City and Zip Code)

26 h. All Phone Numbers

27 i. Spouse's Name and Address

28 j. Business/Employer Name

1 k. Business Address (including City and Zip Code)

2 l. Business Phone number

3 m. Previous Addresses

4 n. All statements related to applicant's vulnerability

5 Redact From Each Permit:

6 a. Local Agency #

7 b. Middle Name/Initial

8 c. Residence Address

9 d. Birthdate

10 e. Height

11 f. Weight

12 g. Eye Color

13 h. Hair Color

14 i. Weapons List

15 j. Thumbprint

16 6. Copy and staple all redacted pages of each Application and Permit.

17 7. Return the 5 files to the file cabinet and file them in numerical order.

18 8. Repeat the above steps for all groups of files.

19 13. Following the steps in Paragraph 12 (internally numbered 1 through 8), the  
20 Sheriff's Office determined that the average time to prepare an application for release to  
21 Mr. Combs was 10:32 (approximately 10.5 minutes).

22 14. There were 626 active CCW Permits as of July 6, 2010, and 145 denied CCW  
23 permits for the time frame in Mr. Combs' Public Records Act request (January 1, 2007,  
24 through July 15, 2010). Of the 10 active files used in the random time study, 8 files had 2  
25 applications for the requested time frame, which equals 80 percent. Assuming an 80  
26 percent ratio for all active CCW Permits (626 x 1.8), there would be 1,126 total active  
27 applications. The number applications to be redacted for release would be 1,126 (active)  
28 plus 145 (denied) for a total of 1,271. The time required to prepare all applications for

1 release would be 1,271 (applications) x 10.5 minutes per application, for total time of  
2 13,345.5 minutes or 222.43 hours.

3 15. In order to determine “vulnerability” for redaction purposes, a Deputy Sheriff  
4 assigned to the Major Crimes Unit responsible for reviewing and approving CCW Permit  
5 applications would need to perform the tasks to prepare the redaction for the Public  
6 Records Act response. Current Sheriff’s Office staffing levels are such that the work to  
7 do this would need to be done by a Deputy Sheriff on overtime. According to the rates  
8 developed by the Sheriff’s Business Office, the overtime hourly rate for the current fiscal  
9 year for a Deputy Sheriff is \$65.73019 per hour. The total cost to prepare the response  
10 for the CCW applications alone would be 222.43 hours x \$65.73019 per hour at a total  
11 cost of \$14,620.37.

12 16. As a result of my study, the Sheriff’s Office has determined that complying  
13 with Petitioner’s demand would require more than 222 hours to fill at a cost of over  
14 \$14,620.00 to the Sheriff’s Office. A true and correct copy of an August 24, 2010, memo  
15 from me to Assistant County Counsel Tom Temple, documenting the time response study  
16 is attached as Exhibit J. This is a conservative estimate of the time and cost required to  
17 comply with the Public Records Act request because additional times for breaks and  
18 lunch periods would need to be included. There would also need to be an unknown  
19 additional length of time because these are redundant tasks that cannot be done for long  
20 periods of time without compromising the accuracy of the preparation, and additional  
21 time for quality control measures would need to be included.

22 17. Attached hereto as Exhibit K is a true and correct copy of a License form used  
23 by the Sheriff’s Office for CCW applications that are approved by the Sheriff’s Office.

24 18. Attached hereto as Exhibit L is a true and correct copy of the California  
25 Department of Justice’s Standard Application for License to Carry a Concealed Weapon  
26 and accompanying informational materials provided by the Sheriff’s Office to CCW  
27 applicants.

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