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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

WARREN R. MITCHELL,

Petitioner,

vs.

CLACKAMAS COUNTY SHERIFF'S OFFICE,

Respondent.

Case No.

MEMORANDUM OF LAW IN SUPPORT OF
PETITION FOR REVIEW OF THE SHERIFF'S
REVOCATION OF A CONCEALED HANDGUN
LICENSE PURSUANT TO ORS 166.293

FACTS

Mr. Mitchell renewed his previously issued Clackamas County Concealed Handgun License (CHL). He received a Revocation Notice on or about December 19, 2019. The revocation is attached as [Exhibit 1].

LAW

Oregon is a 'shall issue' state meaning that if an applicant qualifies statutorily the Sheriff is required to issue the license. ORS 166.291 (1).

As is pertinent to this case ORS 166.291 (1)(c) requires that the license holder be, "a resident of the county".

The Sheriff purportedly contests the specific address that Mr. Warren resides at. Not whether he is a resident of the county pursuant to ORS 166.291 (1)(c), rather the specific residence he holds.

That is not a valid bases for which to deny a CHL Renewal. *See* ORS 166.295 (2).

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CONCLUSION

Mr. Mitchell qualifies for a Concealed Handgun License under ORS 166.291. The Sheriff's basis for revocation was and is outside statutory scheme. Because Oregon is a 'shall issue' state, the Petitioner respectfully requests this Court order the Sheriff's Office to issue the Petitioner his Concealed Handgun License and compensate him for the \$281.00 filing fee pursuant to ORS 166.293 (9).

Respectfully Submitted January 15, 2020.

/s/ Shawn A. Kollie
Shawn A. Kollie, OSB #114351
Email: shawn@kollielaw.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2020 I or a member of my office served a true and correct copy, certified by me as such, of the foregoing, MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR REVIEW OF THE SHERIFF'S REVOCATION OF A CONCEALED HANDGUN LICENSE PURSUANT TO ORS 166.293 on:

Clackamas County Sheriff's Office
2223 Kaen Rd.
Oregon City, OR 97045

Clackamas County Counsel
2051 Kaen Rd # 460
Oregon City, OR 97045

By the method indicted below:

Certified U.S. Mail (To Sheriff)

Hand Delivery

Fax

Email to:

/s/ Shawn A. Kollie
Shawn A. Kollie, OSB #114351
Email: shawn@kollielaw.com
Attorney for Petitioner



Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

December 19, 2019

Warren R. Mitchell
8800 SE 80th Ave
Portland, OR 97206

Concealed Handgun License
Revocation
File #: 2019-11-0250

Dear Mr. Mitchell,

It has come to my attention the address you provided on your renewal application with us is a business location and you signed your renewal application stating you are currently residing at this location when in fact you are not.

This does not meet the residency requirements for a Concealed Handgun License as set forth in Oregon Revised statute 166.291.

I have the authority to revoke your license, and I am doing so effective immediately. You must return your license to this office upon receipt of this letter.

The decision to revoke your concealed handgun license is not subject to appeal through this office. Under Oregon law you may appeal the revocation of your concealed handgun license by filing a petition with the Clackamas County Circuit Court. You must file your petition within 30 days of the receipt of this letter and follow the requirements of ORS 166.293.

Craig Roberts, Sheriff

By: James Rhodes, Captain
Civil Commander

Prepared by Tricia Kauffman, SAS, CHL Unit

"Working Together to Make a Difference"

Concealed Handgun License Unit — Office: 12700 SE 82nd Avenue, Clackamas, OR 97015
Concealed Handgun License Unit — Mailing: 2223 Kaen Road, Oregon City, OR 97045
Phone: 503-794-8059 • Fax: 503-794-8068 • www.clackamas.us/sheriff/concealed.html

EXHIBIT 1