

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

WARREN R. MITCHELL,  
Petitioner,  
v.  
CLACKAMAS COUNTY SHERIFF'S  
OFFICE,  
Respondent.

Case No. 20CV02917

**CLACKAMAS COUNTY SHERIFF'S  
OFFICE RESPONSE TO PETITION FOR  
REVIEW OF THE SHERIFF'S  
REVOICATION OF A CONCEALED  
HANDGUN LICENSE**

Request for Oral Argument ~ 15 min.

Comes now the Respondent, by and through counsel, offering this response in opposition to the *Petition for Review of the Sheriff's Revocation of a Concealed Handgun License*. Respondent maintains that it properly revoked petitioner's recently renewed concealed handgun license ("CHL") because the renewal application was deficient on its face.

More specifically, ORS 166.291 permits a Sheriff to issue a CHL only if, amongst other things, the applicant is a resident of the county where the application is made. ORS 166.291(1)(c). Petitioner's renewal application, however, did not include a valid address of any residence within Clackamas County. Instead, petitioner only provided a mailing address for the Clackamas Service Center, which is a location that does not provide housing or residency at all. See <https://cscoregon.org/services>.

Thus, respondent maintains that petitioner failed to demonstrate that he is in fact a resident of Clackamas County. As a result petitioner does not qualify for a CHL in Clackamas County and respondent's revocation of the license was proper. See ORS

1 166.293(3)(a) (“Any act or condition that would prevent the issuance of a concealed  
2 handgun license is cause for revoking a concealed handgun license”). Because petitioner  
3 does not meet the criteria used for issuance of a CHL, the petition is properly denied and  
4 the revocation should be affirmed. See ORS 166.293(6).

5 It should be noted that although the term “resident” is not defined in ORS Chapter  
6 166, it is defined in several other Oregon statutes. A common and helpful definition of  
7 “resident” is a person who has resided within a specific city, county, or the State  
8 continuously for at least six months prior to date of an application. See e.g. ORS  
9 109.309(2) (applying to individuals petitioning to adopt a child); ORS 497.002 (1) (applying  
10 to various angling and hunting licenses); ORS 508.285(2) (applying to commercial fishing  
11 licenses, although in this statute residency requires twelve months of living within the State).  
12 Similarly, Webster’s Third New International Dictionary defines “resident” as: “dwelling or  
13 having an abode for a continued length of time; not migratory; one who dwells in a place for  
14 a period of some duration – often distinguished from inhabitant.” Respondent maintains that  
15 petitioner’s renewal application did not establish that petitioner is a “resident” of this County  
16 and therefore the CHL was properly revoked.

17 Dated this 11th day of March, 2020.

18 STEPHEN L. MADKOUR  
19 CLACKAMAS COUNTY COUNSEL

20 s/ Scott C. Ciecko  
21 SCOTT C. CIECKO  
22 OSB No. 045587  
23 Assistant County Counsel  
24 [sciecko@clackamas.us](mailto:sciecko@clackamas.us)  
25 STEPHEN L. MADKOUR  
26 OSB No. 941091  
[smadkour@clackamas.us](mailto:smadkour@clackamas.us)  
Of Attorneys for Respondent

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this date I directed to be served a true copy of the foregoing  
3 **CLACKAMAS COUNTY SHERIFF’S OFFICE RESPONSE TO PETITION FOR REVIEW**  
4 **OF THE SHERIFF’S REVOCATION OF A CONCEALED HANDGUN LICENSE** on:

5 Shawn Kollie, OSB No. 114351  
6 Kollie Law Group, PC  
7 40 NW Greenwood Ave., Suite 100  
8 Bend, OR 97703  
9 [Shawn@kollielaw.com](mailto:Shawn@kollielaw.com)  
10 Attorney for Petitioner

- 11  by way of the **E-FILING SYSTEM** to the above person(s) who are participants  
12 in this case as registered eFilers and have electronically appeared in this  
13 action by filing a document through the eFile system that the court has  
14 accepted.
- 15  by **MAILING** a full, true and correct copy thereof in a sealed, postage-paid  
16 envelope, addressed as shown above, and deposited with the U.S. Postal  
17 Service at Oregon City, Oregon, on the date set forth below;
- 18  by causing a full, true and correct copy thereof to be **HAND-DELIVERED** to  
19 the party the date set forth below;
- 20  by **EMAILING** a full, true and correct copy thereof to the party, at the email  
21 address shown above, which is the last-known email address for the party’s  
22 office, on the date set forth below.

23 Dated this 11th day of March, 2020.

24 STEPHEN L. MADKOUR  
25 CLACKAMAS COUNTY COUNSEL

26 s/ Scott C. Ciecko  
Scott C. Ciecko, OSB No. 045587  
Assistant County Counsel  
E-mail: [sciecko@clackamas.us](mailto:sciecko@clackamas.us)  
Stephen L. Madkour, OSB No. 941091  
E-mail: [smadkour@clackamas.us](mailto:smadkour@clackamas.us)  
Of Attorneys for Respondent