



GUN OWNERS OF AMERICA

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Val W. Finnell, MD, MPH
Pennsylvania Director

June 25th, 2022

Sheriff Glenn C. Drake II
Potter County Sheriff
1 E. Second Street, Room # 24
Coudersport, PA, 16915
pcsheriff@pottercountypa.net

VIA ELECTRONIC– AND FIRST CLASS– MAIL

Dear Sheriff Drake:

We are writing regarding our concerns with your office’s administration of Pennsylvania’s License to Carry Firearms (LTCF) applications within Potter County, particularly concerning several illegal practices: (1) selective prohibition on nonresident applications, (2) supplemental application for nonresident applicant, and (3) requirement that references reside in Potter County.

First, Potter County is not permitted to discriminate against nonresident applicants based upon their location of residence, as this is a clear violation of our Constitutional guarantees as both a matter of privileges and immunities as well as equal protection. *See generally*, U.S. Const. art. IV § 2 & amend. XIV § 1. No arbitrary categories of nonresidents may be created which allow some to exercise rights while denying that same right to others. Therefore, your practice of refusing to accept applications from nonresidents except those from Allegany County, New York is illegal and must be discontinued.

Second, Potter County is not permitted to supplement or change the LTCF application. *See* 18 Pa. C.S. § 6109 (c) (application “shall be uniform throughout this Commonwealth and shall be on a form prescribed by the Pennsylvania State Police”). Your web-site purports to require supplemental materials from nonresident applicants not authorized by state law or contained on the uniform state application. *See* Potter County - Sheriff Web Page, <https://pottercountypa.net/post.php?pid=18>. While state law may require a Sheriff verify a nonresidents home-state permit , 18 Pa. C.S. § 6109 (e) (ix), you must do so in a

manner consistent with the other provisions of Section 6109, which does not permit you to seek the type of supplemental letters and information you currently demand.¹

Third, we note Potter County purports to require references to “reside in Potter County” who “cannot be relatives[.]” *See* Sheriff Web Page, *supra*. Similarly, you purport to require Allegany County applicants to be residents of “the applicant’s county[.]” You may not create additional requirements that do not exist in state law, such as requiring references to reside in any specific county, nor may you prohibit an applicant from using a relative as a reference.

Finally, we wanted to take the opportunity to advise you that it is a violation of the authorizing statute for Potter County to contact references. *See* 18 Pa. C.S. § 6111 (i) (Confidentiality). Section 6111 prohibits the Sheriff’s Office from disclosing any information to any third-party provided by an LTCF applicant including their name or identity. *Id.* Contacting a reference would be a disclosure of information regarding an LTCF applicant, which would subject Potter County to civil damages of no less than \$1,000 per occurrence, which previously resulted in the City of Philadelphia paying a \$1.4 million dollar settlement in 2014. *See Doe v. Philadelphia*, Philadelphia Court of Common Pleas (Feb '12) No. 0375.

We have no doubt that you recognize the importance of the Second Amendment and Article I Section 21 of the Pennsylvania Constitution, particularly given the Supreme Court’s recent affirmation of our right to defend ourselves outside the home. *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. ____ (2022). Therefore, we expect that you will promptly act to revise your process to comport itself with Pennsylvania law. We would be happy to work with you to address these issues, but Potter County should make these changes within 30 days, otherwise our organization will seek to make the necessary changes via the legal– and electoral– processes available to us.

Thank you for your time and attention to this matter. We look forward to hearing from you soon.

Sincerely,



Val W. Finnell, MD, MPH
Pennsylvania Director, GOA
val.finnell@gunowners.org

¹ Further, we wish to note that your requirement that nonresidents must have a “full carry, no restriction or concealed carry” permit does not comport with Pennsylvania law, which is “shall-issue” even for non-self-defense reasons. *See* 18 Pa. C.S. § 6109 (c).