

# Gun instructor sues Orange over safety class regs

By Heather Yakin Times Herald-Record Posted Apr. 29, 2015 at 8:52 PM

GOSHEN – A long-time gun safety instructor has sued Orange County, Sheriff Carl DuBois and the Orange County Sheriff's Office over a newly instituted policy specifying the safety class and approved instructors for handgun permits.

As of Jan. 1, Orange County requires anyone applying for a permit to take a specific three-hour safety class with either sheriff's office trainers or an instructor on a county-approved list.

George Rogero of Blooming Grove, an NRA-certified instructor who is also certified by the NRA to train and certify instructors, has filed a petition and lawsuit in Orange County Supreme Court seeking to have the county's action deemed "illegal, an abuse of discretion, and arbitrary and capricious," and is asking the court to issue an injunction preventing further implementation of the policy.

The suit, prepared by lawyers Robert Isseks and Alex Smith, argues that state law and the state Constitution preclude the policy. The argument harkens to a February Court of Appeals decision that found that municipalities cannot enact laws regulating matters which the state already regulates.

Orange County Attorney Langdon Chapman said the county was served with papers on Wednesday. He said his office will review the suit and file an answer with the court.

"The Orange County Sheriff's Office is one of the most accredited law enforcement organizations in the state," Chapman said, speaking for the county. "Everything they do is focused on protecting the public."

Undersheriff Kenneth Jones said the sheriff's office policies on handgun licenses are all set with the safety of gun owners as the paramount concern.

**New York state law does not require a safety training course to qualify for a handgun permit, but Orange County's judges have required the measure since 1993 or so, according to the lawsuit. Only Westchester County, through a law enacted by the state Legislature, has legally mandated safety training, according to the suit. Westchester cannot appoint police officers to be instructors.**

In a Nov. 4 press release announcing the policy change, the sheriff's office said issues had arisen "regarding training regimens. The Orange County Sheriff's Office and its partners in this effort realized that pistol permit applicants were not all receiving the same training and this new policy ensures that all pistol permit applicants will be given the same training and that the rates charged by the trainers will be published."

Rogero said the Orange County program is less thorough than and inferior to the NRA safety training.

"We're (the NRA) not just concerned about your safety. We're concerned about your competence as a shooter," which is also a safety issue, Rogero said.

Rogero said the county hasn't specified its criteria for choosing its approved instructors. Rogero applied to be a county instructor, but said he has not been told whether he would be accepted at some point. His name is not on the county list.

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