
In the Matter of the Pistol Permit of



ORDER AND DECISION

DONALD J. MARK, JHO

It appearing the above-named licensee previously held Pistol Permit Number 592-05 originally issued on April 19, 2006, and the Court having suspended such permit on January 28, 2008 as the result of an allegation that he had threatened to harm himself with the use of a firearm on January 8, 2008 and that a mental hygiene arrest followed.

The basic evidence is persuasive that the licensee's problems were generated by his failure to take his prescribed medications combined with his drinking alcoholic beverages.

Ordinarily, mental problems, even if they emerge post license issuance, would mandate revocation (Matter of David H, 96 Misc 2d 117). However, the licensee's attorney through documentary and psychiatric evidence (particularly through the testimony of a psychiatrist) assured that the incident had no mental illness origin.

The lay testimony was also helpful in resolving this situation (the memorandum was impressive), therefore it is

ORDERED, that pursuant to Penal Law Section 400, the licensee's permit to carry a concealed firearm or possess a firearm on his person is hereby reinstated and all firearms be returned to said individual.

Dated: April 24, 2008

Donald J. Mark

DONALD J. MARK, JHO