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ATTORNEY AT LAW

Via facsimile (770-822-8267) and email (walter.clarke@gwinnettcountry.com)

February 13, 2007

The Hon. Walter J. Clarke, II
Probate Judge of Gwinnett County
75 Langley Drive
Lawrenceville, GA 30045

RE: Matthew Beard
Refusal to Issue a Temporary Renewal Georgia Firearms License

Dear Judge Clarke:

I am writing you regarding my client, Matthew Beard, and his application for a temporary renewal Georgia firearms license ("GFL") which your office has denied. Mr. Beard has retained me to commence an action for mandamus against you, in order to obtain his temporary renewal GFL as required by law. I would prefer, however, to resolve this matter amicably and without resorting to litigation. I am writing to inquire whether there is some sort of misunderstanding in your office about the law, and to request that you issue Mr. Beard and all future applicants a temporary renewal GFL when requested.

On January 12, 2007, Mr. Beard applied at your office for a renewal GFL. At the time of his application, he requested that he be issued a temporary renewal GFL pursuant to O.C.G.A. § 16-11-129(i). The clerk that took his application told him that because his prior GFL was issued by Fulton County, your office would not issue him a temporary renewal GFL.

I do not believe there is any support for that position in O.C.G.A. § 16-11-129(i). The statute does not make any distinction regarding county of residence. In fact, O.C.G.A. § 16-11-129(a) indicates that a change in county of residence has no effect on a GFL. I will not restate the entire code section here, but I wish to reiterate that O.C.G.A. § 16-11-129(i)(2) says, in part, "the judge **shall** at the time of application **issue** a temporary renewal license to the applicant . . ." (Emphasis supplied).

Because the language compels issuance of a temporary renewal GFL at the time of application, which was January 12, 2007, I ask that you reconsider your decision to refuse to issue a temporary renewal GFL to Mr. Beard. Please reply by February 16, 2007. If I do not hear from you by that date that you will issue Mr. Beard and future applicants that received their GFLs from other counties before moving to Gwinnett County a temporary renewal

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GFL upon payment of a \$1.00 fee, I shall assume that you do not intend to do so, and I shall move forward with pursuing the writ of mandamus.

In the interest of having this matter seen quickly, I also am sending a copy of this letter via email to your law assistant, Tricia Hackleman, at tricia.hackleman@gwitnnetcounty.com.

Sincerely,

John R. Monroe