

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No. 3:22-cv-630-MOC-DSC

SARA BETH WILLIAMS, BRUCE )  
KANE, JASON YEPKO, GUN )  
OWNERS OF AMERICA, INC., )  
GUN OWNERS FOUNDATION, )  
GRASS ROOTS NORTH )  
CAROLINA, and RIGHTS WATCH )  
INTERNATIONAL, )

Plaintiffs, )

v. )

SHERIFF GARRY MCFADDEN, in )  
his official capacity as Sheriff of )  
Mecklenburg County, and the )  
MECKLENBURG COUNTY )  
SHERIFF'S OFFICE )

Defendants. )

EXHIBIT 1

DECLARATION OF TAMARA RHODE

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MECKLENBURG COUNTY )  
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Defendants. )

DECLARATION OF  
TAMARA RHODE

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Tamara L. Rhode, duly sworn, deposes, and states under oath the following:

- 1) I am an employee of the Mecklenburg County Sheriff's Office (MCSO) and have been so since in or about May of 2000. Since on or about August of 2006, I have served MCSO in the capacity of Permits and Registration Services Manager. My current duties and responsibilities include supervising the processing of applications submitted to MCSO by residents

of Mecklenburg County seeking handgun purchase permits and permits to carry a concealed handgun.

- 2) Individuals seeking a concealed handgun permit ("CHP") from MCSO complete the application on-line. This application was created by the State Bureau of Investigations. A copy of a blank application is attached as Exhibit 1A to this Declaration. The application asks the applicant's military status.
- 3) The application also includes a North Carolina Administrative Office of the Courts Form SP 914, by which the applicant authorizes doctors, hospital, or other providers to release records to MCSO concerning the applicant's physical capacity, mental health, mental capacity, or substance abuse. A copy of this form is attached as Exhibit 1B to this Declaration. Form SP 914 also authorizes the Clerk of Court's Office to advise MCSO whether or not the Clerk's Office has any records containing an applicant's involuntary commitment under N.C.G.S. § 122C.
- 4) To ensure that an applicant is not prohibited from obtaining a concealed handgun permit, MCSO also checks each applicant's name and date of birth in multiple databases including the Division of Criminal Information, Division of Motor Vehicles, and Federal Bureau of Investigations- National Instant Criminal Background Check System ("NICS").
- 5) In addition to the criminal history of the applicant, NICS indicates if an applicant has been adjudicated to be mentally ill but does not provide information about whether an applicant has received mental health treatment without any adjudication.
- 6) Once MCSO has received from a CHP applicant all items required under N.C.G.S. § 14-415.13(a), MCSO sends Form SP 914 to the mental health providers listed in paragraph 7, to ensure that MCSO will have the most current records provided pursuant to Form SP 914.
- 7) MCSO sends Form SP 914 to the following mental health providers: Broughton Hospital, Novant Health, Veterans Affairs, Watkins Center, Behavioral Health Charlotte/ Willows, Amethyst/ Mercy IOP/ Cedar Springs, and BH- Davidson in order to determine whether the applicant

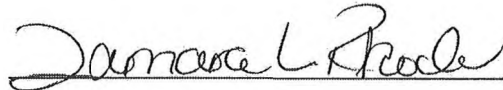
suffers from a physical or mental infirmity that prevents the safe handling of a handgun.

- 8) MCSO sends Form SP 914 to the above providers because MCSO's belief is that the majority of people in Mecklenburg County who seek mental health treatment do so through one of these providers.
- 9) MCSO has found that applicants sometimes answer questions in their application, including about military service, incorrectly. In fact, as recently as November 2022, MCSO determined that an applicant who stated that he did not serve in the military actually did and was in fact discharged from the military due to mental health concerns. A review of the applicant's mental health records also revealed that the applicant made threats to Veterans Affairs personnel, and his application was denied because he suffered from a physical or mental infirmity that prevented the safe handling of a handgun.
- 10) It often takes mental health providers several months to comply with Form SP 914. Pursuant to N.C.G.S. §14-415.15(a), the Sheriff's 45 days within which to issue or deny a CHP begins to run only upon receipt of all requested mental health records.
- 11) Every CHP application decision is double-checked. In the event of a disagreement between the two reviewers, a supervisor makes the final determination. A Sheriff's Office attorney may also be consulted on the final decision.
- 12) MCSO is required to make its decision on CHP applications within 45 days of receipt of all items required from the applicant, as well as the mental health records. If an application is denied, the applicant is notified by email. If an application is approved, MCSO electronically notifies the North Carolina State Bureau of Investigations ("SBI"), which then prints the permits on a weekly basis and mails them to MCSO. Upon receipt of a permit from the SBI, MCSO notifies the applicant and mails the permit to the applicant.
- 13) I have reviewed MCSO's records which are kept in the ordinary course of business for the CHP applications of Sara Beth Williams, Bruce Kane, and Jason Yepko.

- 14) Ms. Williams' permit was approved by MCSO on November 18, 2022. Upon receipt of Ms. Williams' permit from the SBI on December 5, 2022, she was notified by email and phone that her application was approved.
- 15) Mr. Kane's permit was approved by MCSO on January 6, 2023. MCSO has notified the SBI that Mr. Kane's permit has been approved. Once the SBI prints his permit, MCSO will notify Mr. Kane by email and phone that his application was approved.
- 16) Mr. Yepko's permit was approved by MCSO on November 16, 2022. Upon receipt of Mr. Yepko's permit from the SBI on December 5, 2022, he was notified by email and phone that his application was approved.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 10, 2023.

A handwritten signature in cursive script, reading "Tamara L. Rhode", is written over a horizontal line.

TAMARA L. RHODE