

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

KUCK

v.

DANAHER

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CASE NO.: 3:07CV1390(VLB)

JUNE 18, 2012

DECLARATION OF M. PETER KUCK

I, M. Peter Kuck, hereby state and depose upon my Declaration, under Oath, and subject to the penalties of perjury:

1. I am an adult, competent to make this Affidavit and understand the obligations of an Oath.

I was appointed to the Board of Firearms Permit examiners to represent the membership of Ye Connecticut Gun Guild Inc. by Governor John G. Rowland in 1998.

I was elected to serve as the Board Secretary prior to October 2003 and served continually as the Secretary until October 11, 2007.

As the Secretary of the Connecticut Board of Firearms Permit Examiners my authority and duties as Secretary were described in Sections 29-32b-5 through 29-32b-15 of the Regulations of Connecticut State Agencies.

During the period from my appointment to the Board of Firearms Permit Examiners until mid 2007, I held a valid Permit to Carry Pistols and Revolvers issued by the Commissioner Public Safety.

In the months leading up to May of 2006, I became increasingly aware of and concerned about the growing backlog of cases awaiting hearings at the board.

Based on my position as a member and Secretary of the Board, I became aware of several audits conducted by the Connecticut Auditors of Public Accounts which warned that delays in providing hearings to appellants could rise to a violation of Due Process.

In the beginning of 2007 with the renewal date of my valid permit approaching, I began to look at the backlog from the position of a prospective appellant.

Over a period of time prior to May and June of 2007, I began to frequently discuss the backlog issue together with what I believed could and in some cases must be done to reduce the backlog and shorten the time appellants were required to wait for a hearing.

As time went by, my position as Board Secretary provided me with a very clear belief that steps could be taken by the Board Secretary, (with the support of the Chairman who was an attorney licensed to practice law in Connecticut), that would reduce the backlog and speed up the appeal process.

All hearings before the board must, (by law), be chaired by a board member who is an Attorney licensed to practice law in the State of Connecticut.

In mid to late 2006 and early 2007, I began to bring my concerns privately and publicly to the attention of Board Chairman Christopher Adams and other members of the Board of Firearms Permit Examiners.

My reasoning behind seeking the input and assistance from Chairman Adams was based on solely on the fact that hearings conducted by the board could only take place with an Attorney to chair hearings.

I expressed my growing concerns over the backlog of cases and explained that I was regularly contacted by appellants and/or their Attorneys regarding a growing backlog of cases which prevented timely resolution of the revocations and denials of Permits to Carry Pistols and Revolvers.

One of my first observations was that a very large percentage of appeals were being resolved just prior to, or on the day of, hearings on the merits of the revocation or denials without the board being provided any knowledge of why.

ADAMS PAGE 96 LINES 9-22

As Secretary of the Board, in April of 2007, I attempted unsuccessfully to exercise my authority as Board Secretary to select and schedule cases and choose locations for hearings to reduce the backlog of cases.

While attempting to exercise my authority as Secretary of the Board to address problems, I met frequent resistance indirectly and directly from both Board Chairman Christopher Adams often through the activities and Chairman approved decisions of employee Susan Mazzoccoli.

As the Board Secretary I was prevented from accessing files of appellants. **ADAMS Page 94 line 3-19**

As the Board Secretary I was, for a period of time, prevented from entering the Board Office.

As the Board Secretary, my August 2007 request for a meeting with the Commissioner of Public Safety to address the growing backlog was cancelled and rescheduled with the Board Chairman Christopher Adams.

As the Board Secretary I was at certain times, prevented from issuing directives to either of the two Board employees Administrative Secretary Susan Mazzoccoli or her assistant Donna.

Upon being provided with and reviewing copies of emails obtained from the Board's office by a private citizen, I learned that Susan Mazzoccoli was defying my specific directives on orders and advice of Board Chairman Christopher Adams. **Total Exhibit 17**

In September of 2007, I was totally taken by surprise and shocked at the demonstration of bad faith on Adams' part when a private citizen provided me with numerous emails obtained

during a Freedom of Information request from the Board's office which documented what appears to be attempts to thwart the authority of the Board Secretary and maintain the status quo.

The following is a partial list of emails that were provided to me by Edward Peruta who obtained them from the computer of Susan Mazzocoli in September of 2007.

Exhibit 17 Page 20, Prior to April 13th, 2007 chairman Christopher Adams was unaware of the fact that the board had never seen or read the board of regulations.

Exhibit 17 page 41 & 42, April 30th, 2007 Chairman Christopher Adams communicated with others regarding concerns about Mr. Kuck on the board

Exhibit 17 page 7, March 20th, 2007 Chairman Adams learned that Mr. Kuck had met with Senator Guglielmo

Exhibit 17 page 8, March 22nd, 2007 Chairman Christopher Adams informed board secretary Kuck "While the backlog is admittedly important issue, as you know, we on the board are already doing as much as possible

Exhibit 17 page 9, March 15th, 2007 Chairman Christopher Adams received the following question from Mr. Kuck "Have you been able to set up a meeting with the new head of Public Safety to discuss the " backlog issue"?"

Exhibit 17 page 74, May 14th, 2007 Chairman Christopher Adams was communicating with others regarding the reappointment and concerns regarding Peter Kuck

Exhibit 17 page 81, May 16th, 2007 Chairman Christopher Adams had no knowledge regarding the duties of secretary

Exhibit 17 page 92, June 15th, 2007 Chairman Christopher Adams believed that the board's secretary had no business pushing anyone to do anything. And went on to state "a reminder of the role of secretary includes might be in order – and it ain't much."

Exhibit 17 page 98, June 25th, 2007 Chairman Christopher Adams believed that the sole duty of the board secretary was to "keep track of minutes"

June 25th, 2007, Chairman Adams stated "no offense to secretaries, but the fact that "secretaries want to know" is irrelevant and then went on to say he needs to be reminded that he needs to keep track of minutes

Exhibit 17 page 99, June 25th, 2007 Chairman Christopher Adams believed that Peter Kuck should take a valium

Exhibit 27 page 119, August 23rd, 2007 Chairman Adams received notice that the board's secretary intended to schedule a meeting regarding a request for declaratory ruling

Exhibit 17 page 125, September 4th, 2007 Chairman Christopher Adams became aware of the fact that the board's secretary desired to schedule two meetings per month and was looking for another location to hold meetings

Exhibit 17 page 127, September 7th, 2007 Chairman Christopher Adams became aware of the fact that the board secretary was being denied access to the board's office

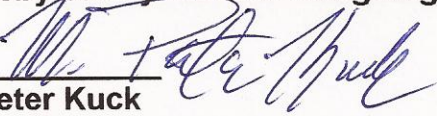
Exhibit 17 page 128, September 7th, 2007 Chairman Christopher Adams communicates regarding the board's secretary authority to review files

In October of 2007, I was replaced as the Secretary of the Board at a scheduled meeting of the board.

Since being replaced as Secretary, I have witnessed the current Secretary implement many of the policies and procedures I had planned on implementing without the interference of the new Chairman or Staff.

Since Chairman Adams left the board and the current Secretary and Chairman have been in place, the backlog has substantially been reduced due to actions taken under the authority of the Board Secretary.

I hereby certify that the foregoing is true.


M. Peter Kuck