

IN THE CIRCUIT COURT OF STODDARD COUNTY, MISSOURI

ERIC GRIFFIN)	
Plaintiff,)	
vs.)	Case No. 13SD-CC000____
)	
ELIZABETH ROWLAND,)	
FEE OFFICE AGENT OF)	
STODDARD COUNTY, MISSOURI)	
Defendant)	

PETITION FOR DECLARATORY JUDGMENT &
APPLICATION FOR PRELIMINARY INJUNCTION

COMES NOW Plaintiff, Eric Griffin, by and through his attorney of record, Russell

D. Oliver and for his cause of action states as follows:

1. Plaintiff is a resident of Stoddard County, Missouri.
2. Defendant is a resident of Stoddard County, Missouri and can be found in Stoddard County, Missouri.
3. Defendant is the Fee Office Agent for Stoddard County, Missouri who has contracted with the Missouri Department of Revenue to service Stoddard County citizens on behalf of the Missouri Department of Revenue through the operation of the Stoddard County License Bureau.
4. Plaintiff, as a citizen of the State of Missouri, is afforded certain rights and protections by Chapters 32, 302, & 571 R.S.Mo. against the collection, retention and distribution of his protected personal information by the Defendant, the Missouri Department of Revenue and its agents acting under its direction.

5. On March 4, 2013, Plaintiff, having lawfully fulfilled all requirements to obtain a Concealed Carry Endorsement pursuant to 571.101 et seq., applied to have the endorsement added to his valid driver's license at the Stoddard County License Bureau operated by Defendant.
6. Defendant's employees required Plaintiff to provide his application for Concealed Carry Endorsement, which was previously approved by Carl Hefner, the Sheriff of Stoddard County, Birth Certificate, & Documents such as Utility or Property Tax bills to prove residency which would then be scanned by Defendant's employee's and saved in digital format in the Department of Revenues data storage system.
7. According to statements and admissions made by Defendant, due to the operation of a new document scanning system that had been supplied to Defendant, Plaintiff's information would be transferred to a an unknown recipient in Atlanta, Georgia and Plaintiff's license with the Concealed Carry Endorsement would be mailed to him from Atlanta, Georgia.
8. According to statements and admissions made by Defendant, the system that now scans and retains in digital format the documents, including the application for Concealed Carry Endorsement and all information thereon, was delivered to the Stoddard County License Bureau approximately one month ago. The equipment bears identification tags of "Property of L-1 Identity Solutions" and "Property of Morpho Trust USA"

9. L-1 Identity Solutions and Morpho Trust USA, according to public declarations from the companies themselves, is a trusted partner of federal agencies, who designs and implements solutions and policies for secure, reliable identity management.
10. L-1 Identity Solutions and Morpho Trust USA, according to public declarations from the companies themselves, state that they further specialize in biometrics, such as facial feature pattern characteristics. Defendant and the Missouri Department of Revenue are barred from engaging in Biometric data collection under §302.183(4).
11. Pursuant to §571.101(8), all information on any certificate for Concealed Carry Endorsement that is protected information on any drivers license or non-drivers license shall have the same personal protection.
12. Pursuant to §571.101(8), Plaintiff's status as a holder of a Concealed Carry Endorsement is non-public personal protected information, the disclosure of which is a Class A Misdemeanor.
13. As the Defendant and the Missouri Department of Revenue have no role in determining the qualifications of applicants for Concealed Carry Endorsement, the acts of the Defendant and the Missouri Department of Revenue in disclosing Plaintiff's personal protected information to any third party or entity of the Federal Government serves absolutely no legitimate purpose as each respective County Sheriff is solely charged with the duty of determining applicants' eligibility for the endorsement. Furthermore, the Defendant and the Missouri Department of Revenue

are, pursuant to 571.121(2) R.S.Mo., “merely acting as a scrivener for any determination made by the sheriff that the person is qualified for the permit.”

14. Further, §302.183 R.S.Mo. strictly forbids any compromising of the privacy of any citizen of this state

15. While it is true that certain records which prove a person’s residence, identity, etc are to be viewed by Defendant or her employees on behalf of the Missouri Department of Revenue to confirm a person’s identity or residence before issuing a license to that person, however §32.091(7) R.S.Mo. specifically forbids the Missouri Department of Revenue from collecting or retaining from persons applying for any driver’s license or Concealed Carry Endorsement on any license issued by the department, any information by which such person can be individually identified.

16. Pursuant to §32.080(5) R.S.Mo., all statutory restrictions imposed on the Missouri Department of Revenue concerning the disclosure of information by the department also apply to any person or entity who contracts with the Director of the Department of Revenue to provide services such as license renewal services of the type and kind provided by Defendant for the Department of Revenue.

17. Based on statements and admissions made by Defendant, it is believed that the personal and private information of Missouri citizens such as marriage licenses, social security numbers, birth certificates, documents provided to prove residency, applications for Concealed Carry Endorsement that have been approved by a county sheriff, and the status of individuals as Concealed Carry Endorsement holders are

being collected, retained and disseminated to a third party entity and/or the Federal Government as a routine course of practice by Defendant and the Department of Revenue in order for a person to obtain their Concealed Carry Endorsement or renew or obtain their driver's license.

18. Justicible controversy exists in that this Court can afford Plaintiff immediate relief of the violation of his privacy rights and prevent any further violations of Chapters 32, 302, 571 R.S.Mo, further this Court can order Defendant to provide Plaintiff his Conceal Carry Endorsement without the violation of Plaintiff's privacy rights afforded him by Missouri law.

19. Plaintiff desires this court to settle and afford him relief from uncertainty and insecurity with respect to rights, status and legal relations

20. Plaintiff and other similarly situated Missouri citizens will suffer irreparable harm without immediate action of this Court as once Plaintiff's personal and private information he was required to provide Defendant is disseminated to the federal government or any additional 3rd person likely will never be able to be retrieved or fully purged from that system.

21. A temporary restraining order and preliminary injunction can protect Plaintiff's personal protected information as this Petition is filed the same day as the submission of his application to Defendant.

22. The issuance of a temporary injunction is necessary as Plaintiff has no remedy at law and cannot be afforded relief by an action for damages as the personal private information being collected by Defendant has no monetary value.

23. That Plaintiff cannot obtain his Concealed Carry Endorsement, to which he is lawfully entitled to receive, from any other source but through Defendant

24. No bond should be required on the issuance of this injunction in that the actions and parties to be enjoined have no monetary value and damages will not exist should the injunction be dissolved.

WHEREFORE, Plaintiff prays that this honorable Court immediately issue its Temporary Restraining Order restraining Defendant from disseminating to the Federal Government Plaintiff's or any other Missouri citizen's private protected information concerning drivers license endorsement information, specifically the dissemination of individual's status as Conceal Carry Endorsement holders or those persons' application for the same. That the Temporary Restraining Order be in effect for 10 days, during which time the Court hold a hearing on the issuance of a Preliminary Injunction, thereupon issuing its preliminary injunction. Thereafter Plaintiff requests this Court to set this matter for full hearing and thereupon issue its judgment declaring the actions of Defendant described herein as unlawful and also issuing a permanent injunction enjoining Defendant from further violation

of Defendant's protected privacy rights and from further dissemination of Plaintiff's and other Missouri Citizens' status as Concealed Carry Endorsement holders.

Respectfully Submitted,

RUSSELL D. OLIVER #59394
PO Box 140
Bloomfield, Missouri 63825
573-421-1688
russell.d.oliver@gmail.com

ATTORNEY FOR PLAINTIFF

STATE OF MISSOURI)
) ss.
COUNTY OF STODDARD)

Eric Griffin, having appeared before me a notary public this ____ day of March, 2013, of lawful age, being duly individually sworn, upon his oath, deposes and says that he is the named Plaintiff in the above-entitled cause of action and that the foregoing facts and statements are true and correct according to his best knowledge, information and belief.

Eric Griffin

Subscribed and sworn to before me on this ____ day of March, 2013.

NOTARY PUBLIC
My commission expires: