File No	150912	Committee Item No Board Item No	<u>1</u> 5
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Committe	e: Budget and Finance	Date Octob	er 21, 201 <u>5</u>
Board of	Supervisors Meeting	Date <u>Nov</u> .	3 2015
	Motion Resolution Ordinance Legislative Digest Budget and Legislative Youth Commission Rep	ort ver Letter and/or Report mission	
OTHER	(Use back side if addition	onal space is needed)	

NOTE:

.16

[Police Code - Monitoring Requirements for Firearms and Ammunition Transactions]

Ordinance amending the Police Code to require firearms dealers to install, maintain, and operate video surveillance equipment and to transmit records of all ammunition sales to the Police Department.

Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in single-underline italics Times New Roman font.

Deletions to Codes are in strikethrough italics Times New Roman font.

Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in strikethrough Arial font.

Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco: Section 1. Findings.

- (a) In 2011, 2,928 people died from firearm-related injuries in California and 2,884 other people were hospitalized for non-fatal gunshot wounds. In 2011, 1,356 homicides were committed with firearms in California. The City and County of San Francisco has a strong interest in protecting its citizens from gun violence. The City has enacted a common sense licensing scheme for the sale of firearms and ammunition aimed at reducing gun violence in San Francisco.
- (b) A 2009 study found that cities in states that comprehensively regulate retail firearms dealers and cities where these businesses undergo regular compliance inspections have significantly lower levels of gun trafficking than other cities. A national study of gun trafficking investigations in 2000, found that corrupt retail gun dealers accounted for more guns diverted into the illegal market than any other single trafficking channel. A 2003 study revealed that more than half of dealers surveyed were willing to make a "straw sale," where one person unlawfully buys a gun intended for another. In a 2010 study of California firearm dealers, 20% were willing to participate in a straw sale.

- (c) In 2006, New York City conducted an undercover sting operation that revealed 27 gun dealers facilitating illegal sales of firearms that were later used for criminal purposes in the city. New York brought a lawsuit against these dealers, many of whom agreed to settle the case by stipulating to a number of changes to their business practices to reduce the illegal sale of guns. Such changes included the use of in-store observation, including use of videotape surveillance, and records monitoring. A study that compared the number of weapons recovered by the New York Police Department originating in the stores that were parties to the settlement before and after the settlement revealed a significant drop in guns from those stores used in crimes after the settlement and imposition of the new business practices.
- (d) Gun violence is frequently perpetrated by individuals who are not legally permitted to possess a firearm due to prior criminal convictions or other restrictions. Criminals sometimes obtain guns through firearms dealers who do not conduct the proper background check or who do not properly control their inventory. Criminals also use false identification to purchase firearms from dealers. Requiring licensed gun dealers to video record gun transactions and areas of the store where guns and ammunition are stored and handled will likely discourage gun traffickers and buyers who use false identification from buying weapons and will also likely discourage theft.

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Section 2. The Police Code is hereby amended by revising Article 9, Sections 613.10 and 615, to read as follows:

SEC. 613.10. LICENSE - CONDITIONS.

In addition to all other requirements and conditions stated in <u>Sections 613-619</u>. this Article, each license shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the license by the Chief of Police:

(o) Licensee shall ensure that its business location is monitored by a video surveillance system that meets the following requirements:

(1) The system shall include cameras, monitors, digital video recorders, and cabling, if necessary to meet any of the other requirements listed below.

(2) The number and location of the cameras are subject to the approval of the Chief of Police or his or her designee. The cameras shall be sufficient in number and location to monitor all places where firearms or ammunition are stored, handled, sold, transferred, or carried, including, but not limited to, counters, safes, vaults, cabinets, shelves, cases, and entryways. The video surveillance system shall operate continuously, without interruption, whenever the licensee is open for business. Whenever the licensee is not open for business, the system shall be triggered by a motion detector and begin recording immediately upon detection of any motion within the monitored area.

(3) The sale or transfer of a firearm or ammunition shall be recorded by the video surveillance system in such a way that the facial features of the purchaser or transferee are clearly visible.

(4) When recording, the video surveillance system shall record continuously and store color images of the monitored area at a frequency of not less than 15 frames per second. The system shall produce retrievable and identifiable images and video recordings on media approved by the Chief

of Police or his or her designee that can be enlarged through projection or other means, and can be made a permanent record for use in a criminal investigation. The system shall be capable of delineating on playback the activity and physical features of persons or areas where guns and ammunition are stored and handled within the premises.

(5) The stored images shall be maintained on the business premises of the licensee for a period not less than one year from the date of recordation and shall be made available to federal, state, or local law enforcement agencies upon service of a search warrant. Law enforcement agencies may only use images thus obtained for legitimate law enforcement purposes.

(6) The video surveillance system shall be maintained in proper working order at all times. If the system becomes inoperable, it must be repaired or replaced within fifteen calendar days.

The licensee shall inspect the system at least weekly to ensure that it is operational and images are being recorded and retained as required. The licensee shall notify the Chief of Police or his or her designee that the system has become inoperable as soon as practicable after discovering inoperability. The licensee shall allow the Chief of Police or his or her designee to inspect the system to ensure operability.

(7) The licensee shall post a sign in a conspicuous place at each entrance to the premises that states in block letters not less than one inch in height: THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED.

SEC. 615. RECORDS OF AMMUNITION SALES

- (a) Definitions. As used in this Section 615, these terms shall have the following meanings:
- (1) "Firearm ammunition," as used in this Section, shall include any ammunition for use in any pistol or revolver, or semiautomatic rifle or assault weapon, but shall not include ammunition for shotguns that contains shot that is No. 4 or smaller.

- (2) "Semiautomatic rifle," as used in this Section, shall mean any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.
- (3) "Assault weapon," as used in this Section, shall mean any of the weapons designated in California Penal Code Section 12276 or 12276.1.
- (4) "Vendor," as used in this Section, shall mean any person located in the City and County of San Francisco who is engaged in the sale of firearm ammunition, including any retail firearms dealer.
- (5) "Remote Vendor," as used in this Section, shall mean any person engaged in the sale of firearm ammunition, including any retail firearms dealer, who is located outside the City and County of San Francisco but delivers or causes to be delivered firearm ammunition to an address within the City and County of San Francisco.
- (b) No Vendor <u>or Remote Vendor engaging in a transaction for delivery to an</u>

 <u>address in the City and County of San Francisco</u> shall sell or otherwise transfer ownership of any firearm ammunition without at the time of purchase recording the following information on a form to be prescribed by the Chief of Police:
- (1) the name of the Vendor <u>or Remote Vendor</u> (including the name of the specific individual) transferring ownership to the transferee;
- (2) the place where the transfer occurred; in the case of a Remote

 Vendor, the place of transfer shall be the origin of the shipment;
- (3) the date and time of the transfer; a Remote Vendor shall record the date and time of the shipment;
 - (4) the name, address and date of birth of the transferee;

- (5) the transferee's driver's license number, or other identification number, and the state in which it was issued;
 - (6) the brand, type and amount of ammunition transferred; and
 - (7) the transferee's signature and thumbprint.
- of five hundred (500) or more rounds of any firearm ammunition to a transferee in a single transaction, where the transaction occurs within the City and County of San Francisco or the firearm ammunition is ordered for delivery to an address within the City and County of San Francisco, shall be subject to the reporting requirement of this subsection (c). Within 24 hours of the commencement of the transaction, regardless of when the firearm ammunition is delivered, On a weekly basis, the Vendor or Remote Vendor shall report the ammunition transactions for the previous week to the Chief of Police or his or her designee by electronic mail or by such other means specified by the Chief of Police or his or her designee. The report shall contain the same information required under subsection (b) for each transaction. In determining the number of rounds sold or otherwise transferred for purposes of complying with this subsection (c), the Vendor or Remote Vendor shall include any combination of types, brands or calibers sold or transferred to the transferree.
- (d) No Vendor <u>or Remote Vendor</u> shall knowingly make a false entry in, or fail to make a required entry in, records prepared in accordance with subsection (b). No Vendor or Remote Vendor shall fail to submit the report required under subsection (c) in a timely manner, or knowingly include false information in such report. A Vendor <u>or Remote Vendor</u> must maintain the records required under subsection (b) on the premises for a period of not less than two years from the date of the recorded transfer. Said records shall be subject to inspection by the Police Department at any time during normal business hours.
 - (e) Penalties.

- (1) First Conviction. Any person violating any provision of this Section shall be guilty of an infraction. Upon conviction of the infraction, the violator shall be punished by a fine of not less than \$50 nor more than \$100.
- violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second time within a 90-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$300 and not more than \$400 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this Section, a third time, and each subsequent time, within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$400-and not more than \$500 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.
- (f) Severability. If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Police

Code that are explicitly shown in this ordinance as additions or deletions, in accordance with the "Note" that appears under the official title of the ordinance.

Section 4. Severability. If any sentence, clause, phrase, or word of the amendment to Sec. 613.10 contained in Section 2 of this ordinance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of Section 613.10 or the remainder of the ordinance. If any sentence, clause, phrase, or word of the amendment to Sec. 615 contained in Section 2 of this ordinance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of Section 615 or the remainder of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of the ordinance or application thereof would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney

By:

BRADLEY A. RUSSI Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Monitoring Requirements for Firearms and Ammunition Transactions]

Ordinance amending the Police Code to require firearms dealers to install, maintain, and operate video surveillance equipment and to transmit records of all ammunition sales to the Police Department.

Existing Law

City law does not require firearms dealers to install and maintain surveillance equipment on their premises.

City law requires that when a vendor located in the City sells ammunition, the vendor must record certain information regarding the purchase, such as the type of ammunition and information identifying the purchaser. When there is a purchase or transfer of 500 rounds or more of ammunition in a single transaction, whether within the City or for delivery to an address in the City, the vendor must transmit the recorded information regarding the transaction to the Police Department.

Amendments to Current Law

The proposed ordinance would amend the Police Code to require that a business licensed to sell firearms install and maintain a video surveillance system. The surveillance system must meet certain technical requirements and must be deployed in way that ensures all firearms and ammunition transactions are recorded and all locations where firearms and ammunition are stored and handled are recorded.

The proposed ordinance modifies the reporting requirement regarding ammunition transactions to remove the 500-round threshold and to require that all ammunition transactions be reported to the Police Department irrespective of how many rounds are involved. On a weekly basis, vendors must transmit to the Police Department the recorded information regarding all ammunition transactions occurring within the City and transactions where ammunition will be delivered to an address in the City.

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BECAUSE SMART GUN LAWS' SAVE LIVES

BOARD OF DIRECTORS

Steven L. Smith **PRESIDENT**

VIA EMAIL

David H. Fry VICE PRESIDENT

October 27, 2015

Carol M. Kingslev **TREASURER**

London Breed

Charles M. Dyke

President, Board of Supervisors

SECRETARY

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, Ca 94102-4689

Firearms and Ammunition Transactions (Farrell)

Dear Supervisor Breed,

Steven L. Baron Douglas Boxer Frederick Brown Elizabeth J. Cabraser Owen J. Clements Alexis S. Coll-Verv William I. Ediund John H. Feeney James T. Fousekis Simon J. Frankel John R. Heisse, II George A. Hisert Donald R. Joseph David J. Kapnick William D. Kissinger David Lipkin Cheryle Mangels Alexander D. Marks Mark Melickian . Mosley I. Pasternak Robert K. Perun Brent P. Ray

David M. Roth Guy Rounsaville

James M. Seff Randal B. Short

Megin C. Scully, M.D.

John M. Skonberg

Rebecca A. Speer Henry C. Su

Kenneth W. Taber

Vaughn R Walker

On behalf of the Law Center to Prevent Gun Violence, I urge you to support the proposed legislation that would require firearms dealers to monitor gun and ammunition sales by a video surveillance system and transmit all ammunition sales records to the SFPD. Founded by lawyers after an assault weapon massacre at a San Francisco law firm in 1993, the Law Center provides legal expertise in support of gun violence prevention to federal, state, and local legislators nationwide.

Re: Support for Ordinance File No. 150912 - Police Code - Monitoring Requirements for

Robyn Thomas **EXECUTIVE DIRECTOR**

Roderick M. Thompson Teri Thompson

Videotaping sales can help law enforcement solve and prevent gun-related crimes. No state or federal law currently requires San Francisco gun dealers to videotape sales. The proposed ordinance would require dealers to maintain video surveillance of the areas where firearms are stored, handled, transferred, or carried, and record transfers of firearms or ammunition so that the facial features of the purchaser are clearly visible. When the store is closed, the recording system will be triggered by a motion detector. Video recordings will provide valuable evidence to law enforcement officers who are enforcing gun laws and prosecuting gun crimes. Video surveillance also will likely prevent crimes at the store itself, such as straw purchases (when a legal buyer purchases a firearm or ammunition on behalf of a person who is prohibited from doing so), burglaries and robberies.

FOUNDERS CIRCLE

Cameron Baker

Flizabeth J. Cabraser William I. Edlund Charles G. Ehrlich James T. Fousekis John R. Heisse, II George A. Hisert Michelle Scully Hobus Edward Kallgren Carol M. Kingsley Lawrence Low Richard W. Odgers

Ammunition record keeping and transmission laws help law enforcement identify people who possess guns illegally. Current San Francisco law requires ammunition vendors who transfer 500 rounds or more of ammunition in a single transaction to report information about the transfer to the SFPD within 24 hours. The proposed ordinance would require ammunition vendors to submit the same information to law enforcement on a weekly basis for all ammunition sales or transfers, regardless of the ammunition quantity. With this information, law enforcement can cross reference the identities of ammunition purchasers with information contained in California's "Armed Prohibited

BECAUSE SMART GUN LAWS SAVE LIVES

Persons System" ("APPS"), a database of individuals who are prohibited from possessing firearms. If an ammunition purchaser is listed in APPS, law enforcement can investigate whether the person illegally possess a firearm. Similar ordinances in Sacramento and Los Angeles have led to a significant number of investigations, arrests and seizures of illegal guns.

For these reasons, we urge you to vote "aye" on this important legislation.

Very Truly Yours,

Allison Anderman Staff Attorney

allen Chl

Cc: Supervisor John Avalos
Supervisor David Campos
Supervisor Julie Christensen
Supervisor Malia Cohen
Supervisor Mark Farrell
Supervisor Jane Kim
Supervisor Eric Mar
Supervisor Katy Tang
Supervisor Scott Wiener
Supervisor Norman Yee

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO:

Ross Mirkarimi, Sheriff, Sheriff's Department

FROM:

Linda Wong, Assistant Clerk, Budget and Finance Committee, Board of

Supervisors

DATE:

October 15, 2015

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Budget and Finance Committee has received the following request for hearing, introduced by Supervisor Farrell:

File No. 150912

Police Code - Monitoring Requirements for Firearms and Ammunition Transactions

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Katherine Gorwood, Chief of Staff

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

REVISED MEMORANDUM

TO:

Regina Dick-Endrizzi, Director

Small Business Commission, City Hall, Room 448

FROM:

Linda Wong, Assistant Clerk

Board of Supervisors

DATE:

October 13, 2015

SUBJECT:

REFERRAL FROM BOARD OF SUPERVISORS

Budget and Finance Committee

The Board of Supervisors' Budget and Finance Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from September 25, 2015, original date this was referred to your office.

File No. 150912

Ordinance amending the Police Code to require firearms dealers to install, maintain, and operate video surveillance equipment and to transmit records of all ammunition sales to the Police Department.

Please return this cover sheet with the Commission's response to Linda Wong, Assistant Clerk, Budget and Finance Committee, at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

PONSE FROM SMALL BUSINESS	
No Comment	
Recommendation Attached	

Wong, Linda (BOS)

i-rom:

Wong, Linda (BOS)

Sent:

Tuesday, October 13, 2015 3:06 PM

To:

Dick-Endrizzi, Regina (ECN)

Cc:

Poole, Brian (ECN)

Subject: Attachments: BOS File No. 150912 - Referral (Revised)

150912-1.pdf; 150912 org ltr.pdf

Hi Regina,

Attached is a revised referral for BOS File No. 150912. This legislative matter was transferred from the Public Safety and Neighborhood Services Committee to the Budget and Finance Committee today. The original referral was sent to your office on September 25, 2015, for informational purposes; however, it should have been for comments and/or recommendations.

If the Small Business Commission wishes to submit a response, please send it directly to me at the address provided below.

Thank you for your attention.

Sincerely,

nda Wong
_oard of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: 415.554.7719 | Fax: (415) 554-5163
<u>Linda.Wong@sfgov.org</u> | <u>www.sfbos.org</u>

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

The <u>Legislative Research Center</u> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall 1 Dr. Carlton B. Goodlett Place, Rm 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

MEMORANDUM

TO:

Greg Suhr, Chief, Police Department

Regina Dick-Endrizzi, Small Business Commission

FROM:

Derek Evans, Assistant Clerk

DATE:

September 25, 2015

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors Public Safety & Neighborhood Services Committee has received the following legislation, introduced by Supervisor Mark Farrell, which is being referred to your department.

File No. 150912

Ordinance amending the Police Code to require firearms dealers to install, maintain, and operate video surveillance equipment and to transmit records of all ammunition sales to the Police Department.

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Christine Fountain, Police Department
Inspector John Monroe, Police Commission
Brian Poole, Small Business Commission

BOS-11, PSNS, B+F, .

President, District 5 **BOARD of SUPERVISORS**



City Hall

Dep. City atty, Mayor

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco 94102-4689 Tel. No. 554-7630 Fax No. 554-7634 TDD/TTY No. 544-5227

London Breed

:	PRESIDENTIAL A	CTION		
Date:	October 13, 2015			
To:	Angela Calvillo, Clerk of the Board o	f Supervisors		
Madam C Pursuant 1	lerk, to Board Rules, I am hereby:			
	Waiving 30-Day Rule (Board Rule No. 3.23	·))		<u>c.</u>
. •	File No.	(Primary Sponsor)		
	Title.			
\boxtimes	Transferring (Board Rule No. 3.3)		-	I i
	File No. <u>150912</u> Fa	rrell (Primary Sponsor)	· \	조 ::
	Title. Police Code - Monitoring R	equirements for I		C
	From: Public Safety & Neighborh	100d Services	Committee	
•	To: Budget & Finance		Committee	
	Assigning Temporary Committee Ap	pointment (Board R	tule No. 3.1)	
	Supervisor	- -		
	Replacing Supervisor			
	For:			Meeti
	(Date)	(Committee)		

London Breed, President 101^{Board} of Supervisors



Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp

I here	eby submit the following item for introduction (select only one):	or meeting date
\boxtimes	1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendme	nt)
П	2. Request for next printed agenda Without Reference to Committee.	
.— П	3. Request for hearing on a subject matter at Committee.	
	<u> </u>	7
	4. Request for letter beginning "Supervisor	inquires"
	5. City Attorney request.	
	6. Call File No. from Committee.	
	7. Budget Analyst request (attach written motion).	
	8. Substitute Legislation File No.	
	9. Reactivate File No.	•
	10. Question(s) submitted for Mayoral Appearance before the BOS on	
Pleas	se check the appropriate boxes. The proposed legislation should be forwarded to the following Small Business Commission	ission
Note:	For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative	Form.
Sponso	or(s):	
Super	visor Mark E. Farrell	
Subje	ct:	•
Police	Code - Monitoring Requirements For Firearms and Ammunition Transactions	
L		
	ext is listed below or attached:	
Attach	hed.	
	Signature of Sponsoring Supervisor:	
For C	Clerk's Use Only:	,