ON-LINE MEMBERSHIP MEETING

VCDL conducted its first on-line membership meeting on 27 April. Hosted by MegaHotRadio.com from its studios in Sterling, Virginia, the meeting followed the format of many in-person meetings, with president Philip Van Cleave addressing topics of interest to Virginia’s gun owners, and taking questions from attendees. Guest speaker for the meeting, which was hosted by Executive Member Ed Levine, was attorney Dan Hawes, also an Executive Member.

Topics included a wrap-up of the 2016 Virginia legislative session and the associated veto-uphold session. None of the pro-gun bills vetoed this year were overridden, though some came as close as one vote. Stay tuned for the legislative scorecard, and keep records in mind as you head to the polls.

Some “what to do if” questions included traffic stops, hospital carry, “swatting”, and contact with local government bureaucracy over erroneous or misleading signs. Ed Levine addresses the latter in an article on page 4 of this newsletter.

What did you think? Are you interested in future on-line meetings? Contact leadership (see p. 8) if you were unable to attend but are interested, see http://tinyurl.com/jexodj4

COSTS FOR CONCEALED HANDGUN PERMIT

Thanks to EM Bob Sadtler for contacting every single Circuit Court Clerk in the Commonwealth and making a list of the fees they charge for a CHP. Also thanks to EM Ed Levine for putting the data into a spreadsheet for everyone to view, sorted either alphabetically by the name of the locality or by the fee charged.

We need to start working on getting the localities that are charging higher, unnecessary, fees to lower those fees. Philip Van Cleave has begun the effort in Chesterfield. If you’re willing to start contacting local lawmakers in your area to get the ball rolling, please let Philip know. Contact information is on page 8.

Localities that charge the least for a CHP ($15):

Accomack, Alleghany, Amelia, Brunswick, Buchanan, Campbell, Carroll, Craig, Essex, Grayson, Greene, Goochland, Madison, Montgomery, Northampton, Orange, Patrick, Prince William, Radford, Russell, Sussex, Wythe

Localities that charge the most (gouge) for a CHP ($50):


You can see the data at tiny.cc/vachpfees to see where your locality ranks.

CORRECTION

The web address listed in the last issue on page 5, for the video produced by the City of Houston, was incorrect. The correct link is https://www.youtube.com/watch?v=5VcSwejU2D0

VCDL Public Meeting Dates

Wednesday, June 22 — Annandale
Tuesday, July 19 — Annandale
Saturday, July 30 - VCDL Summer Picnic, Longwood Park, Salem
Thursday, August 18 — Annandale
Thursday, September 22 — Annandale
Thursday, November 17 — Annandale

Additional meetings held throughout the state are announced in VA-ALERT and posted on the calendar at www.vcdl.org/calendar

Annandale meetings are held at the Mason Governmental Center, 6507 Columbia Pike, Annandale, VA 22003
Fellowship 7:30; Meeting 8:00 PM
VCDL is a non-partisan grassroots organization dedicated to defending the human rights of all Virginians. The membership considers the right to keep and bear arms an essential human right. Members are encouraged to participate actively in developing The Defender. Articles on Second Amendment and the Right to Keep and Bear Arms subjects may be published as space permits.

Articles should be brief and to the point. Materials will not be returned. All claims, facts, and quotes must be verifiable. Photos must be accompanied with names of the subjects, dates, location of events, and photographer’s name. Articles must be factual, newsworthy, and of interest to the membership. VCDL will not endorse politicians or political candidates for office. Information submitted by the Political Action Committee (VCDL-PAC) appear inside the back page. Opinions expressed in The Defender are not necessarily those of the Virginia Citizens Defense League.

We also welcome, subject to space limitations, book reviews and firearms/gear reviews.

Submissions are subject to editing for length, style, grammar, and conformity with the goals of VCDL. Authors of articles and letters should be identified, and city/town of residence is preferred. Contact the editor for additional details.

VCDL wants to include clippings from around the state. You can help by monitoring your local newspaper for articles, editorials, and letters to the editor dealing with the right to keep and bear arms. Clip the news pieces along with a masthead from the paper and send them in, or send a link. If you write a letter to the editor, please send us a copy. Check the guidelines of the publication you write to, however; some require you not to publish elsewhere, or not to publish elsewhere until after it runs in their paper.

Send submissions at any time via e-mail to TheDefender@vcdl.org or via snail-mail to: The Editor, c/o VCDL, The Defender, P.O. Box 513, Newington, VA 22122

We are investigating the possibility of electronic access to The Defender. Should that be viable, we will notify our members via The Defender and via the VA-ALERT.

**PRESIDENT’S PEN**

From the moment Governor McAuliffe issued Executive Order 50 to ban guns in state agency buildings in December 2015, I began to research the legality of the Governor creating such a ban.

Subsequently, I have spoken to a plethora of prosecutors, defense attorneys, Delegates, and Senators. I asked each the same question: what law would I be breaking and what would be the penalty if I ignored the “No guns” signs at state agencies and carried anyhow?

Here is what I found out.

WHERE’S THE AUTHORITY?

A 2002 Attorney General’s opinion (02-074) by Jerry Kilgore noted "A person’s privilege to carry a concealed handgun is considered universal within the Commonwealth subject to limited circumstances. The General Assembly has specifically set out those places where the carrying of a concealed handgun is prohibited...."

Basically what that says is that the Governor would need specific statutory authority granted by the General Assembly in order to be able to ban concealed handguns in state agencies with the force of law.

In 2008, Attorney General McDonnell made a similar statement in an Attorney General opinion (08-043) dealing with open carry in state parks: "I find no specific statutory authority granting the Department the authority to prohibit the open carrying of firearms in state parks. A person’s right to carry a firearm openly is considered universal within the Commonwealth, subject to definite and limited restrictions upon certain locations and classifications of individual...."

Based on that opinion, the Governor would need statutory authority from the General Assembly to ban open carry with the force of law, too.

Since the Governor does not have statutory authority from the General Assembly for either ban, all he can do is to make a policy banning open or concealed carry of firearms in state agencies. And that is what he has done. (In fact, without a regulation backing up that “no guns” policy, he could not have a policy banning concealed carry at all. So he got an emergency regulation put in place back in December. The open carry ban did not require a regulation to back up that policy.)

**SO AM I BREAKING THE LAW IF I CARRY CONCEALED IN A STATE AGENCY?**

From everything I have learned, the answer appears to be a solid “no.” Ignoring the signs at a state agency is apparently not a criminal act. You would be breaking a policy and not breaking a law.

If you are caught breaking the “no guns” policy, you will be asked to remove the gun from the building. If you refuse to do that, then you are committing a crime - the crime of trespass - which is a Class 1 misdemeanor, punishable by a fine of up to a $2,500 and/or up to twelve months in jail.

This is, in essence, the same policy that state universities and colleges have in place. If it is found that you are carrying in a state university or college building, they will ask you to leave and will charge you with trespass if you don’t.

Of course, if you are employed by the state, you could be fired, too. If you are a student at a state university or college and carry there, you could be expelled if caught.

**THIS IS NOT LEGAL ADVICE.**

I’m not an attorney and the above is not legal advice. Could there be some kind of legal “gotcha!” hiding somewhere? Sure, but it must be doing a damned good job of staying out of sight. ;)

Do with the above information what you will. I felt it was important to share the information so that you and other gun owners could make an educated decision when it comes to your personal security.

**LINKS**

Concealed carry ban (1VAC30-105): http://tinyurl.com/zdb6vc2

Open carry ban in Executive Order 50: http://tinyurl.com/hr6f4qu

**DID YOU KNOW**

Some merchants in Virginia give a discount to card-carrying VCDL members. We’re updating the list at vcdl.org. If you’d like your business listed, contact Pat Webb (pat.webb@vcdl.org) to discuss.
UPCOMING GUN SHOWS AND EVENTS

Verify all schedules; this list is correct as of press time.

CHANTILLY—Dulles Expo Center
   Jun 10-12   Jul 29-31   Sep 30-Oct 2   Nov 18-20

DALE CITY — VFW Post 1503
   Jun 4-5   Jul 30-31   Oct 8-9

FISHERSVILLE—Augusta Expo
   Sep 10-11

FREDERICKSBURG — Fredericksburg Expo & Conference Center
   Jun 4-5   Aug 6-7   Oct 29-30   Dec 10-11

HAMPTON—Hampton Roads Convention Center
   Jul 16-17   Sep 10-11   Nov 26-27

HARRISONBURG—Rockingham County Fairgrounds
   Oct 8-9   Nov 26-27

MANASSAS — PWC Fairgrounds
   Jun 25-26   Sep 17-18   Dec 3-4

NORFOLK—Norfolk Scope
   Sep 3-4   Nov 5-6

NORTH RICHMOND — Farm Bureau Center at Meadow Event Park
   Oct 22-23   Dec 17-18

PULASKI—Silver Leaf Auction Company
   Oct 1-2   Dec 3-4

RICHMOND—Richmond Raceway Complex

ROANOKE—Roanoke Civic Center
   Aug 20-21   Oct 22-23

SALEM—Salem Civic Center
   Jul 16-17   Sep 17-18   Oct 29-30   Dec 17-18

VIRGINIA BEACH — Convention Center
   Oct 15-16

WINCHESTER — Body Renew Fitness and Family Sports Center
   Aug 27-28   Nov 7-8 Info only; no VCDL table

GUN SHOW COORDINATORS

Fredericksburg
Tom Cook
gunshows.fredricksburg@vcdl.org

Chantilly
Danny Paulson
gunshows.chantilly@vcdl.org

Dale City
Richard Kroh
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Al Steed, Jr.
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Norfolk SCOPE
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Tidewater/Peninsula
Ron Lilly
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Tidewater/Virginia Beach
Gary Moeller
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Richmond
Mike Wilburt
gunshows.centralva@vcdl.org

Winchester
Mark Lintz
gunshows.winchester@vcdl.org

State Gun Show Coordinator
Milan Sturgis
gunshowcoord@vcdl.org

HERE’S HOW YOU CAN HELP

Are you interested in helping get the VCDL word to fellow gun owners? Consider volunteering as coordinator for Manassas, or Doswell (North Richmond) shows. You would be responsible for maintaining the booth and materials for a show, recruiting and scheduling volunteers for the show, setting up and tearing down the display, and reporting results to leadership. There are 1-3 shows scheduled each year at Manassas. If this is a way you’d like to help, contact the Board of Directors at leadership@vcdl.org or at a phone number on the back page.

Would you like to help spread the message by working at a booth? Any of the coordinators listed above right will be happy to have you volunteer for a shift or for a few hours. If you let the coordinator know you are a newcomer, he will pair you with an experienced volunteer.

Virginia Citizens Defense League, Inc. • P.O. Box 513, Newington, VA 22122 • www.vcdl.org 3
As a gun rights advocate, I try and teach others how I view Virginia with regard to the carry of firearms. Now, I am not a lawyer and I don’t give legal advice, but because of my knowledge and experience, many come to me and ask questions about all types of things. One of the things they ask about is what to do when cities, towns and municipalities break the law.

When someone reports to me that XYZ Town in Virginia has a “No Guns” sign in the park or that ABC county requires a self-addressed stamped envelope when applying for a concealed handgun permit, I go to work and start my research. This article is to help empower others to do the same and make sure the laws in your local towns, cities, and counties are in compliance for all gun owners in Virginia.

So... XYZ Town has a “No Guns” sign in a park. It may also be included with other rules, no fishing, no littering, no open fires, and so on. Sometimes they sneak in the “No Guns” and it “looks” normal to the general public.

A “No Guns” sign is dangerous for many reasons. It makes gun owners think twice and maybe leave the gun in the car (which disarms the gun owner and leaves a gun for a criminal to steal during a smash-and-dash break-in). It tells bad guys that nobody in the area (who follows the law) is armed and will fight back if they were to attack. It could also get you in trouble with law enforcement because you might be legally carrying but someone else who saw the sign may call the police, who also may not know the law, and you could find yourself defending your legal carrying!

So, here is what I do. I look at the official website of the locality and try and find out who owns the park. I also look to see who are the local government officials. It may be a town manager, mayor, council, etc. I try to find out who the attorney is that represents them. I then send them an email that explains that by posting their no guns sign, they are in violation of Virginia code section § 15.2-915. Control of firearms; applicability to authorities and local governmental agencies. You can read the full section at your leisure, but paragraph A of that section states:

No locality shall adopt or enforce any ordinance, resolution or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof, shall not be construed to provide express authorization.

I ask the controlling agency to remove or correct the sign in a timely fashion, realizing it could have simply been an oversight on their part. I also ask them to follow up to tell me that it has been done, and I try and confirm with a local third party. On the initial email and on the resolution email, I generally copy “President@vcdl.org” so VCDL knows about it and can add it to a VA-ALERT.

While it is rare, sometimes the agency stalls, delays or argues. Time is on my side. When they do this, I send another letter, include more people on the email list in the municipality, (chief of police, local news, etc.) in an effort to show I am serious in my request and would like action taken without having to go to court or petition the court for a Writ of Mandamus. (Mandamus is a judicial remedy in the form of an order from a superior court, to any government subordinate court, corporation, or public authority—to do (or forbear from doing) some specific act which that body is obliged under law to do (or refrain from doing)—and which is in the nature of public duty, and in certain cases one of a statutory duty.)

I have been responsible for hundreds of corrections over the years and all gun owners in Virginia benefit from my work. I also do the same thing via phone call if I choose to do that over email. If so, I always record and archive the calls. I state who I am and who I am speaking with for the sake of the recording and represent myself as a citizen or with one of the organizations I am a member of (if I have permission from that organization to do so)

I try and always be polite, yet to-the-point on my requests. I also research what I am asking for to make sure there is truly a violation.

There is always the possibility that you may have to take the entity to court, so you also need to be prepared for that if they call your bluff. In my years of doing this, I only had to file court paperwork twice. Once I did so, the entity fixed the issue before I even had to do anything further.

Good luck and thank you from all Virginia gun owners!

Ed Levine is an Executive Member of VCDL. He is also the founder of both Virginia Open Carry and DC Carry. He is an NRA instructor and life member as well as a former rifle and pistol expert in the Marine Corps. He is a member of dozens of other gun rights organizations as well (like WVCDL, GOA, SAF, etc), and holds gun permits from over 10 other states including the very rare DC carry permit.

RIP DON LITTEN AND JOHN TAYLOR

Long-time Virginia gun-rights and hunting-rights activist Don Litten passed away in April after a courageous fight through a number of health issues.

Don created several videos for VCDL; he covered gun-rights and hunting-rights issues, as well as other topics, in his blog “Old Virginia News” (news.oldva.org)

Gone, but not forgotten.

John Taylor was a serious patriot who never settled for lip service in pursuing liberty. He created the Virginia Institute for Public Policy and also Tertiium Quids, which hosts the Tuesday Morning Group Coalition that meets in Richmond regularly to bring together legislators and various freedom groups, including Second Amendment organizations, to discuss ways to move forward on liberty.
WHY VCDL IS SO EFFECTIVE  
By EM Pat Webb

Many grassroots organizations are well intentioned, but it takes several things for a group like VCDL to function effectively. First, our group has a single mission…We protect the right to keep and bear arms (RKBA) in Virginia. But there is more to it than that.

Members like you are the reason VCDL continues to succeed. It is not often that an all-volunteer group maintains effectiveness over time, but when things get tough, VCDL members are ready for the challenge. Without the willingness of the membership to step up to the plate we would not have been able to accomplish the many advancements in protecting Virginia gun owners.

Of course, the organization owes a lot to the dedicated Board of Directors and Executive Members. These people volunteer even more time and energy, and because of their dedication, they've been nominated for these positions.

The Real Power of VCDL
But the real power of the organization is you, the VCDL member. When a VA-ALERT “Action Item” goes out, your response is immediate and overwhelming. You command attention, even from the most ardent opponents of our cause.

We must be careful not to let our successes lure us into a false sense of security, though. There is an ever-present danger from those who would steal your freedom to gain control. There are things you can do about it:
• Keep your membership up to date. If you didn’t renew in the fall, do so now.
• Buy a gift membership for someone you care about.
• Sign up for the VA-ALERT.
• Talk to your family, friends and co-workers about VCDL. It is amazing how many people have not heard about us!
• Take others to the range and teach them how to shoot or help them sign up for a reputable class.
• If you own a business, consider partnering with VCDL. Many business offer special discounts, which VCDL promotes to our membership!

What Has VCDL Accomplished?
That answer is multifaceted. Thanks to you, our list of accomplishments is long and spans decades! Here are just a few examples:
• Shall Issue laws: if you qualify and apply, they MUST issue your permit within 45 days
• Local preemption restrictions: no local laws can be passed that are stricter than state law
• Restaurant ban: you no longer need to disarm to eat in a restaurant that sells alcohol
• Second ID requirement: no longer required when buying a gun from an FFL (takes effect 7/1/16)
• Repeal of the proof of citizenship requirement: when buying one of those evil “assault rifles” (takes effect 7/1/16)
• Vehicles: Clarified that you don’t need a CHP to put a gun in your vehicle glove box
• Fingerprints: No longer a requirement for CHP applicants
• Got a bill passed to protect your gun rights during a state of emergency
• Helped keep counties from shutting down shooting ranges
• Helped new gun stores and shooting ranges get approval
• Helped prevent CHP information from being published by newspapers
• Pushed repeal of one-handgun-a-month

There’s much more, but space limits us.

All of the firearms freedoms that we enjoy in Virginia have been because of you. Your actions with VCDL have put pressure on the General Assembly, and together we continually remind them that we value our rights. So give yourself a pat on the back…then renew your membership today, and let others know about VCDL.

OPINION  
By EM Dan Hawes

A complaint was recently filed in the Circuit Court for the City of Richmond, styled, "Broadstone Security, LLC. dba 'NoVa Armory' v. Doe, Doe, et al.", case number CL16001861, a suit by the owner of a retail firearms store against a number of people alleged to have conspired to put the store out of business. The suit was prompted, among other things, by a letter written on official Commonwealth of Virginia letterhead bearing the official Seal, that has been published far and wide on the internet by seven members of the General Assembly, specifically addressed to NoVa Armory's landlord with "cc" copies to all the other business establishments in the area. The four members of the House of Delegates and three members of the Senate are the tip of the iceberg in what is alleged to be a "conspiracy to injure another in his trade, business, or occupation". The letter warns the landlord not to rent to the gun shop and implies that the landlord will be subject to retaliation for horrible things that the letter suggests will inevitably result from the establishment of the gun shop in that location. The complaint was filed in the City of Richmond because the official Commonwealth of Virginia letterhead used by the seven legislators recites that it was sent from there, and that's where their offices are located.

The factual details underlying the allegations in the complaint are things we can't go into at this time. The complaint speaks for itself, and this editorial statement is only a matter of opinion. But public commentary on the complaint has asserted two points in opposition to the suit: first that the co-conspirators were only exercising their right of free speech, guaranteed by the First Amendment, and secondly that they were merely "protesting".

Simply put, free speech begins and ends with speech. When two or more persons take active steps to put someone out of business using unlawful means, that's a crime in Virginia, even if mainly done by the use of words. That goes beyond "free speech". The First Amendment does not protect wrongful acts, or prohibit a private actor's ability to restrain such wrongful acts legally. A person has the right to strap on a gun and walk around in public with it, but that doesn't give him the right to pull it out and shoot someone just because he doesn't happen to like them. He has the right to worship as he chooses, but does not have the right to require other people to do the same through official action. There is a point at which the conduct privileged under the Bill of Rights stops and wrongful action begins. When legislators use official Commonwealth of Virginia letterhead to engage in wrongful acts and to effect an unlawful goal, that abuse of power and position is political corruption, and is wrongful in and of itself.

The defendants in this case are not, as one person put it, "random
The unlawful acts are alleged to include defamation, calling NoVa Armory's manager "gun-slinger Denny" and accusing him of being a terrorist, a liar, and a person who would sell guns to "those people" who live on the other side of the Anacostia river thereby promoting an illegal "black" market in guns and drugs. But it's not a suit for defamation; the basis of the suit is the unlawful conspiracy to injure NoVa Armory in its trade or business in violation of Va. Code sections 18.2-499 and 18.2-500. So "freedom of speech" and the "right to protest" have absolutely nothing to do with the cause of action asserted and wouldn't be valid defenses, even if they were supported by the facts.

The leaders of the conspiracy appear to have adopted the notion that if they don't like something, it is therefore evil; and their private, personal judgments about what they like or dislike gives them some kind of moral superiority that transcends law and the rights of others. Their approach, after having been advised that the County Board of Supervisors and the Board of Zoning Appeals could not lawfully take action against the business, was the sort of vigilantism that we've seen in the past when Chinese-owned shops were targeted in California when Japan entered World War II; when Jewish-owned shops were targeted on Kristallnacht in 1938 Germany; and when black-owned businesses were targeted after the "race riots" of 1968 and when the City of Alexandria desegregated its public schools in 1971.

When people think that whatever they don't like, and what they classify as evil in their own minds, is inherently and objectively bad, they think that the unlawful action they take in the name of their imagined "good" is appropriate and allowable. The characteristic that is the same in all these instances is that people who are self-absorbed, self-righteous, and self-important are lashing out against other people based solely on private personal notions of good and bad. They are acting solely on the basis of their own irrationally held prejudices because they are unable to distinguish objective reality from the thoughts in their own minds, so they are willing to de-personalize others and deprive those other people of their rights under the law. These are people who think their morbidity neurotic obsession with guns justifies their interference in the business of a retail store catering to those who wish to be prepared to defend themselves, their homes, and their families. That's exactly the same mentality that led to lynching in the past.

The word, "conspire" literally means "to hope together"; and where two or more people join together and communicate for a common purpose, that's a "conspiracy". It becomes an unlawful conspiracy when the goals are unlawful and the purposes are pursued by means of unlawful acts. Unfortunately for the people who have gone along with the illegal acts and participated in the conspiracy, the act of one is the act of all, and all must take responsibility, even if they neither approved or had knowledge of what others were doing in their name, because every co-conspirator is the agent for each of the others in furtherance of their jointly held unlawful purpose.
While VCDL-PAC is technically inactive during federal election cycles, we are, in fact, having a busy year. The death of State Senator John Miller (D-1) will create a vacancy to be filled on Election Day in November. Election Day will, most likely create several vacancies in the General Assembly, as State Senators Tom Garrett (R-22) and Donald McEachin (D-9) seek to replace retiring Representatives Robert Hurt (R-5) and incumbent Randy Forbes (R-4), respectively. Delegate Scott Taylor (R-85) seeks to replace the retiring Scott Rigell (R-2). None of these seats are likely to change the balance of power at the General Assembly, as all are safe districts, and will most likely be replaced by successors from the incumbent party. No one has, as of yet, stepped forward to replace Senator Miller. Stay tuned to VA-ALERT as candidates come forward.

If you live in the 1st, 9th, or 22nd Senate districts, you are our first line of defense. As candidates emerge for these seats, press them, and press them hard on their 2nd Amendment positions! Make them take a stand, and double down on it. If you live in the 1st district, work both the Republican and Democrat candidates. There are pro-gun Democrats; work to get them elected in strongly Democrat districts. If that fails, get behind the Democrat who puts gun control at the bottom of his/her priorities. Above all, avoid sending a true believer to Richmond. The Democratic caucus has plenty of those as it is!

VCDL-PAC now has a Facebook page! Like and friend us at https://www.facebook.com/VCDL-Political-Action-Committee-221090264897606/?fref=ts&ref=br_tf!

To contribute via PayPal:
http://www2.vcdl.org/webapps/vcdl/donatepac.html

To contribute via mobipledge:
https://mobipledge.mobi/vcdlpac/webpledge/

Your check saves us valuable dollars in credit card and PayPal processing fees. No one at VCDL-PAC takes a salary and there are only very limited administration expenses. Virtually every penny taken in goes directly into the fight to elect pro-gun candidates. Thank you for your support.

Ted Deeds
Chairman, VCDL-PAC

Authorized by the Chairman, VCDL-PAC, VA 01-042

--- Supreme Court Justice Joseph Story of the John Marshall Court

The right of the citizens to keep and bear arms has justly been considered as the palladium of the liberties of a republic; since it offers a strong moral check against usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them."
Virginia law provides that you can get the full five years of your Concealed Handgun Permit if you apply for renewal at least 90, but no more than 180, days prior to expiration of your current permit. (Section 18.2-308.010)

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Please feel free to contact any of the Officers or Directors should you have any questions or would like to volunteer your services in VCDL.