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VIA E-MAIL

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Re: Proposed Emergency Regulations Regarding Identification Requirements for Firearms and Ammunition Eligibility Checks – Title 11, Division 5, Chapter 4.

To whom it may concern:

We write on behalf of our clients, the National Rifle Association of America and the California Rifle & Pistol Association, Incorporated, as well as their respective members and clients throughout California and the United States, in opposition to the California Department of Justice's ("DOJ") proposed emergency regulations regarding "Identification Requirements for Firearms and Ammunition Eligibility Checks – Title 11, Division 5, Chapter 4."¹ If adopted, the proposed regulations would generally require federally compliant identification cards ("IDs") for all firearm and ammunition transactions that require an eligibility check.

For the following reasons, the Office of Administrative Law ("OAL") should reject the proposed emergency regulations and require DOJ to follow the standard rulemaking process:

1. The Bureau of Alcohol, Tobacco, Firearms and Explosives ("BATFE") has expressly stated that federally compliant ID's are not required to satisfy federal background check laws when purchasing a firearm or ammunition;

¹ The proposed emergency regulations were noticed to the public on or about June 10, 2019. A copy of the posted notice can be viewed online at <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/id-fa-ammo-notice-proposed-emergency-061019.pdf?> Documents relating to the proposed emergency rulemaking can also be viewed online at <https://oag.ca.gov/firearms/regs>.

2. California statutes concerning ID requirements for firearm and ammunition transactions are in direct conflict with DOJ's proposed "emergency" regulations;
3. Federal laws concerning ID requirements for firearm transactions specifically contemplate the use of federal non-compliant IDs for legitimate firearm transactions;
4. No "emergency" exists, and DOJ's findings are otherwise insufficient and based on speculation;
5. DOJ's proposed "emergency" regulations would impose significant financial and time-related costs for businesses and individuals alike, costs which DOJ completely fails to address in its Economic and Fiscal Impact Statement; and,
6. DOJ's proposed "emergency" regulations significantly impact other pending regulatory matters which, when combined, raise serious inconsistency concerns.

Both the content and timing of DOJ's proposed "emergency" regulations are highly suspect. Our clients are gravely concerned with this latest in a series of attempts by DOJ's to circumvent the notice and hearing requirements of California's Administrative Procedure Act ("APA") at a time when California licensed firearm dealers and retailers are already facing substantial changes to their business in connection with other pending regulations from DOJ regarding ammunition purchases and transfers.²

As explained below, no emergency exists justifying the proposed regulations being submitted on an "emergency" basis under the APA. Indeed, BATFE has expressly stated that federally compliant IDs are not necessary for purposes of firearm and ammunition eligibility checks. Coupled with other pending significant changes to ammunition transactions scheduled to take effect on July 1, 2019, the shortened notice and comment period DOJ seeks will only lead to hardship for thousands of lawful California businesses and California residents.

I. THE REAL ID ACT OF 2005 AND BATFE POLICIES CONCERNING THE USE OF FEDERAL NON-COMPLIANT IDs FOR FIREARM TRANSACTIONS

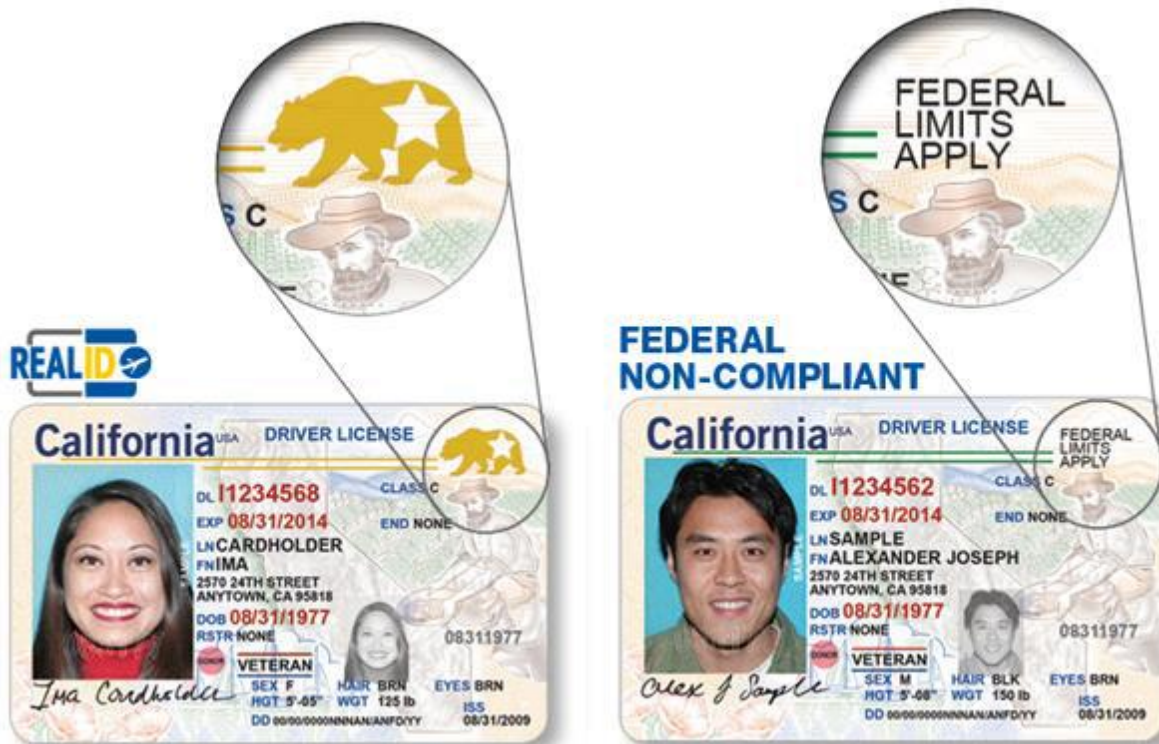
In 2005, Congress enacted the REAL ID Act which, among other provisions, requires federally compliant IDs ("REAL ID") to board any airplane, enter any military base, or enter any federal facility as of October 1, 2020.³ But it was originally unclear if such IDs would also be necessary when purchasing a firearm. BATFE ultimately clarified this ambiguity in 2012 by stating such IDs would not be required for firearm-related transactions.⁴

² See OAL File No. 2019-0517-07, "Ammunition Purchases or Transfers," currently scheduled for a decision from OAL by July 1, 2019.

³ H.R. 418, 109th Cong.

⁴ *FFL Newsletter: Federal Firearms Licensee Information Service*, U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, <https://www.atf.gov/firearms/docs/newsletter/federal-firearms-licensees-newsletter-may-2012/download> (May 2012).

The following year, California enacted Assembly Bill No. 60 (“AB 60”), which required DMV to issue IDs to individuals who could not provide proof of their lawful presence in the United States.⁵ Shortly after the adoption of AB 60, BATFE issued an open letter clarifying its position, stating that AB 60 type IDs could not be used to purchase a firearm.



Example of a REAL ID (left), versus a non-REAL ID (right).⁶

Initially, BATFE’s restriction had no effect on lawful California residents’ ability to purchase a firearm because, presumably, they were not issued an AB 60 license. But in January 2018, DMV began issuing federal non-compliant IDs with the same “FEDERAL LIMITS APPLY” language printed on the front of the license to lawful residents of California. As a result, any lawful resident issued a federal non-compliant ID was, pursuant to BATFE’s policy, prohibited from purchasing a firearm or ammunition despite the person’s lawful presence in the United States.

⁵ Such IDs have the notation “FEDERAL LIMITS APPLY” printed on the front. As applied to firearm transactions, federal law generally prohibits individuals who are not lawful residents from purchasing or possessing any firearm or ammunition. See, e.g., 18 U.S.C. § 922(d)(5). Licensed firearm dealers “must establish the identity, place of residence, and age of the transferee/buyer,” who must also “provide a valid government-issued photo identification document to the transferor/seller that contains the transferee’s/buyer’s name, residence address, and date of birth.” See *ATF E-Form 4473 (5300.0)*, <https://www.atf.gov/firearms/docs/4473-part-1-firearms-transaction-record-over-counter-atf-form-53009/download> (Oct. 2016).

⁶ See also <https://www.dmv.ca.gov/portal/dmv/detail/realid>.

After the issue was brought to BATFE's attention, BATFE de-published its previously stated position, replacing it with a new letter which stated California licensed firearm dealers:

may accept . . . licenses/identification documents that meet the definition in 18 U.S.C. 1028(d) in fulfilling their requirements under 18 U.S.C. 922(t)(1)(C) and 27 CFR 478.124(c)(3)(i). However, licensees may consider asking for additional documentation (e.g. passport) so that the transfer is not further delayed.⁷

BATFE's policy revision effectively meant California residents who were issued federally non-compliant IDs by DMV could continue to lawfully exercise their rights and use their ID when purchasing a firearm, even if the ID states "FEDERAL LIMITS APPLY" on the front. This position was later echoed by DOJ, who stated:

Going forward, [DOJ] will inform interested parties that any valid California driver's license or identification card may be used as "clear evidence of the person's identity and age," including REAL ID and "FEDERAL LIMITS APPLY" versions.⁸

Both BATFE's updated policy and DOJ's statement were made in early 2018, well over a year ago. Yet now DOJ is claiming an "emergency" exists to reverse that policy. While DOJ does mention recent changes to California law pursuant to Senate Bill 244 ("SB 244") (effective January 1, 2019), SB 244 did not change the fact that AB 60 licenses are otherwise indistinguishable from a federal non-compliant ID issued by DMV. In fact, the "guidance" issued by DOJ to California firearm dealers following the adoption of SB 244 was essentially the same as that mentioned above following BATFE's updated policy.

II. CALIFORNIA'S EXISTING LAWS CONCERNING "CLEAR EVIDENCE OF THE PERSON'S IDENTITY AND AGE" AND "BONE FIDE EVIDENCE OF IDENTITY" ARE IN DIRECT CONFLICT WITH DOJ'S PROPOSED "EMERGENCY" REGULATIONS

When purchasing a firearm in California, purchasers must present "clear evidence of the person's identity and age" to a California licensed firearms dealer.⁹ California law defines the term "clear evidence of the person's identity and age" as either:

- 1) A "valid California driver's license;" or,
- 2) A "valid California identification card issued by the Department of Motor Vehicles."¹⁰

⁷ See <http://michellawyers.com/wp-content/uploads/2019/06/Email-from-ATF-re-Purchase-of-Firearms-Using-CA-Drivers-Licenses-or-ID-Cards.pdf>.

⁸ See <http://michellawyers.com/wp-content/uploads/2019/06/DOJ-Letter-re-Purchase-of-Firearms-Using-CA-Drivers-Licenses-or-ID-Cards-Red.pdf>.

⁹ Cal. Penal Code § 26815(c).

¹⁰ Cal. Penal Code § 16400.

As applied to ammunition transactions, California law simply requires individuals to provide their “driver’s license or other identification number and the state in which it was issued,” or, in the case of a person meeting an exception to the ammunition transfer requirements, “bona fide evidence of identity.”¹¹ As defined under California law, “bona fide evidence of identity” is “a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator’s license, state identification card, identification card issued to a member of the armed forces, or other form of identification that bears the name, date of birth, description, and picture of the person.”¹²

Neither firearm nor ammunition transactions, therefore, require individuals to provide federally compliant IDs or any supplemental documentation demonstrating a person’s lawful presence in the United States under California law. A driver’s license or ID issued by DMV, regardless if issued pursuant to AB 60, is still a “valid” ID within the meaning of California law as applied to firearm transactions. Likewise, a federal non-compliant ID sufficiently provides a person’s name, date of birth, description, and picture as required for ammunition transactions.¹³ What’s more, having been aware of the issues concerning federal non-compliant IDs for over a year, DOJ failed to include any proposed regulatory changes requiring federally compliant IDs in their proposed regulations regarding “Ammunition Purchases or Transfers” which are currently pending before OAL.¹⁴

III. FEDERAL ID REQUIREMENTS SPECIFICALLY CONTEMPLATE THE USE OF FEDERAL NON-COMPLIANT IDs FOR FIREARM AND AMMUNITION TRANSACTIONS

Under federal law, firearm purchasers must provide a “valid identification document” containing a photograph of the purchaser.¹⁵ Such documents must be “made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a sponsoring entity of an event designated as a special event of national significance, *a foreign government, political subdivision of a foreign government, an international government or and international quasi-governmental organization* which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.”¹⁶

Federal regulations also require licensed firearm dealers to “verify the identity of the transferee by examining the identification document.”¹⁷ As defined under federal regulations, such documents must contain “the name, residence address, date of birth, and photograph of the holder and which was made or issued by or under the authority of the United States Government,

¹¹ See Cal. Penal Code §§ 30352(a)(2), 30352(c), 30352(e)(8)(B)(ii).

¹² Cal. Penal Code § 16300.

¹³ See Cal. Penal Code § 16300.

¹⁴ See OAL File No. 2019-0517-07.

¹⁵ 18 U.S.C. § 922(t)(1)(C).

¹⁶ 18 U.S.C. § 1028(d)(3) (emphasis added).

¹⁷ 27 C.F.R. § 478.124(c)(3)(i).

a State, a political subdivision of a State, *a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization* which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.”¹⁸

This shows that federal law specifically contemplates the use of federal non-compliant IDs for purposes of firearm transactions, *including IDs issued by foreign governments*. And for good reason. There are several exceptions to the federal restrictions against non-U.S. citizens acquiring or possessing firearms. Such exceptions include aliens who have been lawfully admitted to the United States under a nonimmigrant visa who have either: 1) Been admitted to the United States for lawful hunting or sporting purposes; or, 2) Are in possession of a hunting license or permit lawfully issued in the United States.¹⁹ Such individuals are incapable of obtaining a federally compliant REAL ID by nature of their immigration status, yet are *not* also prohibited under federal law from acquiring or possessing firearms.

IV. DOJ’S CLAIM OF “EMERGENCY” IS A DIRECT RESULT OF ITS OWN POLICY AGENDA REGARDING IMMIGRATION, AND ITS FINDINGS FAIL TO ADEQUATELY DEMONSTRATE THE EXISTENCE OF AN EMERGENCY

An “emergency” in the context of the APA is a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare.²⁰ Unless a situation is expressly deemed by statute as an emergency, state agencies must make a finding of emergency by describing specific facts supported by substantial evidence that demonstrate the existence of an emergency and the need for immediate adoption of the proposed regulation. But if the emergency existed and was known by the agency with sufficient time to have been addressed through nonemergency regulations, the finding of emergency must also include facts explaining the failure to address the situation. Findings based only upon expediency, convenience, best interest, general public need, or speculation, are not adequate to demonstrate the existence of an emergency under the APA.²¹

As a threshold matter, DOJ has been aware of this issue long enough to have sought adoption of regulations using the regular rulemaking process. One of the key points DOJ raises in its “Finding of Emergency” is the adoption of SB 244 by the California Legislature in 2018.²²

¹⁸ 27 C.F.R. § 478.11 (emphasis added).

¹⁹ 18 U.S.C. § 922(y)(2)(A).

²⁰ Gov’t Code § 11342.545.

²¹ Gov’t Code § 11346.1(b)(2).

²² See <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/id-fa-ammo-finding-emergency.pdf?>; See also Senate Bill No. 244 (2017-2018 Reg. Sess.) https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB244. DOJ also references a “California Special Alert” our clients presented to their members concerning the use of non-REAL IDs for firearm purchases. But DOJ fails to note that this alert is outdated and has been replaced with more recent information. The most recent information can be found online at <https://crpa.org/news/crpa/information-bulletin-real-ids-non-real-ids-and-ab-60-type-licenses->

DOJ states that SB 244, as well as other recently adopted California laws regarding driver's licenses and identification cards, have caused "significant changes . . . governing their use as evidence of citizenship or immigration status."²³ These changes, according to DOJ, "have affected the eligibility check process and have left firearm dealers and ammunition vendors, as well as law enforcement agencies, unable to rely on federal non-compliant licenses."²⁴ But DOJ was clearly aware of the adoption of SB 244 and its effect, and still waited nearly six months after it took effect to propose their "emergency" regulations.

What is not stated by DOJ is that it failed to mention any of these concerns to the California Legislature while SB 244 and other related bills were being considered. In fact, California's Attorney General has often expressed support for California's efforts in these regards.²⁵ As a result, DOJ's claimed "emergency" is of its own making. DOJ could have raised its concerns at any point during the legislative process for the bills it mentions—yet it chose not to do so in favor of supporting its unrelated immigration agenda. What's more, DOJ's findings amount to nothing more than a general public need or speculation, as demonstrated by the fact that it has not described a single instance where a prohibited person was able to obtain firearms or ammunition as a result of these issues. DOJ's findings are therefore not adequate to demonstrate the existence of an emergency as required by the APA.

V. DOJ'S PROPOSED "EMERGENCY" REGULATIONS WILL RESULT IN SIGNIFICANT TIME AND MONETARY COSTS FOR LICENSED BUSINESSES AND THEIR CUSTOMERS

DOJ's "Estimated Private Sector Cost Impacts" information provided in its Economic and Fiscal Impact Statement grossly mischaracterizes the impact these proposed regulations will have on lawful private businesses. DOJ states that no businesses or jobs are affected because the proposal only "specif[ies] the documentation used to identify yourself when submitting a form or

[for-purchasing-a-firearm/](#). As you can see, this information was distributed in October 2018, *nearly seven months after the alert referenced by DOJ*. At the very least, DOJ's reference to outdated information highlights the lack of a true emergency, for DOJ appears to have itself relied on information provided by our client as a basis for its claim.

²³ <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/id-fa-ammo-finding-emergency.pdf?>.

²⁴ *Id.*

²⁵ See, e.g., presentation by Jonathan Blazer, Special Assistant to the Attorney General, California Department of Justice, http://www.cpcannualconference.com/uploads/8/1/4/9/81491828/bs3a_-_impact_of_immigration_policies_on_health_centers_-_2slides.pdf (Oct. 2017) (noting DOJ's "Overall commitment" to "Protect and Advance the Rights and Safety of all Californians – Including Immigrants" while also "Defend[ing] the Ability of Law Enforcement and other State/Local Agencies to Focus on Core Missions (Public health and *Safety*)" (emphasis added)). What's more, DOJ issued a press release as early as 2014 concerning licenses issued pursuant to AB 60, illustrating just how long DOJ has been aware of such licenses. See <https://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-issues-consumer-alert-driver-license-scams>.

application that is already in regulation.” But all California licensed firearm dealer and licensed ammunition vendors employees must possess a valid Certificate of Eligibility (“COE”) which must be renewed annually.²⁶ Yet DOJ makes no mention of the potential impacts on the thousands of business owners and employees who may have difficulty in renewing the required licenses as a result of the proposed regulations. In fact, many younger employees of firearm businesses could find themselves out of work should they be unable to obtain the required documentation in time for the required annual renewal of their COE.

DOJ also fails to mention any of the related costs associated with obtaining the required documentation. As discussed in greater detail below, there are significant time and monetary expenses involved in obtaining the required forms of identification and/or supplemental documentation. Nowhere in DOJ’s Economic and Fiscal Impact Statement are these mentioned or even alluded to.

What’s more, DOJ makes no mention of the potential lost revenue to businesses should their customers not have the required documentation at hand when attempting to purchase a firearm or ammunition, let alone the additional time it may take to process a transaction. DOJ’s failure to address these concerns should be cause enough for OAL to disapprove of the proposed “emergency” regulations.

a. Obtaining a REAL ID in California

To obtain a REAL ID in California, individuals must present an original or certified copy of an appropriate “Identity Document,” a certified legal document supporting a name change (if applicable), proof of Social Security Number (photocopies are not accepted), and at least two different documents establishing proof of California residency.²⁷ The required “Identity Document” can include a U.S passport or U.S. birth certificate, as well as other types of identification. Application fees for a REAL ID are \$36 for a driver’s license and \$31 for an identification card, with an unspecified processing time.²⁸

While it is true some California gun owners have already obtained a REAL ID, many of those IDs are in fact federally non-compliant as a result of DMV’s failure to properly implement the REAL ID program. As stated on DMV’s website, DMV “followed the process” of Wisconsin, but several months later was informed by the federal government that those processes were inadequate.²⁹ DOJ’s proposed “emergency” regulations, however, make no mention of this issue—*let alone how a California licensed firearms dealer will be able to distinguish between*

²⁶ See, generally, <https://oag.ca.gov/firearms/cert-eligibility>. See also 11 C.C.R. § 4045.1(d)(1) (apply DOJ’s proposed “emergency” regulations to “Certificate of Eligibility applications, pursuant to Penal Code section 26710”).

²⁷ See https://www.dmv.ca.gov/portal/wcm/connect/2db22455-e270-47a3-819c-d7c7716d5194/List_of_Docs_REALID.pdf?MOD=AJPERES&CVID=.

²⁸ <https://www.dmv.ca.gov/portal/dmv/detail/realid>.

²⁹ See <https://www.dmv.ca.gov/portal/dmv/detail/realid/residencyfaqs> (last visited June 19, 2019).

a REAL ID that is federally compliant and a REAL ID that was issued prior to DMV amending its application process to be federally compliant.

b. Required “Identity Document” for REAL IDs and DOJ’s Proposed “Emergency” Regulations as Both Applied to U.S. Citizens

Although DOJ’s proposed “emergency” regulations list several alternative documents that can be provided in support of a federally non-compliant ID, only some of these can be obtained by a U.S. citizen.³⁰ The same is true for the required “Identity Document” when applying for a REAL ID. A foreign passport with a valid U.S. immigrant visa, for example, would not be available to U.S. citizens by nature of their citizenship. This generally leaves the option of obtaining a U.S. passport or certified copy of a U.S. birth certificate, which can be both costly and time consuming.

To obtain a U.S. Passport, initial applicants must provide “primary evidence of U.S. citizenship,” which for U.S. born individuals can only be a U.S. birth certificate.³¹ Absent any expedited processing costs, initial applicants must also pay at least \$145 in fees, \$110 of which is non-refundable whether or not the passport is issued. It will also take anywhere between 6-8 weeks to process the application. Expedited processing is available, but at a cost of \$60 in addition to the \$145 fee.³² And should the individual be unable to provide a birth certificate, a file search will be necessary, requiring an additional \$150 fee.³³

Obtaining a certified copy of a U.S. birth certificate can be equally time consuming, depending on the person. Consider, for example, a California adult resident who was adopted at a young age from a different state. Not only may this person not know for certain his or her county or city of birth, but he or she may not also know the name of their biological parents—information that is often required when seeking a certified copy of a birth certificate.³⁴ While lacking this information may not ultimately prohibit the individual from obtaining a certified copy of their birth certificate, it will most certainly delay the application. Setting aside those delays, some states take up to 22 weeks to process applications and charge up to \$34 in standard processing fees (with up to an additional \$46 for “expedited” processing).³⁵

³⁰ See 11 C.C.R. § 4045.1(b) (proposed).

³¹ See <https://travel.state.gov/content/travel/en/passports/requirements/citizenship-evidence.html>.

³² See https://travel.state.gov/content/dam/passports/forms-fees/Passport%20Fees%20Chart_TSG.pdf.

³³ Id. It should also be noted that individuals must provide a 2” x 2” color photo taken within the past six months, necessitating the individual possess the equipment to do so or pay an additional fee to have the photo taken (usually \$15 if taken at a U.S. Post Office).

³⁴ See, e.g., Vital Records “Certified Copy of Birth” application, available online at <https://www.vitalrecordsonline.com/birth-certificate/application>.

³⁵ See <https://www.vitalrecordsonline.com/state-fees-vital-records>.

In sum, expediting a U.S. Passport application for a person who also lacks a birth certificate will require over \$355 in fees, at minimum, just to be able to satisfy DOJ's proposed emergency regulations when purchasing a firearm or ammunition in California. And the least-costly alternative (obtaining a certified copy of a birth certificate) can take up to 22 weeks depending on the person's place of birth.

But the person's difficulties may not end here. Should the person's name appear differently on his or her federal non-compliant ID (or the chosen "Identity Document" when applying for a REAL ID), the individual will also be required to provide an additional certified document. Such documents include adoption paperwork or a marriage certificate. Obtaining any of these documents are likely to require a fee and additional processing time in addition to the above.³⁶

VI. EFFECT OF DOJ'S PROPOSED "EMERGENCY" REGULATIONS ON OTHER PENDING REGULATORY ACTIONS (AMMUNITION PURCHASES OR TRANSFERS)

Finally, the effect DOJ's proposed "emergency" regulations have on a currently pending regulatory proposal should be considered. As noted above, OAL is currently reviewing a standard rulemaking proposal from DOJ concerning "Ammunition Purchases or Transfers."³⁷ At the time of drafting this letter, OAL is still reviewing this proposal and is scheduled to issue a decision by July 1, 2019. Significant portions of this pending proposal address the required identification and background check requirements regarding ammunition transactions. DOJ's proposed "emergency" regulations, therefore, should be considered in connection with the pending ammunition transaction proposal.

For example, in "Attachment A" to DOJ's Economic and Fiscal Impact Statement for the related ammunition transactions proposal, DOJ states that it "estimates that it will take approximately two minutes to process a Standard Ammunition Eligibility Check or Certificate of Eligibility (COE) verification, so the direct costs for an ammunition vendor can be derived from taking the approximate two-minute processing time and multiplying it by the 13 million transactions while valuing ammunition vendor staff time at \$11 per hour."³⁸ Yet nowhere in this estimation does DOJ appear to consider the time it will take for vendors to verify the person's federally-compliant ID or any of the related documentation that may be necessary should the proposed "emergency" regulations be enacted. Nor does the proposal consider any of the costs or times associated with obtaining the necessary ID or related documents.

In sum, DOJ's Economic and Fiscal Impact Statement for the proposed regulations regarding ammunition transactions previously submitted to OAL is erroneous or, at best, incomplete, and should not be considered absent further clarification from DOJ that these issues were considered. Even then, the question remains why DOJ's Economic and Fiscal Impact

³⁶ See, e.g., <https://www.vitalrecordsonline.com/state-fees-vital-records> (listing fees for marriage certificates and processing times up to 22 weeks for standard processing).

³⁷ OAL File No. 2019-0517-07.

³⁸ <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/ammo-std399-15day-041819.pdf?>

Statement for the proposed “emergency” regulations at issue are silent on the matter. As a result, should DOJ wish to have its “emergency” regulations adopted, consistency and fairness demands that DOJ revise its related ammunition transaction proposal accordingly.

VII. CONCLUSION

Only in the most urgent circumstances should a state agency be permitted to circumvent the strict procedural requirements of the APA through the emergency rulemaking process. As illustrated above, no such emergency exists here. What’s more, any issues are a direct result of the California Legislature and Attorney General’s policy agenda relating to immigration. Given the express guidance from BATFE allowing the use of non-REAL IDs for firearm-related transactions, as well as the many significant problems this proposal creates for existing laws and other pending regulations, it is wholly improper for DOJ to mandate their use via regulation.

Should you have any questions concerning the contents of this letter, please do not hesitate to contact our office.

Sincerely,
Michel & Associates, P.C.



Matthew D. Cubeiro