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December 20, 2017

VIA CERTIFIED MAIL

Attorney General Xavier Becerra
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

Re: Pending Deadline for Ammunition Vendors to Obtain Required License

To whom it may concern,

We write to you concerning the proposed regulations from the California Department of Justice ("DOJ") regarding ammunition vendor licensing currently pending before the Office of Administrative Law ("OAL") (OAL File # 2017-1130-04). The deadline for ammunition vendors to obtain an ammunition vendor license is January 1, 2018. Due to the untimely submission of the regulations to OAL and high likelihood that the mechanism to obtain a license will not be in place by January 1, 2018, there are serious concerns as to what procedures or safeguards will be in place for existing ammunition vendors who are unable to obtain the necessary license.

California law required the proposed ammunition vendor licensing regulations to be in place by July 1, 2017, thus giving ammunition vendors six months to obtain the required license. For whatever reason, DOJ failed to adopt the necessary regulations in a timely manner and submit the regulations to OAL for final approval.

DOJ didn't propose the regulations until July 14, 2017 (two weeks after they should have been finalized), and concluded the mandatory 45-day public comment period on September 12, 2017. It was not until November 30, 2017, however, that DOJ forwarded the final proposed regulations to OAL. Because of the delays, OAL has until January 16, 2018, to make a final decision regarding the regulations' potential publication. OAL's deadline falls more than two weeks after the requirement is set to take effect.

DOJ was aware of the pending deadline, as stated in a letter from Bureau of Firearms Director Stephen J. Lindley dated October 24, 2017. In it, Director Lindley referenced the January 1, 2018

deadline and inexplicably requested OAL to adopt the regulations on or before December 31, 2017—thus, giving ammunition vendors no time to apply for the required license.

Even if OAL were to complete their review of the proposed regulations immediately, it is unlikely that any ammunition vendor licenses can be issued prior to January 1, 2018. As a result, existing ammunition vendors will be forced to either cease all ammunition sales or risk prosecution beginning January 1, 2018. Ammunition vendors range from some of California's largest retail outlets to local "mom and pop" shops, all of which will be precluded from selling ammunition if things remain unchanged.

For this reason, many existing ammunition vendors have reached out to DOJ concerning this very issue. Multiple sources have informed our office that DOJ plans to suspend enforcement of the licensing requirement until the necessary licenses are in fact issued. DOJ's recent Final Statement of Reasons seems to confirm such rumors, based on how DOJ responded to public comments regarding the proposed regulations. As stated by DOJ, should ammunition vendors be unable to obtain the necessary license in time for the January 1, 2018 deadline, "[a]djustments will be made, if necessary."

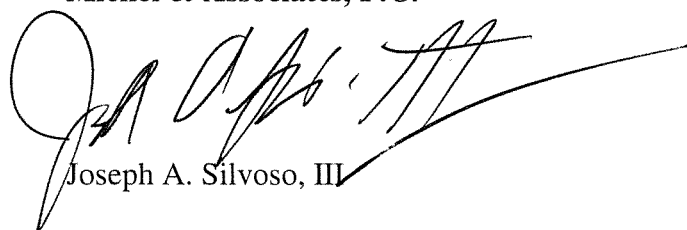
A stay in enforcing the requirements of California law is not unheard of. In fact, DOJ did something similar just last month. In Information Bulletin 2017-BOF-01, DOJ notified all law enforcement agencies, firearm dealers, and private patrol operators, that the past due regulations and procedures for implementing the firearm transfer requirements for private patrol operators (outlined in Penal Code sections 28010 through 28024 and which were required to be implemented on or before July 1, 2016) would not be completed until July 1, 2019. But despite there being no way to implement the private patrol operator transfer requirements outlined in the Penal Code until around July 2019, DOJ gave both firearm dealers and private patrol operators a pass until then in complying with the requirements of the Code.

Because it will likely be impossible for all existing ammunition vendors to obtain the necessary license before January 1, 2018, we are seeking clarification from DOJ regarding the potential enforcement of these provisions while the regulations are pending.

Additionally, we are also requesting DOJ to publish its Final Statement of Reasons and associated rulemaking materials on its website. To date, DOJ has refused to make this documentation public, despite stating that it would do so in the Notice of Proposed Rulemaking and during the required public hearing.

Thank you for your time and consideration. Please do not hesitate to contact our office with any questions.

Sincerely,
Michel & Associates, P.C.



Joseph A. Silvoso, III

cc.

**VIA CERTIFIED MAIL, FAX, AND
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