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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 KIM RHODE, et al.,

14 Plaintiffs,

15 v.

16 XAVIER BECERRA, in his official
17 capacity as Attorney General of the State
18 of California,

19 Defendant.

Case No.: 3:18-cv-00802-BEN-JLB

DECLARATION OF CHRIS PUEHSE

Hearing Date: August 19, 2019
Hearing Time: 10:30 a.m.
Courtroom: 5A
Judge: Hon. Roger T. Benitez

DECLARATION OF CHRIS PUEHSE

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2 1. I, Chris Puehse, make this declaration of my own personal knowledge and, if
3 called as a witness, I could and would testify competently to the truth of the matters set
4 forth herein.

5 2. I am the sole owner and operator of Foothill Ammo, Inc. (“Foothill
6 Ammo”), a California licensed ammunition vendor located in Shingle Springs,
7 California, that first opened in May of 2018. I opened Foothill Ammo after leaving a
8 career in a different field to start my own business.

9 3. As a California licensed ammunition vendor who does not sell or otherwise
10 transfer firearms, Foothill Ammo was not provided full access to the Dealer Record of
11 Sale (“DROS”) Entry System (“DES”) until the morning of July 1, 2019.

12 4. When logging in to DES for the first time on July 1, 2019, Foothill Ammo
13 was required to review and acknowledge over 65 bulletins totaling over 400 pages of
14 material before Foothill Ammo would be allowed to process any ammunition
15 transactions.

16 5. DOJ regulations require Foothill Ammo to collect a customer’s personal
17 information by swiping the customer’s driver’s license or identification card through a
18 magnetic strip reader in order to populate the required fields in DES. But in every
19 instance, DES does not populate the customer’s gender, hair color, eye color, height,
20 weight, place of birth, and telephone number. Instead, Foothill Ammo must manually
21 enter this information into the system prior to submitting the transaction. DES will not
22 allow a transaction to be submitted without this information, regardless of the type of
23 background check being submitted.

24 6. Setting aside the required manual entry of information, use of a P.O. Box
25 listed on the customer’s ID will result in an error message stating “a physical address
26 must be entered by hand.” California law and DOJ regulations, however, do not allow
27 Foothill Ammo to manually edit a customer’s address as reflect on their driver’s license
28 or identification.

1 7. The California Department of Justice (“DOJ”) recommends that, after
2 submitting a customer’s transaction for DOJ approval, Foothill Ammo write down the
3 16-digit DROS number associated with the submission. I must then search all submitted
4 ammunition transactions using this number to check the status or proceed to the next step
5 of the transaction process.

6 8. After locating the appropriate transaction, Foothill Ammo can then assist the
7 customer in selecting which ammunition to purchase. But before Foothill Ammo can
8 deliver any ammunition to the customer, Foothill Ammo must first enter the manufacture,
9 condition, caliber, and quantity of any ammunition the customer intends to purchase into
10 DES. Foothill Ammo can then select “deliver” in DES to generate the final document for
11 the transaction. DOJ has instructed Foothill Ammo to print this document, which will
12 generate separate pages for each type of ammunition associated with the transaction.

13 9. After printing the required pages, Foothill Ammo can then process the
14 transaction through its own point-of-sale system and charge the customer for the
15 ammunition and fee associated with the type of background check.

16 10. Setting aside any time necessary for DOJ to approve the transaction, it takes
17 on average 15-25 minutes to enter all of the information required into DES for a
18 transaction involving more than one type of ammunition.

19 11. Since the implementation of the new ammunition sales restrictions on July 1,
20 2019, approximately 33% of attempted ammunition transactions have been rejected for
21 reasons unknown to Foothill Ammo.

22 12. Since the implementation of the new ammunition sales restrictions on July 1,
23 2019, Foothill Ammo has been forced to turn away several customers who, after learning
24 of the new requirements to purchase ammunition, did not wish to engage or attempt an
25 ammunition transaction for various reasons. Reasons for this loss in potential business
26 include the potential costs to customers or that the customer was unsure if they had either
27 the necessary documentation or appropriate records on file with DOJ to obtain the
28 required electronic approval.

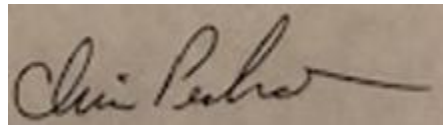
1 13. Since the implementation of the new federally compliant identification
2 requirements, Foothill Ammo has been forced to turn away approximately 20% of
3 potential customers who had a "FEDERAL LIMITS APPLY" identification and did not
4 have the necessary supplemental documentation to establish proof of lawful U.S.
5 presence as required.

6 14. As the sole owner and operator of Foothill Ammo, I do not have the
7 resources to hire additional employees to process ammunition transactions. But having
8 more than 2 or 3 customers at a time would require additional employees to properly
9 assist and service their needs as a result of the new ammunition sales restrictions. Given
10 my inability to hire and train new employees on the use of DES to process ammunition
11 sales, I must close my shop whenever I am unable to work for any reason.

12 15. I fear that the new ammunition sales restrictions will prevent me from being
13 able to maintain a profitable business moving forward.

14
15 I declare under penalty of perjury that the foregoing is true and correct. Executed
16 within the United States on July 12, 2019.

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Chris Puehse
Declarant

CERTIFICATE OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Rhode, et al. v. Becerra*
Case No.: 3:18-cv-00802-JM-JMA

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

I have caused service of the following documents, described as:

DECLARATION OF CHRIS PUEHSE

on the following parties by electronically filing the foregoing on July 22, 2019, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Nelson R. Richards
Deputy Attorney General
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2550 Mariposa Mall, Room 5090
Fresno, CA 93721

*Attorneys for Defendant Attorney General
Xavier Becerra*

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 2019, at Long Beach, CA.

s/ Laura Palmerin
Laura Palmerin